

TITLE 11

PLANNING AND ZONING

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.

2. ZONING ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

11-101. Creation and membership.

11-102. Organization, powers, duties, etc.

11-101. Creation and membership. Pursuant to the provisions of section 13-4-101 of the Tennessee Code Annotated there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and a commissioner selected by the board of commissioners; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for three (3) years each. Of the five (5) members first appointed, one (1) shall be appointed for a term of one (1) year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years so that the term of at least one (1) member expires each year. The terms of the mayor and the member selected by the board of commissioners shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (ord. 35, modified)

11-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of title 13, Tennessee Code Annotated. (ord. 35, modified)

CHAPTER 2

ZONING ORDINANCE

SECTION

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11-201. Purpose of ordinance. The board of commissioners finds as a fact that the public health, safety, morals, convenience, order, prosperity and general welfare require the enactment of an ordinance regulating the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other related purposes pursuant to the provisions of section 13-7-201 of the Tennessee Code Annotated, as amended. (ord. 39, sec. 1)

11-202. Districts. In order to designate districts for the purposes of this ordinance, the City of Lakewood is hereby divided into the following districts:

[Agricultural districts](#)
[Residence districts](#)
[Commercial districts](#)
[Commercial Limited districts](#)

11-203. Boundaries and maps. The boundaries of such districts are hereby established upon the Map, designated the [ZONING MAP](#), CITY OF LAKEWOOD, TENNESSEE, which is, and shall remain on file in the office of the City Manager of Lakewood, Tennessee. The Building Zone Map, consisting of separate parts, and identified herein as ,1 all of which are sections of the same map covering the entire

territory of the city and the key map and chart containing the explanation of symbols and indications which appear on the building zone map, are hereby made a part of this ordinance as fully as though copied into the text thereof. (ord. 39, sec. 3)

11-204. General prohibitions. No building or structure shall be erected or altered, nor shall any building or premises be used for any purpose, other than a use permitted in the district in which such building or premises is located. No building or premises shall be used so as to produce greater heights, smaller yards, or less unoccupied area, and no building shall be occupied by more families than hereinafter prescribed for such building for the district in which it is located. No lot which is now or may be hereafter built upon, as required herein, may be so reduced in area that the yards and open spaces will be smaller than prescribed by this ordinance, and no yard, court, or open space provided about any building for the purpose of complying with the provisions of this ordinance shall again be used as a yard, court, or other open space for any other building. (ord. 39, sec. 4)

11-205. Agricultural districts. Within any agricultural district, no building structure or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

- (1) All types of agriculture, truck gardening, horticulture, dairying, livestock, animal and poultry raising.
- (2) A detached dwelling for one or two families.
- (3) Churches and other places of worship, club houses, and other meeting places for non-profit organizations, but involving the conduct of any business.
- (4) Public schools, parochial schools, or private schools having a curriculum substantially similar to that ordinarily given in public elementary or high schools, colleges, and universities.
- (5) Hospitals and sanitariums, but not for the emotionally disturbed.
- (6) A site plan for any building, other than dwellings, barns, or other buildings related to the agricultural use of the land, shall first be presented to and approved by the planning commission, prior to the issuance of any building permit. In approving such site plan the planning commission shall consider such standards as ingress and egress to and from the site, provisions for recreation, and the screening of recreation areas.
- (7) Bulletin boards and signs shall be permitted, not exceeding the aggregate area of twenty square feet, bearing notice or pertaining only to the sale of products grown or produced or services rendered upon the premises or advertising only the lease, hire, or sale of only the particular property on the premises upon which the sign is displayed. No such sign or bulletin board exceeding four square feet in area shall be erected or displayed so as to project in any manner into the setback line area as established by this ordinance for agricultural districts.
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses shall be proper, but not involving the conduct of a business or industry.
- (9) Height. No building shall exceed forty feet or two and one-half stories in height; provided, however, churches, hospitals, schools, or any other public buildings permitted to be constructed in an agricultural district, may be built to a height of seventy feet or four stories, provided that any such buildings set back from every street and lot

line, one foot for each foot of height of the building in excess of forty feet, in addition to other yard and setback requirements herein specified and provided.

