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AN ORDINANCE AMENDING CHAPTER 28, ARTICLE IV, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF MEMPHIS, SO AS TO MAKE CERTAIN CHANGES IN THE TEXT OF SAID ORDINANCE

WHEREAS, a proposed amendment to the Zoning Ordinance of the City of Memphis, being Chapter 28, Article IV, of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Planning Commission for its recommendation and report, designated as Study No. 116; and

WHEREAS, the Memphis and Shelby County Planning Commission has filed its recommendation and report with the Council of the City of Memphis; and

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with;

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the Zoning Ordinance of the City of Memphis, being Chapter 28, Article IV, of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended by amending the text of the Code of Ordinances, as follows:

UNDER SECTION 28-97 "M-3" - HEAVY INDUSTRIAL DISTRICT REGULATIONS, (A) USE REGULATIONS, DELETE PARAGRAPH (1) AND SUBSTITUTE THE FOLLOWING:

"(1) Acid or Chemical Manufacture"

SECTION 2. BE IT FURTHER ORDAINED, that the Director of Planning be, and he is hereby, directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Planning Commission and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

ATTEST:

CHAIRMAN OF COUNCIL

CITY COMPTROLLER

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NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT  
TO THE ZONING ORDINANCE OF THE CITY OF MEMPHIS

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE CITY OF MEMPHIS IN THE COUNCIL CHAMBER, FIRST FLOOR, CITY HALL, 125 NORTH MAIN STREET, MEMPHIS, TENNESSEE, ON TUESDAY, \_\_\_\_\_, 19\_\_\_\_\_, AT 2:30 P.M., IN THE MATTER OF AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF MEMPHIS, BEING CHAPTER 28, ARTICLE IV, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, AS AMENDED, AS FOLLOWS:

UNDER SECTION 28-97 "M-3" - HEAVY INDUSTRIAL DISTRICT REGULATIONS, (A) USE REGULATIONS, DELETE PARAGRAPH (1) AND SUBSTITUTE THE FOLLOWING:

"(1) Acid or Chemical Manufacture"

NOW, THEREFORE, you will take notice that on Tuesday, \_\_\_\_\_, 19\_\_\_\_\_, at 2:30 P.M., the Council of the City of Memphis will be in session at the City Hall to hear remonstrances or protests against the making of such Amendment. Such remonstrances or protests may be by personal appearance, or by attorneys, or by petition, and then and there you will be present, if you wish to remonstrate or protest against same.

THIS, the \_\_\_\_\_, 19\_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Comptroller

\_\_\_\_\_  
Chairman of Council

**THE FOREGOING ORDINANCE**  
# 1890 PASSED

1st Reading OCT 23 1973

2nd Reading OCT 30 1973

3rd Reading NOV 6 1973

Approved: Thomas H. Zedler  
Chairman of Council

APPROVED:

[Signature]  
Mayor, City of Memphis

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

[Signature]  
Comptroller, 19\_\_\_\_\_.)

(This to be published not later than \_\_\_\_\_)

MEMPHIS AND SHELBY COUNTY  
PLANNING COMMISSION RECOMMENDATION  
STUDY NO. 116

DATE: October 4, 1973  
(P. C. decision date)



# Memphis and Shelby County Planning Commission

CITY HALL ■ 125 NORTH MAIN STREET ■ MEMPHIS, TENNESSEE 38103 ■ TELEPHONE 534-9626

October 10, 1973

## PLANNING COMMISSION RECOMMENDATION

At its regular meeting on October 4, 1973, the Memphis and Shelby County Planning Commission held a public hearing on STUDY NO. 116, described as follows:

Consideration of amending City Zoning Ordinance, Section 28-78 (M-3 Heavy Industrial District) to eliminate acid or chemical manufacturing as a permitted use.

No one spoke in support or in opposition to the application.


## PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the study, the report of the staff and the Zoning Committee; and, upon a motion duly made and seconded, voted unanimously, to recommend that the requested STUDY NO. 116 be approved.

## PLANNING BASIS AND RATIONALE FOR THE RECOMMENDATION

The proposed amendment is necessary to provide better control over the location of industries involved in chemical manufacturing. The control of acid manufacturing is understood and accepted; however, a broader control is necessary to protect adjacent land uses from the harmful effects of chemicals other than acids. For example, air borne gases and particles can damage other manufacturing pursuits such as food processing, as well as being harmful to humans and animals. Containing the undesirable effects of chemical manufacturing to the immediate site can be difficult and expensive. Therefore, public regulation of the location of chemical manufacture is in order.

Respectfully submitted,

  
Robert H. Miller  
Director of Planning

RHM/jb

MEMPHIS AND SHELBY COUNTY

PLANNING COMMISSION

VOTING RECORD

MEETING OF October 4, 1973

CASE NO. Z- STUDY NO. 116


MOTION: Approve X

Reject \_\_\_\_\_

Other \_\_\_\_\_

<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Mr. William H. Beaty, Vice Chairman	X	_____	_____	_____
Mrs. Robert Joseph Bosi	X	_____	_____	_____
Mr. Jimmy Cole	X	_____	_____	_____
Mr. J. N. Cunningham	_____	_____	_____	X
Mr. John J. Heflin	X	_____	_____	_____
Mr. William F. Jones	X	_____	_____	_____
Mr. O. T. Peoples	X	_____	_____	_____
Mr. R. M. Robison	X	_____	_____	_____
Mr. Don P. Smith	_____	_____	_____	X
Mr. J. W. Brakebill, Chairman	_____	_____	_____	_____

SECRETARY

  
ASSISTANT SECRETARY

Section 28-97 "M-3" - Heavy Industrial District Regulations

(PROPOSED AMENDMENT)

- (A) USE REGULATIONS
- (1) Acid or chemical manufacture

(PRESENT ORDINANCE)

- (A) USE REGULATIONS
- (1) Acid manufacture

Section 28 - 97 "M-3" Heavy Industrial District Regulations

(A) USE REGULATIONS

- (1) Delete this paragraph and substitute the following:
- (1) Acid or chemical manufacture.



