11-7-22.

Resolution authorizing
advertising for bids for
paving of Linden Avenue
under pass at Southern Rwy.

On motion of Commissioner Howe, seconded by Commissioner Johnson the following resolution was adopted by a unanimous vote of the Board:

"WHEREAS, In the paving of Linden Avenue it is necessary that an under passbe built at the Southern Railway, and,
WHEREAS, A contract has been entered into between the City of Memphis and the Southern Railway covering the construction of this under pass.
THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS, That the Engineering Department be and is hereby authorized to advertise for bids for the construction of this structure."

Contract awarded Geo. W.
Turner & Company for grading
Stonewall Place between the
North Parkway and the L&N RR.

On motion of Commissioner Howe, seconded by Commissioner Shannon the following recommendation of the City Engineer that contract be awarded Geo. W. Turner & Company for grading Stonewall Place between the North Parkway and the L&N RR was adopted by a unanimous vote of the Board:

"Hon. Mayor and Board of Commissioners.
Gentlemen:-
I am attaching hereto a tabulated comparison of bids for the grading of Stonewall Place between the North Parkway and the L&N RR.
It will be seen from this comparison that the bid of Geo. W. Turner & Company, in the amount of $1,395.00 is low and otherwise satisfactory. I respectfully recommend that this contract be awarded to them.
Yours very truly,
(Signed) Wm. B. Fowler,
City Engineer.

Recommendation that work
of Bryant Paving Company
for paving of Linden Ave.
be accepted.

On motion of Commissioner Howe, seconded by Commissioner Johnson the following recommendation of the City Engineer was approved by a unanimous vote of the Board:

"Hon. Mayor and Board of Commissioners.
Gentlemen:-
This is to advise that the Bryant Paving Company has satisfactorily completed the contract for the paving of Linden Avenue, from Somerville to Orleans Streets in so far as we are able to secure the necessary right of way. The only portion of the street uncompleted is across the Southern Railway tracks.
The contract of the Bryant Paving Company includes the necessary excavation and paving, together with the drainage for the subway construction, but does not include any part of the subway construction proper. It will be several months before anything further can be done toward completing the paving at this point, as we have just reached an agreement with the Southern Railway allowing us to proceed with the subway construction, and the Bryant Paving Company have no other contracts with the City, and have asked that they be released on this contract as it would entail a very large expense to hold their forces until such time as the work would be completed, and I recommend that the Bryant Paving Company be released from any further work on their contract, and that final estimate be ordered paid, November 7th, 1927 be fixed as the final date of maintenance under this contract.
Yours very truly,
(Signed) Wm. B. Fowler,
City Engineer.

An ordinance providing for
"Zoning" of City of Memphis.

On motion of Commissioner Johnson, seconded by Commissioner Howe an ordinance providing for the "Zoning" of the City of Memphis was passed on THIRD AND FINAL READING by a unanimous vote of the Board. On roll-call Messrs. Allen, Howe, Johnson, Shannon and Paine voted "Aye". The ordinance reads as follows:

Proposed Zone Ordinance for Memphis, Tennessee, Up for Second Reading Tuesday, Oct. 31, 1922

AN ORDINANCE to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and determine the area of yards, courts and other open spaces surrounding buildings, to regulate and limit the density of population, and for said purpose to divide the city into districts and prescribe penalties for the violation of its provisions and to provide for its enforcement.

WHEREAS, by the provisions of Chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority is conferred upon the City of Memphis to establish districts or zones within its corporate limits for the purpose of better regulating the use of land and controlling the density of population to the end that congestion upon the public streets may be lessened, the public health, safety, convenience and general welfare promoted, and

WHEREAS, the City Planning Commission created under the provisions of Chapter 162 of the Private Acts of 1921, pursuant to the provisions of Section 4 of said Chapter 165 and resolutions of the Board of Commissioners of the City of Memphis duly adopted, has recommended boundaries or districts, and appropriate regulations to be enforced therein, and public hearings having been held at which all owners of property affected were given ample opportunity after public notice by advertisement to file their protests or criticisms, if any they had, and

WHEREAS, the passage, promulgation and enforcement of the provisions hereinafter contained are deemed to be necessary to the carrying out of the governmental powers delegated to and possessed by the City of Memphis for securing the objects hereinbefore expressed; therefore,

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11-7-22.

SECTION 1.

Definitions.

Be it ordained by the Board of Commissioners of the City of Memphis, that for the purpose of this ordinance certain terms and words are herewith defined, as follows:

Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the building code.