(10) Rear yards. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of fifty feet. Accessory buildings may be located in the rear yard, provided they occupy not more than twenty per cent of the rear yard area, and also provided such accessory buildings come not nearer than five feet to any lot line.

(11) Side yards. There shall be a side yard on each side of every building, except as above provided for accessory buildings, the minimum width of which shall be not less than twenty feet.

(12) Setback line. No building shall be erected or altered so as to project in any manner beyond a line which is fifty feet from the street line, provided that where the frontage on a street is partly built upon, the setback line shall be established as the average of the setback of the existing buildings on the same side of the street.

(13) Lot area. Each one-family or two-family dwelling shall have a lot area of not less than one acre.

(14) Parking. Off-street parking spaces shall be provided as follows:

(a) One car space for each one-family dwelling and two car spaces for each two-family dwelling.

(b) Churches: one space for each four seats in the church sanctuary.

(c) Schools: one space per classroom, and in the case of gymnasiums or stadiums, one space for each five seats.

(d) Club houses: one space for each 1000 square feet of floor area.

(e) Hospitals and sanitariums: one space for each four beds.

(15) In all Agricultural districts, no barn, stable, or other enclosure for the keeping of livestock, horses, or poultry, or for the storage of hay, grain, or other farm products shall be erected or constructed nearer than one hundred feet to the lot line of any residence district. (ord. 39, sec. 5)

11-206. Residence districts. Within any residence district, no building, structure, or premises shall be used, arranged or designed to be used except for one or more of the following uses:

(1) A detached dwelling for only one family or for one housekeeping unit, not to be construed to include house trailers or mobile homes on wheels or otherwise.

(2) A detached dwelling for two families or two housekeeping units, not to be construed to include house trailers or mobile homes on wheels or otherwise.

(3) The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling nor four in any two-family dwelling.

(4) Churches and other places of worship.

(5) Nurseries and noncommercial greenhouses.

(6) Farms, including all types of agriculture and horticulture, but not including commercial dairies, commercial animal kennels, or commercial poultry activities. The feeding and grazing of cattle and horses shall be permitted where not less than two acres are provided for each such animal. The keeping of a pony shall be permitted where not less than one acre is provided for each such pony. The keeping of hogs for any purpose shall be prohibited in all residence districts.

(7) Multi-family uses. Within the residence districts, multi-family uses in excess of two families but not exceeding six families shall be permitted in accordance with the procedures for special exceptions that may be granted by the board of zoning appeals, as provided hereafter in section 11-212, subsections (h)(5).

(8) Public schools, elementary and high schools, parochial schools, or private schools, having a curriculum substantially similar to that ordinarily given in public elementary or public high schools.

(9) Municipal recreation buildings, playgrounds and parks.

(10) Railway rights-of-way, except railway yards.

(11) Accessory uses customarily incident to any of the above permitted uses, but not including the conduct of business or industry, or any drive-way giving access thereto.

(a) A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted.

(b) Customary home occupations carried on in the residence of the occupant and not in an accessory building, provided that not more than one-half of the floor area of one story is devoted to such uses, and provided further, that said customary home occupations shall not be construed to mean beauty parlors in any residence districts.

(c) Signs pertaining to the lease, sale, or use of a lot or building may be placed thereon, provided the total area of all such signs does not exceed eight square feet. One sign or bulletin board not exceeding thirty square feet in area may be erected upon the premises of a church or other permitted institution for the purpose of displaying the name and activities or services therein provided.