ROSS B. CLARK II  
STAFF ATTORNEY  
2201 FIRST NATL. BANK BLDG.  
MEMPHIS, TENNESSEE 38103

WYETH CHANDLER  
MAYOR

CITY OF  
MEMPHIS

MEMPHIS  
TENNESSEE  
3 8 1 0 3

October 16, 1973

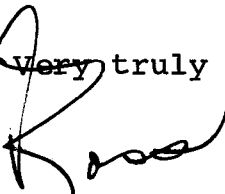
Mr. Frierson M. Graves, Jr.  
City Attorney  
Room 314, City Hall  
125 North Main Street  
Memphis, Tennessee 38103

RE: Case Nos. Z-2568 and Z-2570, and  
Study Nos. 99 and 116

Dear Frierson:

Enclosed are the Notices and Ordinances for rezoning cases referenced above and also the Planning Commission studies.

Under Study No. 99, I made those changes pertaining to zoning ordinances within the City and within the five-mile zone, but, of course, did not prepare anything for the changes on the County ordinances.

Very truly yours,  
  
Ross B. Clark II

RBCII/jma

Enclosures



COUNCIL AGENDA CHECK-OFF SHEET

FOR COUNCIL ACTION ON 10-16-73 (date)

1. ITEM (check one)

- Ordinance
- Resolution
- Appointment
- Discussion Item

- Condemnations
- Request for Public Haring
- Notation for Minutes
- Other (specify)

2. DESCRIPTION OF ITEM: APPROVALS SENT TO ROSS CLARK

Z-2568  
 Z-2570  
 STUDY NO. 99  
 STUDY NO. 116

3. RECOMMENDED COUNCIL ACTION: Notation on agenda that these cases have been sent to Legal Department for preparation or ordinances.

4. PREVIOUS ACTION TAKEN BY COUNCIL, BOARDS, COMMISSIONS, COUNTY, STATE OR FEDERAL GOVERNMENTS:

5. THIS ACTION WILL ( ) WILL NOT (X) REQUIRE EXPENDITURE OF CITY FUNDS.

6. ACTUAL COST \_\_\_\_\_ OR ESTIMATED COST \_\_\_\_\_

7. SOURCE OF FUNDS:

OPERATING BUDGET:  Funds Available  
 Budget Transfer Required  
 Supplemental Appropriation Requested

CAPITAL IMPROVEMENT PROGRAM:

CIP Line No. \_\_\_\_\_ or CIP Amend. from Line No. \_\_\_\_\_ to Line No. \_\_\_\_\_

Year Project Scheduled \_\_\_\_\_ Source of Funds for Project \_\_\_\_\_

Amount of Appropriation Requested

State Funds (Program) \_\_\_\_\_ Amount \_\_\_\_\_  
 Federal Funds (Program) \_\_\_\_\_ Amount \_\_\_\_\_  
 County Funds \_\_\_\_\_ Amount \_\_\_\_\_

8. DEADLINE (if yes, explain): \_\_\_\_\_

9. DEPARTMENT AND DIVISION APPROVAL:

Department Head [Signature] Date 10/10/73  
 City Engineer \_\_\_\_\_ Date \_\_\_\_\_  
 Division Director \_\_\_\_\_ Date \_\_\_\_\_

10. CHECKED AND TRANSMITTED BY Jack D. Lynn Date 10/11/73

11. FINAL APPROVAL:

City Attorney \_\_\_\_\_ Date \_\_\_\_\_  
 Chief Administrative Officer \_\_\_\_\_ Date \_\_\_\_\_

Z-2568

Property located on the south side of Forrest Drive, 120 feet east of Graham Street, fronting 55 feet on Forrest Drive.

APPLICANT: Thomas R. Prewitt, Attorney  
REQUESTING: Rezoning from R-4-A Multiple-Dwelling District to O-1 Office District

PLANNING COMMISSION RECOMMENDATION: Approve - Unanimous

Z-2570

Property located on the west side of Range Line Road, (North Hollywood Street) 406 feet north of James Road, fronting 100 feet on Range Line Road, containing about .7 acres.

APPLICANT: Hunter Lane, Jr., Attorney  
REQUESTING: Rezoning from O-1 Office District to C-1 Neighborhood Shopping District

PLANNING COMMISSION RECOMMENDATION: Approve - Majority (7-0)

Mrs. Robert Joseph Bosi abstained.

STUDY NO. 99

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Consideration of amending City Zoning Ordinance, City-County Zoning Ordinance-Resolution within the Five Mile Limit and Shelby County Zoning Ordinance Beyond the Five Mile Limit, to eliminate present front yard setbacks in all residential zoning districts. (R, R-1, R-1-A, R-2, R-3, R-TH, R-3-A, R-4, R-4-P, R-5, R-5-P, and Exception and Modifications).

PLANNING COMMISSION RECOMMENDATION: Approve- Unanimous

STUDY NO. 116

Consideration of amending City Zoning Ordinance, Section 28-78 (M-3 Heavy Industrial District) to eliminate acid or chemical manufacturing as a permitted use.

PLANNING COMMISSION RECOMMENDATION: Approve- Unanimous