Alley: A public thoroughfare not over twenty (20) feet wide.

Apartment House: A building or portion thereof used or intended to be used as the home of three or more families or households living independently of each other.

Basement: A story partly under ground, which, if not occupied for living purposes by other than the janitor or his family, shall not be included as a story for purpose of height measurements.

Boarding House: A building, other than a hotel, where lodging and meals, for five or more persons, are served for compensation.

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when separated by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building except as provided in Section 15.

Curb Level: The mean level of the established curb in front of the building.

Depth of Rear Yard: The minimum horizontal distance between the rear line of a building other than a building for an accessory use, and the center line of the alley, where an alley exists, otherwise the rear lot line.

Depth of Lot: The mean horizontal distance between the front and rear lot lines.

Height of Building: The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. For buildings set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided its distance from the street line is not less than the height of such grade above the established curb level.

Height of Court or Yard: The vertical distance from the lowest level of such court or yard to the highest point of any bounding wall.

Hotel: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, and in which there are more than twelve (12) sleeping rooms, a public dining room for the accommodation of more than twelve (12) guests and a general kitchen.

Inner Court: An open unoccupied space surrounded on all sides by walls, or by walls and a lot line.

Length of Outer Court: The mean horizontal distance between the open and closed ends of the court.

Lodging House: A building, other than a hotel, where lodging for five (5) or more persons is provided for compensation.

Lot: Land occupied or to be occupied by a building and its accessory buildings and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

Lot, Corner: A lot situated at the junction of two or more streets, and having a width not greater than fifty (50) feet.

Lot, Interior: A lot other than a corner lot.

Lot, Through: An interior lot having frontage on two streets.

Lot Lines: The lines bounding a lot as defined herein.

Non-conforming Use: A building or premises occupied by a use that does not conform with the regulations of the use district in which it is situated.

One-Family Dwelling: A detached building having accommodations for and occupied by only one family.

Outer Court: An open reserved space on the same lot with a building, extending to and opening upon a street, alley or yard.

Place: An open unoccupied space reserved for purposes of access for abutting property.

Porch: A roofed space open on three sides; one or two stories in height.

Private Garage: A garage with capacity for not more than three (3) steam or motor driven vehicles, for storage only, for private use and not more than one space in which shall be rented to persons not occupants of the premises. Of the vehicles allowed not more than one shall be a commercial motor driven vehicle. A private garage may exceed a three (3) vehicle capacity provided the area of the lot whereon such a private garage is to be located shall contain not less than twenty-five hundred (2,500) square feet for each vehicle stored.

Public Garage: Any premises, except those described as a private garage, used for housing or care of more than three (3) steam or motor driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Private Stable: A stable with a capacity for not more than four horses or mules.

Public Stable: A stable with a capacity for more than four horses or mules.

Rear Yard: A space, unoccupied except by a building of accessory use as hereinafter permitted, extending for the full width of the lot between a building other than a building of accessory use and the rear lot line.

Row House: A row of attached dwellings erected simultaneously, each dwelling having accommodations for one family only.

Setback: The minimum horizontal distance between the front line or any projection of the building, excluding steps and unenclosed porches, and the street line.

Side Yard: An open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the street line to the rear yard.

Street: A public thoroughfare more than twenty (20) feet wide.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling next above it.

Story, Half: That portion of a building, in the "A" Height and Area District, between the surface of the floor above the second story and the finished ceiling line underneath the roof. This half story shall not have an average height of more than eight feet covering a floor area of more than seventy-five (75) per cent of the area of the floor on the first story below.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Tenement House: See "Apartment House."

Two-Family Dwelling: A detached or semi-detached building having separate accommodations for and occupied as a dwelling by two (2) families.

SECTION 2.

Use District Regulations.

Be it further ordained, that in order to regulate and restrict the location of trades and industries and the location of buildings erected or altered for specified uses, the City of Memphis is hereby divided into "Use Districts," of which there shall be five, known as:

"A" Residence District.
"B" Residence District,
"C" Commercial District,
"D" Industrial District,
"E" Unrestricted District.

The City of Memphis is hereby divided into five (5) districts, aforesaid, and the boundaries of such districts are shown upon the map attached hereto and made a part of this ordinance, being designated as the "Use District Map," and said map and all the notations, references and other things shown thereon shall be as much a part of this ordinance as if the matters and things set forth by said map were all fully described herein.

Except as hereinafter provided, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the Use District in which such building or premises is located.