(d) Garage sales may be held or conducted only in or upon real property, which the person or persons holding or conducting the same occupies as his or her principal residence. Personal property owned by a person other than the occupant may be sold provided the occupant receives no fee or percentage of the proceeds for selling of the items or for the use of the real property for the sale. A maximum of 4 garage sale events shall occur per residence per year with no more than 2 events within a 45 day period, with a garage sale event defined as the sale of personal items which may occur for not more than three consecutive days per an event Any event conducted by a licensed auctioneer shall not be considered a garage sale event. The placement of off-site signs advertising the garage sale are permitted provided all signs are removed within twenty-four (24) hours of the last day of the event. (ord. 372, sec.1)

(12) Height. No building shall exceed thirty-five feet or two and one-half stories in height. Churches, schools, or any other buildings permitted to be constructed in a residence district may be built to a height of seventy feet or four stories, provided any such building sets back from every street and lot line one foot for each foot of height of the building in excess of thirty-five feet, in addition to other yard and setback requirements herein specified.

(13) Rear yards. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of twenty-four feet for a one-story building, which depth shall be increased to thirty-six feet for a two or two and one-half story building. Accessory buildings not over fifteen feet high may be located in the rear yard, provided such buildings occupy no more than twenty-five percent of the rear yard area, and provided further that no accessory buildings come nearer than five feet to any lot line.

(14) Side yards. There shall be a side yard on each side of every building, except as heretofore provided for accessory buildings. The minimum width of any side yard shall be ten feet and the least sum of the widths of both side yards shall be twenty feet.

(15) Setback line. No building shall be erected or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the buildings fronting on the same side of the street within the block on the effective date of this ordinance. Where no building exists fronting on the same side of the street within the block, no new building shall be erected with its street wall or walls nearer than thirty feet to the street line.

(16) Lot area. The minimum requirement shall be twenty thousand (20,000) square feet of lot area for each dwelling containing one family unit, and to be thirty-two thousand (32,000) square feet for a two-family dwelling. (ord. 359, sec.1)

(17) Parking. Off-street parking spaces shall be provided as follows:

(a) One car space shall be provided for each one-family dwelling and two car spaces for each two-family dwelling.

(b) Churches: one space shall be provided for each four seats in the church sanctuary.

(c) Schools: one car space shall be provided for each classroom, and in the case of gymnasiums or stadiums, one space for each five seats.

(d) Hospitals and sanitariums: one space for each four beds. (ord. 39, sec. 6)

11-207 Commercial District Within any commercial district, no building, structure, or premises shall be used, arranged, or designed to be used in any part except for one or more of the following uses:

(1) Any use permitted in any residence district, provided any such use shall comply with all of the requirements of section 11-206, "Residence districts," including all lot area and off-street parking requirements. Any use permitted in the Commercial Limited District is allowed in the Commercial District..

(2) Hotels and motels.

(3) Advertising signs provided the same relate only to the businesses located on the same lot. Off-site or off-premises signs shall be prohibited in the commercial district. All billboards are prohibited in the commercial district.

(4) Restaurants.

(5) Hand laundry and self-service laundries.

(6) Shops for making articles to be sold on the premises at retail only.

(7) Dry cleaning and pressing shops, but limited to operations of a retail nature where the work handled comes directly from the customer to the shop. All cleaning and drying processes shall be carried on at least fifty feet away from the nearest residential district.

(8) Public garages, service garages and gasoline filling stations, subject to the limitations of Section 11-209, "General provisions," sub-section (h), but provided that no repairing shall be done within fifty feet of any residential district, and no entrance or exit shall be within fifty feet of any residential district, and provided further that no facilities for oiling or greasing automobiles shall be located within fifty feet of any residential district.

(9) Florist shops and retail greenhouses.

(10) Studios and offices.

(11) Banks.

(12) Theaters.

(13) Funeral homes.

(14) Assembly halls.

(15) Retail businesses generally providing goods or services directly to the public.

(16) Accessory uses shall be permitted that are customarily incident to the above stated permissive uses.

(17) Height. No building shall exceed forty-five feet or in height. Churches, schools, hospitals, or other public buildings permitted to be constructed in a commercial district may be built to a height of seventy feet, provided any such building sets back from every street and lot line in addition to any other yard and setback requirements specified for commercial districts one foot for each two feet of height of the building above forty-five feet. The height of a building is to be measured from the floor of the front door to the highest ridge of the roof. The building must be approved by the Fire Marshal prior to approval by the City.

