

ROLL CALLCOUNCIL OF THE CITY OF MEMPHISDATE: AUG 3 1976

PRES. ABS.	N A M E	AYE	NO	OTHER
	A. D. ALISSANDRATOS			
	MIKE CODY			#6
	FRED L. DAVIS			
	JOHN N. FORD			#2484
	PAT HALLORAN			1 <sup>ST</sup> READING
	BILLY Z. HYMAN			
	ROBERT B. JAMES			
	ED McBRAYER			
	J. O. PATTERSON, JR.			
	GLENN RAINES			
	THOMAS H. TODD, JR.			
	PAT VANDER SCHAAP			
	OSCAR H. EDMONDS, JR.			

*at as  
corrected  
copy*

# No. 2484

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE OF, 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, and being designated as Study No. 164; 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, Tennessee, as amended, be and the same hereby is amended by amending the text of the Code of Ordinances as follows:

Section 28-77 Definitions

Create a new definition:

"Adult entertainment: A shop or theatre for the barter, rental or sale or printed matter, pictures, motion picture film or the viewing of motion picture that is open to adults only and specifically excludes any minor by reason of age; and provided further that no building or occupancy permit shall be issued for such use until and unless the location of such use shall have been approved by the City Council after receiving a report by the Planning Commission in accordance with the procedure set forth in Section 28-102."

Section 28-94 "C-4" Central Business District

(A) Use Regulations

Create a New Paragraph (3A)

"(3A) Adult Entertainment."

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*Amended Copy*

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

(A) Use Regulations

Create a New Paragraph (1A)

"(1A) Adult Entertainment"

Section 28-102 - Special Use Permits

(A) Create a New Paragraph (17)

"(17) Adult entertainment, shops and theatres may be authorized in the C-2, C-3 or C-4 Commercial Districts or in any Industrial District subject to the following conditions:

- (a) The building in which an adult shop or theatre is located shall be a minimum of two-hundred (200) feet from any residential zoning district.
- (b) A schedule stating the days and hours of operation shall be submitted for review and approval.
- (c) Parking space shall be provided on the same premise as the shop or theatre on the ratio of not less than one (1) parking space for each one-hundred (100) square feet of floor space within the main building, except for premises located within the C-4 (Central Business) District.

SECTION 2. BE IT FURTHER ORDAINED, That the Director of the Planning Commission 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:

CITY COMPTROLLER

THE FOREGOING ORDINANCE  
 # 2484 PASSED  
 1st Reading AUG 3 1976  
 2nd Reading AUG 10 1976  
 3rd Reading AUG 17 1976  
 Approved: *[Signature]*  
 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

000033

No. 2484

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, \_\_\_\_\_, 1976, AT 2:30 P.M. IN THE MATTER OF AMENDING THE ZONING ORDINANCE OF THE CITY OF MEMPHIS, TENNESSEE, AS AMENDED, BY AMENDING THE TEXT OF THE CODE OF ORDINANCES IN THE FOLLOWING MANNER:

Section 28-77 Definitions

Create a new definition:

"Adult entertainment: A shop or theatre for the barter, rental or sale of printed matter, pictures, motion picture film or the viewing of motion picture that is open to adults only and specifically excludes any minor by reason of age; and provided further that no building or occupancy permit shall be issued for such use until and unless the location of such use shall have been approved by the City Council after receiving a report by the Planning Commission in accordance with the procedure set forth in Section 28-102."

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(a) The building in which an adult shop or theatre is located shall be a minimum of two-hundred (200) feet from any residential zoning district.

- (b) A schedule stating the days and hours of operation shall be submitted for review and approval.
- (c) Parking space shall be provided on the same premises as the shop or theatre on the ratio of not less than one (1) parking space for each one-hundred (100) square feet of floor space within the main building, except for premises located within the C-4 (Central Business) District.

NOW, THEREFORE, you will take notice that on Tuesday, \_\_\_\_\_, 1976, 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 \_\_\_\_\_, 1976.

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CHAIRMAN OF COUNCIL

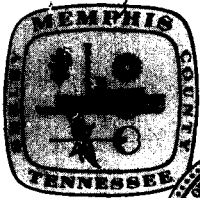
ATTEST:

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CITY COMPTROLLER

(This to be published not later than \_\_\_\_\_, 1976.)