SECTION 3.

"A" Residence District.

Be it further ordained, that in the "A" Residence District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. One-Family Dwellings.
2. Two-Family Dwellings.
3. Churches.
4. Schools.
5. Libraries.
6. Farming and Truck Gardening.
7. Accessory buildings—including one private garage or private stable when located not less than 60 feet from the front lot line or a private garage in a (fire-proof) compartment as a part of the main building.
8. Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business; including also home occupations engaged in by the occupants of a dwelling not involving the conduct of a business on the premises, and including also the office of a physician, surgeon, dentist, musician or artist, when situated in the same dwelling used by such physician, surgeon, dentist, musician or artist as his or her private dwelling; provided no name plate exceeding one (1) square foot in area, containing the name and occupation of the occupant of the premises, nor a sign exceeding eight (8) square feet in area appertaining to the lease, hire or sale of a building or premises, nor advertising sign of any other character shall be permitted in any "A" residence district.

SECTION 4.

"B" Residence District.

Be it further ordained, that in the "B" Residence District no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the "A" Residence District.
2. Apartment Houses.
3. Hotels.
4. Private Clubs, Fraternities, Lodges, excepting those the chief activity of which is a service customarily carried on as a business.
5. Boarding and Lodging Houses.
6. Hospitals and Clinics.
7. Institutions of an educational, philanthropic or eleemosynary nature.
8. Nurseries and Greenhouses for the propogating and cultivation and growing of plants only.
9. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
10. Public garages, for storage purposes only, and where no repair facilities are maintained, when located not less than sixty (60) feet from the front lot line, and not less than thirty (30) feet from any other street line on which the property faces; provided that before permit is issued there are on file in the office of the Commissioner of Public Utilities, Grounds and Buildings the written consents of the owners of seventy-five (75) per cent of the property within five hundred (500) feet of any part of the premises whereon such public garage is to be established, and not separated therefrom by more than one (1) street or one (1) alley; provided further, that no public garage shall have an entrance or exit for motor vehicles within two hundred (200) feet of an entrance or exit of a public or private school, playground, public library, church, hospital, children's or old people's home, or other similar public or semi-public institutions.

SECTION 5.

"C" Commercial District.

Be it further ordained, that in the "C" Commercial District all buildings and premises except as otherwise provided in this ordinance, may be used for any use permitted in the "B" Residence District or for any other use except the following:

1. Bakery (employing more than five (5) persons).
2. Blacksmith or Horseshoeing Shop.
3. Bottling Works.
4. Building material storage yard.
5. Carting, express, hauling or storage yard.
6. Contractor's plant or storage yard.
7. Coal, coke or wood yard.
8. Cooperage works.
9. Dyeing and cleaning works (employing more than five (5) persons).
10. Ice Plant or Storage House of more than five (5) tons capacity.
11. Laundry (employing more than five (5) persons).
12. Livery Stable.
13. Lumber Yard.
14. Machine Shop.
15. Milk Distributing Station.
16. Stone Yard or Monumental Works.
17. Storage Warehouse.
18. All uses excluded from the "D" Industrial District.
19. Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.
20. Public Garages: Provided, however, that special permits for the location and maintenance of public garages shall be granted by the Commissioner of Public Utilities, Grounds and Buildings, when there shall be on file with said Commissioner the written consents of the owners of 75 per cent of the area of all the property within two hundred (200) feet of any part of the premises whereon such public garage is to be established, erected or enlarged. Provided, further, that no public garage shall have an entrance or exit for motor vehicles within two hundred (200) feet of an entrance or exit of a public or private school, playground, public library, church, hospital, children's or old people's home, or other similar public or semi-public institutions.

SECTION 6.

"D" Industrial District.

Be it further ordained, that in the "D" Industrial District all buildings and premises except as otherwise provided in this ordinance may be used for any use permitted in the "C" Commercial District or for any other use except the following:

1. Abattoirs.
2. Acetylene gas manufacture.
3. Acid manufacture.
4. Ammonia, Bleaching Powder or Chlorine manufacture.
5. Arsenal.
6. Asphalt manufacture or refining.
7. Blast Furnace.
8. Boiler Works.
9. Brick, Tile or Terra Cotta manufacture.
10. Candle manufacture.
11. Bag Cleaning.
12. Celluloid manufacture.
13. Coke Ovens.
14. Cotton Gin.
15. Crematory.
16. Creosote treatment or manufacture.
17. Disinfectants manufacture.
18. Distillation of Bones, Coal or Wood.
19. Dyestuff manufacture.
20. Exterminator and Insect Poison manufacture.
21. Emery Cloth and Sand Paper manufacture.
22. Fat Rendering.
23. Fertilizer manufacture.
24. Fireworks or Explosive manufacture or storage.
25. Fish Smoking and Curing.
26. Forge Plant.
27. Gas (illuminating or heating) manufacture.
28. Glue, Size or Gelatine manufacture.
29. Gunpowder manufacture or storage.
30. Incineration or Reduction of Garbage, Dead Animals, Offal or Refuse.
31. Iron, Steel, Brass or Copper Foundry.
32. Lamp Black manufacture.
33. Oilcloth or Linoleum manufacture.
34. Oiled, Rubber or Leather Goods manufacture.
35. Ore Reduction.
36. Paint, Oil, Shellac, Turpentine or Varnish manufacture.
37. Paper and Pulp manufacture.
38. Petroleum Products, Refining or wholesale storage of Petroleum.
39. Plating Works.
40. Potash Works.
41. Printing Ink manufacture.
42. Pyroxlin manufacture.
43. Rock Crusher.
44. Rolling Mill.
45. Rubber or Gutta Percha manufacture or treatment.
46. Salt Works.
47. Sauer Kraut manufacture.
48. Sausage manufacture.
49. Ship Yard.
50. Shoe Blacking manufacture.
51. Smelters.
52. Soap manufacture.
53. Soda and Compound manufacture.
54. Stock Yards.
55. Stone Mill or Quarry.
56. Storage or Baling of Scrap Paper, Iron, Bottles, Rags or Junk.
57. Stove Polish manufacture.
58. Sulphuric, Nitric, or Hydrochloric Acid manufacture.
59. Tallow, Grease or Lard manufacture or refining from animal fat.
60. Tanning, Curing or Storage of Rawhides or Skins.
61. Tar Distillation or manufacture.
62. Tar Roofing or Water Proofing manufacture.
63. Tobacco (chewing) manufacture or treatment.
64. Vinegar manufacture.
65. Wool Pulling or Scouring.

66. Yeast plant.

67. And in general those uses which have been declared a nuisance in any court of record, or which may be obnoxious, or offensive by reason of the emission of odor, dust, smoke, gas or noise.

SECTION 7.

"E" Unrestricted District.

Be it further ordained, that in the "E" Unrestricted District buildings and premises may be used for any purpose whatsoever, not in conflict with any ordinance of the City of Memphis regulating nuisances.

SECTION 8.

Non-Conforming Uses.

Be it further ordained, that the lawful use of land existing at the time of adoption of this ordinance, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.

The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to any use permitted in the same use district as that in which the use existing at the time of the adoption of this ordinance is permitted, according to the provisions of this ordinance. Whenever a Use District shall be hereafter changed, any then existing non-conforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted, provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

SECTION 9

Bill Boards and Sign Boards.

Be it further ordained, that it shall be unlawful for any person, firm or corporation to erect or construct any bill board or sign board in the "A" Residence District as defined in this ordinance. It shall be unlawful for any person, firm or corporation to erect or construct any bill board or sign board in the "B" Residence District as defined in this ordinance, without first obtaining the consent in writing from the owners or duly authorized agents of said owners owning at least seventy-five per cent of the frontage of the property on both sides of the street in the block in which said bill board or sign board shall be erected, constructed or located. It shall be unlawful for any person, firm or corporation to erect or construct any bill board or sign board in the "C" Commercial District as defined in this ordinance, without first obtaining the consent in writing from the owners or duly authorized agents of said owners owning the majority frontage of the property on both sides of the street in the block in which said bill board or sign board shall be erected, constructed or located. The written consent required in the "B" Residence District and the "C" Commercial District shall be filed with the Commissioner of Public Utilities, Grounds and Buildings, before a permit shall be issued for the erection, construction or location of such bill board or sign board.

SECTION 10.

Height and Area District Regulations.

Be it further ordained, that in order to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and determine the area of yards, courts and other open spaces surrounding buildings, and to regulate and limit the density of population, the City of Memphis is hereby divided into districts of which there shall be five (5), known as:

"A" Height and Area District.
"B" Height and Area District.
"C" Height and Area District.
"D" Height and Area District.
"E" Height and Area District.