(18) Rear yards. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixteen feet for the first sixteen feet of building height, and for each additional ten feet of height thereafter, the rear setback shall be increased an additional four feet. Such depths shall be increased by twenty-five percent if the building is designed for residential purposes only. Each commercial lot abutting a residential district shall be setback according to the Residential side yard regulations as defined in 11-206, number 14. The Planning Commission shall require an appropriate buffer when a Commercial lot abuts Residential Zoning.

(19) Side yards. There shall be a minimum of zero side yard on each side of every building or portion of a building in a Commercial District that abuts another lot also in a Commercial District. Each commercial lot abutting a residential district shall be setback according to the Residential side yard regulations as defined in 11-206, number 14. The Planning Commission shall require an appropriate buffer when a Commercial lot abuts Residential Zoning.

(20) Setback line. At the intersection of a street in a commercial district with a street in any residence district where the corner or succeeding lots were on the effective date of this ordinance were platted to face the street in the residence district, the setback line requirements for the lots included in the commercial district shall be a continuation of the setback line requirements of the residence district portion of the block. Where on any street frontage in a commercial district a specific setback line is indicated on the building zone map, such setback line shall be the setback line for that frontage, provided, however, that projection signs, ground signs, marquees, and awnings, and the ground support for such signs or awnings may be erected in the setback area, and provided further that the city manager may issue a modified building permit for such sign, marquee or awning only after the owner and/or lessee shall file with the City Manager an executed contract agreeing that the said owner or lessee, their heirs, assigns or successors, will remove such sign, marquee or awning within ten days after notice so to do without any cost or obligation of any kind whatsoever to the City of Lakewood.

(21) Parking. Off-street parking spaces shall be provided in the commercial district, as follows:

(a) Two car spaces shall be provided for each dwelling unit within the district.

(b) Churches: One space shall be provided for each four seats in the church sanctuary.

(c) Elementary and Middle Schools: One car space shall be provided for each classroom, and in the case of gymnasiums, stadiums, one space for each five seats therein.

(d) Hospitals and sanitariums: One space for each four beds.

(e) Hotels and motels: One space shall be provided for each three-guest room.

(f) Office buildings and other commercial buildings: one parking space for each 200 square feet of gross floor area.

(22) Any industry or use other than those listed in items (1)-(15) is prohibited. (ord. 361, sec. 1)

11-208 Commercial Limited Districts Within any Commercial Limited District, no building, structure, or premises shall be used, arranged, or designed to be used in any part except for one or more of the following uses:

(1) Beauty or Barber Shop and other personal services

(2) Child Care Facility

(3) Florist

(4) Professional Service – Medical

(5) Professional Service – Non-medical

(6) Antiques – with no outside display

(7) Convenience Commercial – with no gasoline sales

(8) Book and Stationary Stores

(9) Hobby, Toy, and Game Stores

(10) Gift Shops

(11) Clothing Stores and Boutiques

(12) Food and Beverage Services and Restaurants

(13) Accessory uses shall be permitted that are customarily incident to the above stated permissive uses.

(14) Height. No building shall exceed forty-five feet or in height. Churches, schools, hospitals, or other public buildings permitted to be constructed in a commercial district may be built to a height of seventy feet, provided any such building sets back from every street and lot line in addition to any other yard and setback requirements specified for commercial districts one foot for each two feet of height of the building above forty-five feet. The height of a building is to be measured from the floor of the front door to the highest ridge of the roof. The building must be approved by the Fire Marshal prior to approval by the City.

(15) Rear yards. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixteen feet for the first sixteen feet of building height, and for each additional ten feet of height thereafter, the rear setback shall be increased an additional four feet. Each commercial lot abutting a residential district shall be setback according to the Residential side yard regulations as defined in 11-206, number 14. The Planning

Commission shall require an appropriate buffer when a Commercial lot abuts Residential Zoning.

(16) Side yards. There shall be a minimum of zero side yard on each side of every building or portion of a building in a Commercial District that abuts another lot also in a Commercial District. Each commercial lot abutting a residential district shall be setback according to the Residential side yard regulations as defined in 11-206, number 14. The Planning Commission shall require an appropriate buffer when a Commercial lot abuts Residential Zoning.