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# Memphis and Shelby County Planning Commission

CITY HALL 125 NORTH MAIN ST. MEMPHIS, TENNESSEE 38103 (901) 528-2602

July 7, 1976

Robert H. Miller,  
Director of Planning

## PLANNING COMMISSION RECOMMENDATION

At its regular meeting on July 1, 1976, the Memphis and Shelby County Planning Commission held a public hearing on Study No. 164.

Consideration of amending the City Zoning Regulations pertaining to the location of adult entertainment shops and theatres within the C-2, C-3, C-4 Commercial Districts and all Industrial Districts by the Special Permit Procedure.

INITIATED BY: The Memphis & Shelby County Planning Commission

Mr. Miller presented the Study.

No one spoke in opposition to the Study.

## PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the Study and the report of the staff. A Motion was made and duly seconded to recommend that the Study be Approved. The Current Planning Committee recommended a yes vote and that the Study be Approved. (The motion was Approved by a vote of 8-0).

## PLANNING BASIS AND RATIONALE FOR THE RECOMMENDATION

The Planning Commission recommends approval of the Study based on the following reasons:

1. The proposed amendments were prepared at the request of the City Council for the purpose of more closely regulating the location and operation of adult entertainment shops and theatres.
2. The proposed amendments would exclude adult entertainment shops and theatres from neighborhood commercial districts and require the issuance of a Special Permit for the establishment of new adult entertainment shops and theatres within the C-2, C-3, C-4 Commercial Districts and all industrial districts.
3. The City Attorney's office has found nothing legally objectionable to the proposed amendments.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert H. Miller".

Robert H. Miller  
Director of Planning

STUDY NO. 164

LLW/keh







## Section 28-77 Definitions

Create a new definition:

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## Section 28-102 - Special Use Permits

(A) Create a New Paragraph (17)

"(17) Adult entertainment, shops and theatres may be authorized in the C-2, C-3 or C-4 Commercial Districts or in any Industrial District subject to the following conditions:

- (a) The building in which an adult shop or theatre is located shall be a minimum of two-hundred (200) feet from any residential zoning district.
- (b) A schedule **stating** the days and hours of operation shall be submitted for review and approval.
- (c) Parking space shall be provided on the same premise as the shop or theatre on the ratio of not less than one (1) parking space for each one-hundred (100) square feet of floor space within the main building, except for premises located within the C-4 (Central Business) District.

000038  
STAFF REPORT

STUDY NO. 164

INITIATED BY: The Memphis and Shelby County Planning Commission

REQUESTING: An amendment to the City Zoning Ordinance pertaining to the location of Adult Entertainment Shops and Theatres through the Special Permit procedure.

PLANNING RATIONALE

With the increase of adult entertainment shops and theatres in the suburban areas of the community, the City Council has requested a Planning Commission study for the purpose of more closely regulating the location and operation of these facilities.

Presently, adult entertainment shops and theatres are permitted uses by right in all commercial and industrial zoning districts. The proposed amendments would exclude these uses from the SC-1 Shopping Center District and the C-1 Neighborhood Commercial District. The issuance of a Special Permit would be required for the establishment of new adult entertainment shops and theatres within the C-2, C-3, C-4 Commercial Districts and all Industrial Districts. Shops and theatres already in operation would be allowed to continue at present locations.

Adult entertainment shops and theatres located within the previously mentioned districts would be required to locate a minimum of two-hundred (200) feet from any residential zoning district, and hours of operation would be subject to the approval of the City Council. Parking spaces would also be provided at a ratio of one (1) parking space for each one-hundred (100) square feet of floor space within the main building.

The City Attorney's Office has found nothing legally objectionable to the proposed amendments.