The boundaries of such districts, shown upon the map attached hereto and made a part of this ordinance, are hereby established, said map being designated as the "Height and Area District Map," and said map and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

Except as hereinafter provided no building shall be erected or structurally altered except in conformity with the regulations herein established for the height and area district in which such building is located.

No lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed by this ordinance.

SECTION 11.

"A" Height and Area District.

Be it further ordained, that in the "A" Height and Area District the height of buildings, the minimum dimensions of yards and courts, and the minimum lot area per family shall be as follows:

Height: No building hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2½) stories. (See Section 16 (a) and (b).

Rear Yard: There shall be a rear yard having a minimum depth of twenty-five (25) feet. See Section 16 (i).

Side Yard: There shall be a side yard on each side of a building of not less than five (5) feet in width, provided, however, that on a lot having a width of less than forty (40) feet and held under a distinct ownership from adjacent lots, and of record at the time of the passage of this ordinance, there shall be a side yard on each side of a building of not less than three (3) feet in width. (See Section 16 (g) and (i).

Outer Court: The least dimension of an outer court shall be not less than five (5) feet, nor less than two (2) inches for each foot of height of such court, nor less than two (2) inches for each foot of length of such court from the closed end. (See Section 16 (i).

Inner Court: The least dimension of an inner court shall not be less than six (6) feet, nor less than two and one-half (2½) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

Setback: There shall be a setback line of not less than thirty (30) feet for the building line and a minimum of twenty (20) for the front line of any porch, provided that, when twenty-five (25) per cent or more of all the frontage on one side of a street between two intersecting streets at the time of the passage of this ordinance has been built up with buildings having a minimum setback line of more, or of less, than thirty (30) feet from the street line, no building hereafter erected or structurally altered shall project beyond the minimum setback line so established; provided further that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, held under a separate and distinct ownership from adjacent lots and of record at the time of the passage of this ordinance, to less than thirty-four (34) feet.

Lot Area Per Family: Every building hereafter erected or structurally altered which is located in the "A" Residence District and the "A" height and area district shall provide a lot area of not less than three thousand seven hundred fifty (3,750) square feet per family; provided, however, that where a lot held under a distinct ownership from adjacent lots and of record at the time of the passage of this ordinance, has less area than herein required, this regulation shall not apply.

Every building hereafter erected or structurally altered which is located in the "B" Residence District and the "A" Height and Area District shall provide a lot area of not less than two thousand (2,000) square feet per family.

SECTION 12.

"B" Height and Area District.

Be it further ordained, that in the "B" Height and Area District the height of buildings, the minimum dimensions of yards and courts, and the minimum lot area per family shall be as follows:

Height: No building hereafter erected or structurally altered shall exceed forty-five (45) feet or three stories. (See Section 16 (a).

Rear Yard: There shall be a rear yard having a depth of not less than twenty-five (25) feet. See Section 16 (i).

Side Yard: There shall be a side yard on each side of a building of not less than five (5) feet in width, provided, however, that on a lot having a width of less than forty (40) feet and held under a distinct ownership from adjacent lots, and of record at the time of the adoption of this ordinance, there shall be a side yard on each side of a building of not less than three (3) feet in width. A side yard shall in no case be less than one (1) inch in width for each foot of building length. (See Section 16 (g) and (i).

Outer Court: The least dimension of an outer court shall be not less than five (5) feet, nor less than two (2) inches for each foot of height of such court, nor less than two (2) inches for each foot of length of such court from the closed end. (See Section 16 (1).

Inner Court: The least dimension of an inner court shall not be less than six (6) feet, nor less than two and one-half (2½) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

Setback: There shall be a setback line of not less than thirty (30) feet, for the building line and a minimum of twenty (20) feet for the front line of any porch; provided, that, when twenty-five (25) per cent or more of all the frontage on one side of a street between two intersecting streets at the time of the passage of this ordinance has been built up with buildings having a minimum setback line of more, or of less, than thirty (30) feet from the street line, no building hereafter erected or structurally altered shall project beyond the minimum setback line so established; provided that no building shall be required to set back more than forty (40) feet in any case; and, provided further, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, held under a separate and distinct ownership from adjacent lots and of record at the time of the passage of this ordinance, to less than thirty-four (34) feet. Where all the frontage on one side of a street between two intersecting streets is located in a "C" Commercial," "D" Industrial or "E" Unrestricted District, and a "B" Height and Area District the setback regulations may be waived.

Lot Area Per Family: Every building hereafter erected or altered shall provide a lot area of not less than one thousand (1,000) square feet per family.

SECTION 13.