(17) Setback line. At the intersection of a street in a commercial district with a street in any residential district where the corner or succeeding lots were on the effective date of this ordinance were platted to face the street in the residential district, the setback line requirements for the lots included in the commercial district shall be a continuation of the setback line requirements of the residential district portion of the block. Where on any street frontage in a commercial district a specific setback line is indicated on the building zone map, such setback line shall be the setback line for that frontage, provided, however, that projection signs, ground signs, marquees, and awnings, and the ground support for such signs or awnings may be erected in the setback area, and provided further that the city manager may issue a modified building permit for such sign, marquee or awning only after the owner and/or lessee shall file with the city manager an executed contract agreeing that the said owner or lessee, their heirs, assigns or successors, will remove such sign, marquee or awning within ten days after notice so to do without any cost or obligation of any kind whatsoever to the City of Lakewood. .

(18) Parking. Off-street parking spaces shall be provided in the commercial district, as follows:

(a) Churches: One space shall be provided for each four seats in the church sanctuary.

(b) Elementary and Middle Schools: One car space shall be provided for each classroom, and in the case of gymnasiums, stadiums, one space for each five seats therein.

(c) Hospitals and sanitariums: One space for each four beds.

(d) Office buildings and other commercial buildings: one parking space for each 200 square feet of gross floor area.

(19) Any industry or use other than those listed in items (1)-(13) is prohibited. (ord.362, sec. 1)

11-209. General Provisions.

- (a) Parapet walls not exceeding four feet in height, chimneys, ventilators, cooling towers, elevators, bulkheads, tanks, radio towers, ornamental towers, monuments, cupolas, domes, and spires may be erected above the height limits herein established.
- (b) Every part of a yard required herein shall be open and unobstructed from the lowest point to the ground level to the sky, except for the ordinary projections of window sills, belt courses and other ornamental features to the extent of not more than four inches.
- (c) Fences or walls not more than six feet high may be erected in any residence district, but no fence, wall or shrubbery shall be maintained at any street intersection in such manner as to interfere with traffic visibility around the corner.
- (d) Cornices may extend not more than eighteen inches into any yard.
- (e) Chimneys may be erected within the limits prescribed for yards; provided they do not extend more than two feet into any such yard.
- (f) In commercial and industrial districts, unless otherwise provided for, the measurement of the depth of rear yards may be made to the center line of the alley, should an alley exist at the rear of the premises.
- (g) Nothing herein contained shall prevent the restoration of a wall declared to be unsafe by the city manager.
- (h) No gasoline service station or place of business where motor fuels, lubricating oils, or motor accessories are sold or motor vehicles are repaired, may be established, constructed, or maintained within three hundred (300) feet of any property upon which a church, school, or hospital building is located or in operation, such distance to be measured on a straight or air line from the outer margin or boundary of such church, school, or hospital property to the outer margin or boundary of the gasoline service station or place of business. This provision shall have no application or effect upon any gasoline service station or place of business in existence on the effective date of this ordinance, and provided further that this provision shall have no application in any industrial district.
- (i) Any lot of record by deed or plat or any lot for which a contract of sale was in full force and effect on the effective date of this ordinance, having less area than required by this ordinance may be used as a building site.
- (j) Signs and bulletin boards may be erected within the setback area for a church or other permitted institution for the purpose of displaying the name and activities of the services therein, provided

that such sign or bulletin board shall be neither flashing nor animated, and provided further that any such sign or bulletin board, or any part hereof, shall not project in any manner over into a public way.