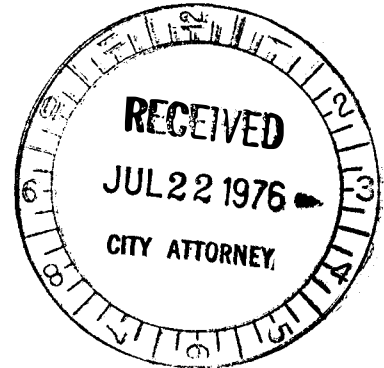


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**City of Memphis**  
Tennessee

**WYETH CHANDLER**  
Mayor

LESTER F. LIT  
STAFF ATTORNEY  
338 S. Front Street  
Memphis, Tennessee 38103  
527-6141



July 21, 1976

Mr. Clifford D. Pierce, Jr.  
City Attorney  
314 City Hall  
125 N. Main St.  
Memphis, Tennessee 38103

Re: Planning Commission  
Study No. 164  
Study No. 166

Dear Cliff,

Enclosed please find the files, notices and ordinances relative to the above. Please deliver the material to the Comptroller's office for appropriate action by the Council.

Yours very truly,

LESTER F. LIT

LFL/ps

cc: Larry L. Wade

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# Memphis and Shelby County Planning Commission

## MEMORANDUM

TO: Mr. Lester F. Lit, Assistant City Attorney

FROM: Mr. Larry L. Wade, Associate Planner

DATE: July 7, 1976

SUBJECT: Zoning Applications - Approvals

The following rezoning applications are being sent directly to the Legal Department for preparation of Ordinance.

Study No. 166  
Study No. 164  
Z-2952

A handwritten signature in cursive script, appearing to read "Larry L. Wade".

Larry L. Wade  
Associate Planner

LLW/keh

cc: Leola Hansen  
Council Records

000042

July 7, 1976

## PLANNING COMMISSION RECOMMENDATION

Study No. 166

Consideration of amending the City Zoning Regulations pertaining to standardization of church parking requirements.

INITIATED BY: The Memphis & Shelby County Planning Commission

PLANNING COMMISSION RECOMMENDATION: Approve

Study No. 164

Consideration of amending the City Zoning Regulations pertaining to the location of adult entertainment shops and theatres within the C-2, C-3, C-4 Commercial Districts and all Industrial Districts by the Special Permit Procedure.

INITIATED BY: The Memphis & Shelby County Planning Commission

PLANNING COMMISSION RECOMMENDATION: Approve

Z-2952

~~Parcel No. 1 - North side of Raines Road, 345 feet east of Horn Lake Road, fronting 22 feet on Raines Road, and containing .029 acres. (Requesting rezoning from the R-3A Multiple-Family Dwelling District to the C-1 Neighborhood Commercial District).~~

~~Parcel No. 2 - Property located 113 feet north of Raines Road and 368 feet east of Horn Lake Road without any public road access and containing approximately 1.2 acres. (Requesting rezoning from the C-1 Neighborhood Commercial District to the R-2 Single-Family Residential District).~~

~~Parcel No. 3 - North side of Raines Road, 368 feet east of Horn Lake Road, fronting 1164 feet on Raines Road, and containing approximately 21 acres. (Requesting rezoning from the R-3A Multiple-Dwelling District to the R-2 Single-Family Dwelling District).~~

PLANNING COMMISSION RECOMMENDATION: Approve

000043

Division

COUNCIL AGENDA CHECK-OFF SHEET

FOR COUNCIL ACTION ON July 19, 1976

Date

1. ITEM (check one)

- Ordinance
- Resolution
- Appointment
- Discussion Item

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

2. DESCRIPTION OF ITEM: APPROVALS SENT DIRECTLY TO LESTER F. LIT

Study No. 166  
Study No. 164  
Z-2952

3. RECOMMENDED COUNCIL ACTION: NOTATION ON AGENDA THAT THESE CASES HAVE BEEN SENT DIRECTLY TO THE LEGAL DEPARTMENT FOR PREPARATION OF 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 Amendment from Project No. \_\_\_\_\_ to Project No. \_\_\_\_\_

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

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 \_\_\_\_\_ Date \_\_\_\_\_

Other \_\_\_\_\_ Date \_\_\_\_\_

Division Director Robert W. Miller [Signature] Date 7-7-76

10. CHECKED AND TRANSMITTED BY Randy McCoy Date 7-7-76

11. FINAL APPROVAL:

City Attorney \_\_\_\_\_ Date \_\_\_\_\_

Chief Administrative Officer \_\_\_\_\_ Date \_\_\_\_\_