"C" Height and Area District.

In the "C" Height and Area District the height of buildings, the minimum dimensions of yards and courts, and the minimum lot area per family shall be as follows:

Height: No building hereafter erected or structurally altered shall exceed ninety (90) feet or eight (8) stories.

Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet. (See Section 16 (i).

Side Yard: There shall be a side yard on each side of the building having a width of not less than six (6) feet. A side yard shall in no case be less than one (1) inch wide for each foot of building height nor less than one and one-half (1½) inches wide for each foot of building length. (See Section 16 (g) and (i).

Outer Court: The least dimension of an outer court shall be not less than five (5) feet, nor less than two (2) inches for each foot of height of such court, nor less than two (2) inches for each foot of length of such court from the closed end. (See Section 16 (i).

Inner Court: The least dimension of an inner court shall not be less than six (6) feet, nor less than two and one-half (2½) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

Setback: There shall be a setback line of not less than thirty (30) feet for the building line and minimum of twenty (20) feet for the front line of any porch, provided that, when twenty-five (25) per cent or more of all the frontage on one side of a street between two intersecting streets at the time of the passage of this ordinance has been built up with buildings having a minimum setback line of more, or less, than twenty (20) feet from the street line, no building hereafter erected or structurally altered shall project beyond the minimum setback line so established; provided, that no building shall be required to set back more than forty (40) feet in any case; and, provided further, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, held under a separate and distinct ownership from adjacent lots and of record at the time of the passage of this ordinance, to less than thirty (30) feet; provided, however, when all the frontage on one side of a street between two intersecting streets is located in a "C" Commercial, "D" Industrial or "E" Unrestricted District and a "C" Height and Area District, the setback regulations may be waived.

Lot Area Per Family: Every building hereafter erected or structurally altered shall provide a lot area of not less than six hundred twenty-five (625) square feet per family.

SECTION 14.

"D" Height and Area District.

Be it further ordained, that in the "D" Height and Area District the height of buildings and the minimum dimensions of yards and courts shall be as follows, provided, however, all buildings or parts of buildings hereafter erected or structurally altered for residential purposes shall conform to the regulations of the "C" Height and Area District (Section (13).

Height: No building hereafter erected or structurally altered shall exceed ninety (90) feet or eight (8) stories.

Rear Yard: There shall be a rear yard of not less than ten (10) feet. (See Section 16 (i).

Side Yard: A side yard, if provided, shall be not less than five (5) feet. (See Section 16 (i).

Outer Court: The least dimension of an outer court shall be not less than five (5) feet wide, nor less than two (2) inches wide for each foot of height of such court nor less than two (2) inches wide for each foot of length of such court from the enclosed end. (See Section 16 (i).

Inner Court: The least dimension of an inner court shall be not less than six (6) feet wide, nor less than two (2) inches wide for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

SECTION 15.

"E" Height and Area District.

Be it further ordained, that in the "E" Height and Area District the height of buildings and the minimum dimensions of yards and courts shall be as follows; provided, however, all buildings, or parts of buildings, hereafter erected or structurally altered for residential purposes shall conform to the regulations of the "C" Height and Area District (Section 13).

Height: No building hereafter erected or altered shall exceed one hundred and fifty (150) feet or twelve (12) stories.

Side Yard: A side yard, if provided, shall be not less than five (5) feet wide. (See Section 16 (i).

Outer Court: The least dimension of an outer court shall be not less than five (5) feet wide, nor less than two (2) inches wide for each foot of height of such court, nor less than two (2) inches wide for each foot of length of such court from the enclosed end. (See Section 16 (i).

Inner Court: The least dimension of an inner court shall be not less than six (6) feet wide, nor less than two (2) inches wide for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

SECTION 16.

Height and Area District Exceptions.

Be it further ordained, that the foregoing requirements in the height and area districts shall be subject to the following exceptions and regulations:

Height: (a) That in the "A" and "B" Height and Area Districts, public or semi-public buildings, hospitals, sanitariums or schools may be erected to a height not exceeding seventy-five (75) feet, when set back from all lot lines not less than one foot for each foot such buildings exceed thirty-five (35) and forty-five (45) feet, respectively, in height.

(b) One- and two-family dwellings in the "A" Height and Area District may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwellings, however, shall not exceed three (3) stories in height.

(c) Parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, pent houses, stacks, stage towers or scenery lofts, sugar refineries, tanks, water towers, radio towers, ornamental towers, monuments, cupolas, domes and spires and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted ordinances of the City of Memphis.