- (k) Where any Major Thoroughfare Plan for the City of Lakewood, approved and adopted by the Lakewood Planning Commission, shows a future street width greater than the dedicated width of such street, then the setback and side yards abutting on said street shall be measured from the margin of the future street width.
- (l) On a through-lot exceeding two hundred (200) feet in depth, the setback regulations along each street shall be observed; provided, however, that this provision shall apply only to the sections of this ordinance dealing with agricultural and residential districts.
- (m) In all districts, no sign shall project across a street line, or the line of any other public way, including sidewalk areas, nor shall any sign be so placed in any district for any purpose where such sign by direct or indirect illumination is calculated to or does impede vision of the drivers of motor vehicles using either public or private rights of way. No sign shall be so constructed or arranged as to produce glare or illumination directly upon any residential property. (ord. 39, sec. 9)

11-209.1 Site Development Plans

(a) Activities Requiring Plans

A Site Development Plan containing the information indicated herein is required for specified community facilities and all commercial, industrial and residential activities (excepting one- and two-family dwellings) and for feed lots, stockyards and mining and quarrying activities contained within the agricultural and extractive activity grouping. This plan shall be approved prior to any grading and excavation, including removal of trees, or of any construction activity of any type. This plan shall include:

(b) Plan Content, Preparation and Submittal:

1. Plan Content:

A site plan shall be submitted in a form and content established by the City Manager. The plan shall be sufficient to fully describe the nature, scope, design features and ultimate appearance of the proposed development.

2. Plan Preparation:

All site plans, excepting those subject to approval in the manner provided in Subpart c, 2, Plans for Small Additions and Free-Standing Accessory Structures, of this section, shall be prepared and stamped by individual(s) licensed and/or certified by the State of Tennessee to perform such design service as may be required.

3. Plan Submittal

All site plans shall be submitted to the office of the City Manager for review and appropriate action as provided in Subpart c, of this section.

(c) Plans Complete:

1. Plans to Be Complete

No application for approval of a site plan shall be considered until such plan is complete. An application is complete when it contains all the information required by Subpart b, of this section, in a form sufficient for the City Manager to determine whether or not the development, if completed as proposed, will comply with the requirements of this ordinance.

2. Plans for Small Additions and Free-Standing Accessory Structures A site plan submitted for a structure which is either an addition to an existing building or a free-standing accessory structure up to two thousand (2,000) square feet in floor area or fifty (50) percent of the total square footage of the existing building, whichever is less, is authorized by the Planning Commission to be approved by the City Manager. This plan is exempt from the following requirements:

- i. The requirement that the plan be prepared and stamped by an individual licensed and/or certified by the State of Tennessee, to perform such design service.
- ii. The requirement that topographic features be shown.

3. Plans Subject to Planning Commission Approval

All site plans, other than those that may be approved by staff as provided in Subpart 2 (above), shall be subject to approval by the Planning Commission.

(d) Planning Commission Action

The City Manager shall forward a copy of the application and supporting documents to all appropriate departments or agencies. The City Engineer may, as directed by the City Manager, review the proposed plan and recommend action thereon prior to consideration by the Planning Commission. (ord. 360, sec.1)

11-209.2 Grading Plans Grading plans containing the information required by this section shall be prepared, submitted and approved prior to any grading, placement of fill material or excavation, including the removal of trees, or any construction activity of any type.

(a) Activities Requiring Plans

In any instance where a site plan is required by the provisions of Subsection 11-209.1, the grading plan shall accompany such plan and be acted on in the manner specified in that section. In addition to the grading plans required with site plans, grading plans shall be required for the following uses and activities:

1. Any mining and quarrying uses.
2. Any grading activity which involves removal or stripping of topsoil in excess of ten thousand (10,000) square feet of land area or the excavation or placement of fill material in excess of one hundred (100) cubic yards. This section expressly exempts excavation or fill for the purpose of constructing a swimming pool, basement, garage or

similar use which is deemed to be an accessory structure to a principal one or two-family residential building or minor grading one (1) foot or less in depth done for purposes of constructing a one- or two-family dwelling.

3. Any excavation or placement of fill material that would infringe upon a drainage way, floodplain or wetland area as determined by the City Manager.

(b) Plan Content, Preparation and Submittal

1. Plan Content and Preparation

Grading plans shall be submitted in a form and content established by the City Manager.. Plans shall be prepared and stamped by an engineer engaged in the practice of civil engineering who is licensed by the State of Tennessee to perform such design service as may be required.