(d) In the one hundred fifty (150) foot district, towers for occupancy may be erected above the height limit herein established, provided the largest horizontal dimension of any such tower shall not exceed sixty (60) feet, provided the total area shall not exceed twenty-five (25) per cent of the area of the lot, and provided that each such tower shall be removed at least twenty-five (25) feet from every lot line other than a street line, and at least fifty feet from any other tower.

(e) On through lots one hundred (100) feet or less in depth the height of a building may be measured from the curb level on either street. On through lots more than one hundred (100) feet in depth the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred (100) feet from that street.

Area: (f) For purposes of the area regulations a semi-detached dwelling, or row house, in the "B" Residence District may be considered as one building and occupying one lot.

(g) A commercial building in the "A," "B" and "C" Height and Area Districts may waive the requirements for side yards, but if a side yard be provided it shall have a minimum width as required.

(h) Buildings on through lots and running through from street to street may waive the requirements for a rear yard by furnishing an equivalent open space in lieu of such required rear yard.

(i) In computing the depth of a rear yard or the width of a side yard or outer court for any building where such yard or court opens onto an alley or street, one-half of such alley or street may be assumed to be a portion of the yard or court.

(j) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of skylight above the bottom of such yard or court, and except for the projection of sills, belt courses, cornices and ornamental features not to exceed four (4) inches.

(k) No cornice shall project over the street line more than five (5) per cent of the width of such street, and shall in no case project more than four (4) feet.

(l) Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet, and the ordinary projections of chimneys and flues, may be permitted by the Commissioner of Public Utilities, Grounds and Buildings, where same are so placed as not to obstruct the light and ventilation.

SECTION 17.

Administrative Board.

Be it further ordained, that an Administrative Board is hereby established. The word "Board" when used in this section shall be construed to mean the Administrative Board. The City Planning Commission shall be the Administrative Board.

Meetings: Meetings of the Board shall be held at least once a month. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board and the vote of each member upon each question considered. The presence of five (5) members shall be necessary to constitute a quorum.

Appeal: Appeal from the ruling of the Commissioner of Public Utilities, Grounds and Buildings concerning the enforcement of the provisions of this ordinance may be made to the Administrative Board within such time as shall be prescribed by the Board by general rule. The appellant shall file with the Commissioner of Public Utilities, Grounds and Buildings and with the Administrative Board a notice of appeal, specifying the grounds thereof. The Commissioner of Public Utilities, Grounds and Buildings shall forthwith transmit to the Administrative Board all the papers constituting the record upon which the action appealed from was taken.

Jurisdiction: In specific cases the Administrative Board may authorize by permit a variation of the application of the use, height and area district regulations herein established in harmony with their general purpose and intent as follows:

(1) Grant a permit for a temporary building for commerce or industry

incidental and essential to a use permitted in an industrial district, provided such incidental building or use occupies not more than ten per cent of the lot, provided that not more than ten per cent of the employes of the building or plant are engaged therein, and provided that such building or use is not located within fifty feet of any street or lot line.

(7) Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the maps fixing the several districts accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the maps aforesaid.

(8) Interpret the provisions of this ordinance in harmony with their fundamental purpose and intent where practical difficulties or unnecessary hardships occur.

(9) Adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this ordinance.

SECTION 18.

Certificate of Occupancy and Compliance.

Be it further ordained, that no building hereafter erected or altered shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have been issued by the Commissioner of Public Utilities, Grounds and Buildings, stating that the building or proposed use of a building, or premises, complies with all the building and health laws and ordinances and with the provisions of these regulations.

Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Commissioner of Public Utilities, Grounds and Buildings, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate, but for copies of any original certificate there shall be a charge of fifty cents each.

No permit for excavation for any building shall be issued before application has been made for certificate of occupancy and compliance.

The use of no building already erected at the passage of this ordinance shall be changed from one class of use to another unless and until a certificate of occupancy and compliance with the provisions of this ordinance shall have been obtained from the Commissioner of Public Utilities, Grounds and Buildings.

SECTION 19.

Plats.

Be it further ordained, that all applications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Commissioner of Public Utilities, Grounds and Buildings. No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court or other open space for another building.

SECTION 20.

Interpretation, Purpose and Conflict.

Be it further ordained, that in interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of building or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits, or by easements, covenants or agreements, the provisions of this ordinance shall control.

SECTION 21.

Violation, Penalty.