(c) Plan Review

1. Plans to Be Complete

No application for approval of a site plan shall be considered until such plan is complete. An application is complete when it contains all the information required by Subpart b, of this section. Application shall be made in a form sufficient for the City Manager to determine whether or not the development, if completed as proposed, will comply with the requirements of this ordinance and generally accepted engineering practice.

2. Action by City Manager

Within thirty (30) days after receipt of a complete grading plan the City Manager shall unconditionally approve, conditionally approve or disapprove the plan.

3. Appeal to the Lakewood Municipal Planning Commission

The applicant may, upon disapproval of a grading plan, appeal the decision of the City Manager to the Lakewood Municipal Planning Commission. The appeal shall be filed within ten (10) days of the adverse decision and shall be placed on the next available agenda of the planning commission. (ord. 360, sec.1)

11-209.3 Time Limits upon Approvals Due to rapidly changing conditions within the city, it is necessary to establish specific time periods after the passage of which approved plans shall become null and void, thereby assuring that no new development will, due to altered conditions, etc., damage the public interest.

(a) Time Limit on Plot Plans, Site Plans and Grading Plans

Any plot plan, site or grading plan approved under the provisions of this ordinance shall become null and void one (1) year after the date of its approval, unless a building permit for the project has been obtained in which case the provisions of Subpart b (below) of this section shall apply, provided, however, that in no instance shall an approved site plan become null and void in less than one (1) year.

(b) Time Limit on Building Permit

Any building permit issued shall become null and void six (6) months after the date of issuance, unless "actual construction" has begun and been continued in a diligent manner. (ord. 360, sec.1)

11-209.4 Construction to Be in Accordance with Approved Plans In general, all site construction and development activity shall proceed in strict compliance with the approved site plan. Minor modifications in the terms and conditions of the approved site plan may be made from time to time as provided in the following paragraphs. Any proposed modification that is not permitted under these provisions may be approved only as an amendment to the site plan (see Subpart d, below). Any modification in site construction or development activity that exceeds the minor modifications permitted herein under shall, unless approved as an amendment to the site plan, constitute a violation of this ordinance.

(a) Minor Modifications During Construction

The City Manager may approve minor modifications in the location, and configuration of buildings and structures if required by engineering or other circumstances not foreseen at the time the development plan was approved so long as:

1. No modification violates any provision of this ordinance.
2. No modification involves an item for which modification is prohibited under the provisions of Subpart c, below; and
3. The total of such modifications approved by the City Manager shall never in the aggregate result in:
 - i. Any increase in residential density;
 - ii. A net increase in the floor area of any nonresidential building which exceeds the lesser of two (2) percent of the gross floor area or two thousand (2,000) square feet;
 - iii. An increase of more than three (3) percent in the total ground area covered by buildings, provided that no such increase shall be permitted which would exceed the impermeable surface ratio established for the site;
 - iv. A reduction of more than two (2) percent in the area set aside for open space (exclusive of parking area green spaces and required screening areas);
 - v. Movement of a point of access by a distance greater than fifteen (15) feet.
4. No modification may be approved which is greater than the absolute minimum necessary as defined by the provisions of Subpart b (below) of this section.

(b) Minimum Adjustments Only

Any modification identified below must be held to the minimum necessary. The City Manager must find that each of the following conditions apply to the particular circumstances prior to the granting of the adjustment.

1. Practical Difficulties or Unnecessary Hardship

That strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardship.

2. Not Detrimental

That granting the application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood of the premises.

3. Health or Safety Not Adversely Affected

That granting the application under the circumstances of the particular case will not adversely affect the health or safety of persons working or residing in the neighborhood containing the property of the applicant.

4. Maintains Intent of Ordinance and the Development Plan

That such adjustment is within the intent and purpose of this ordinance and will not adversely affect the community objectives of the comprehensive plan.