Be it further ordained, that any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not less than five (5) dollars or more than fifty (50) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 22.

Boundaries of Districts.

Be it further ordained, that where uncertainty exists with respect to the boundaries of the various districts as shown on the maps accompanying and made a part of this ordinance the following rules shall apply:

(a) The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the maps accompanying and made a part of this ordinance indicating the various districts are approximately bounded by street or alley line, said street or alley shall be construed to be the boundary of such district.

(b) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the maps accompanying and made a part of this ordinance indicating the various districts are approximately bounded by lot lines, said lot line shall be construed to be the boundary of such district, unless said boundaries are otherwise indicated on the maps.

(c) In unsubdivided property, the district boundary lines on the maps accompanying and made a part of this ordinance shall be determined by use of the scale contained on such maps.

SECTION 23.

Validity.

Be it further ordained, that should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 24.

Changes and Amendments.

Be it further ordained, that the Board of Commissioners of the City of Memphis may, from time to time, amend, supplement or change by ordinance

in a residence district which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.

(2) Grant a permit for the reconstruction, within twelve months, of a building located in a district restricted against its use, which has been destroyed by fire or other calamity to the extent of not more than seventy-five (75) per cent of its assessed value.

(3) Grant a permit for the extension of a use or height and area district for a distance of not more than twenty-five (25) feet, where the boundary line of a district divides a lot in a single ownership at the time of the adoption of this ordinance.

(4) Grant a permit for the alteration or enlargement of an existing building located in a district restricted against its use, where such alteration or enlargement is a necessary incident to the business existing at the time of the adoption of this ordinance; provided, however, that such alteration shall not unduly prolong the life of the building, and provided further, that any such enlargement shall be in no case more than fifty (50) feet from an existing structure and on property in the same ownership as the existing structure at the time of the passage of this ordinance.

(5) Grant a permit for the erection and use of a building or the use of a premises in any location to a public service corporation or for public utility purpose which the Board admits reasonably necessary for the public convenience or welfare.

(6) Grant a permit in an industrial district for a building or use otherwise excluded from such district, provided such building or use is distinctly

the boundaries of districts or regulations herein established. Any proposed amendment, supplement or change shall first be submitted to the City Planning Commission for its recommendation and report.

A public hearing shall be held by the Board of Commissioners before adoption of any proposed amendment, supplement or change, notice of which hearing shall be given by publishing three (3) times in some daily newspaper of general circulation, stating the time and place of such hearing, not earlier than ten (10) days from the last date of such publication.

If a protest against any proposed amendment, supplement or change be presented in writing to the city clerk, within ten days from date of last publication, duly signed and acknowledged by the owners of twenty (20) per cent or more of any frontage proposed to be altered, or by the owners of twenty per cent (20) of the frontage immediately in the rear thereof, or by the owners of twenty per cent (20) of the frontage directly opposite the frontage proposed to be altered, such amendment, supplement or change shall not be passed except by a four-fifths vote of the Board of Commissioners.

SECTION 25.

Enforcement.

Be it further ordained, that it shall be the duty of the Commissioner of Public Utilities, Grounds and Buildings to see that this ordinance is enforced through the proper legal channels. Appeal from the decision of the Commissioner of Public Utilities, Grounds and Buildings may be made to the Administrative Board, as provided by Section 16.

SECTION 26.

Conflicting Provisions Repealed.

Be it further ordained, that all ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION 27

When Effective.

Be it further ordained, that this ordinance shall be in effect from and after its passage, the public welfare requiring it.

MEMPHIS
TENNESSEE
SCALE IN FEET
USE DISTRICT MAP
CITY PLANNING COMMISSION
LEGEND
'A' RESIDENTIAL DISTRICT
'B' RESIDENTIAL DISTRICT
'C' COMMERCIAL DISTRICT
'D' INDUSTRIAL DISTRICT
'E' UNRESTRICTED DISTRICT
MISSISSIPPI RIVER
CITY LIMITS
COUNTY POOR FARM & WORK HOUSE
OVERTON PARK
ELMWOOD CEMETERY
ZION CEMETERY
CALVARY CEMETERY
FOREST HILL CEMETERY
COUNTRY CLUB
RIVERSIDE PARK

11-7-22.

282

11-7-22.

ADJOURNMENT

On motion of Commissioner Shannon, seconded by Commissioner Howe the Board adjourned subject to call of the Mayor.

APPROVED
Rowlett Paine
MAYOR.

ATTEST
C. C. Pashby
CITY CLERK.