(c) Subjects Not Included for Modification

The following are not subject to modification under the provisions of this section:

1. Uses permitted;

2. Increases in the number of dwelling units or increases in the nonresidential floor area permitted in excess of increases permitted as staff approved projects;

3. Increases in building height (excepting minor modifications in non occupied portions of the building) or reduction of the number of required parking spaces;

4. Significant changes to the drainage pattern, as determined by the City Engineer.

(d) Amendments to Approved Site Plans

Any modification to an approved site plan that exceeds the minor modifications that may be approved by the City Manager shall only be approved as provided herein. All such amendments to site plans shall be presented to and acted upon by the Planning Commission. Should the Planning Commission approve the amendment to the site plan, the applicant may proceed with the amended plan as a basis for modifications. In the event that the Planning Commission disapproves the proposed modifications, the applicant may proceed with the original plan. In any instance where the Planning Commission disapproves proposed modifications to an approved site plan the Commission shall note specific violations of this ordinance as reasons for it's action. (ord. 360, sec.1)

11-209.5 Plats to Be Filed with Site Plans Any development plan submitted which requires dedication of right-of-way or recording of any easements shall either be accompanied by a final plat of the property shown on said plan, or shall be accompanied by a legal instrument which is sufficient in form to record in the Register of Deeds Office. This document must be legally recorded in the Register of Deeds Office prior to issuance of a building permit. (ord. 360, sec.1)

11-210. Definitions. For the purposes of this ordinance, the following words and terms are defined and shall apply:

(a) Words and phrases. Words used in the present tense shall include the future. The singular number includes the plural and the plural the singular. The word "lot" includes the word "plot." The word "building" includes the word "structure" and shall include fences, tents, lunch wagons, dining cars, camp cars, mobile homes, or other structures on wheels or other supports and used for business or living purposes.

(b) Accessory use or building. An accessory use or building is a subordinate use or building customarily incident to and located on the same lot with the principal use or building.

(c) Alley. A narrow thoroughfare upon which abuts, generally, the rear of premises and which is not more than twenty (20) feet wide.

(d) Area, gross floor. The area of the planned projection of all floors of whatever nature within or attached to a building or dwelling, exclusive of pedestrian ways.

(e) Court. An open, unoccupied, and unobstructed space other than a yard on the same lot as a building. An outer court is a court extending to a street or to a front or rear yard. An inner court is a court not extending to a street or to a front or rear yard.

(f) Dwelling. Any house or building or portion thereof which is occupied in whole or in part as the home, residence, or sleeping place of one or more persons either permanently or transiently.

(g) Garage.

(1) Private garage. A private garage is a building or space used as an accessory to a main building permitted in any residence district and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

(2) Public garage. Any garage other than a private garage for the storage of motor vehicles at which repairs on any kind of motor vehicle is permitted or at which the sale of accessories and filling station service is permitted.

(h) Half story. A story which is situated under a sloping roof, the floor area of which does not exceed one half the floor area of the floor immediately below it.

(i) Height of building. The vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface if a flat roof; to the deck line for mansard roofs and to the mean height level between eaves and ridge for gables, hip, and gambrel roofs. For buildings set back from the street line "height of building" may be measured from the average elevation of the finished grade along the front of the building.

(j) Lot. A piece or parcel of land occupied or to be occupied by one main building and its accessory buildings and including the open spaces required under this ordinance.

(1) Corner lot. A lot abutting upon two or more streets at their intersection, provided the angle at which the streets intersect does not exceed one hundred thirty-five degrees.

(2) Interior lot. A lot, the side lines of which do not abut any street.

(3) Front lot line. The front lot line is the line separating the lot from the street. On a corner lot, the owner shall, for the purpose of this ordinance, have the privilege of electing any street lot line as the front line, provided it is so designated on the building plans filed for approval with the city manager.

(4) Rear lot line. The lot line opposite and most distant from the front lot line is the rear lot line. The rear lot line on any irregular or triangular lot shall, for the purpose of this ordinance, be a line entirely within the lot ten feet long and parallel to and most distant from the front lot line.

(5) Side lot line. Any lot line not a front lot line or a rear lot line shall be termed a side lot line. A side lot line separating a lot from a street is a side street lot line.

(6) Through lot. An interior lot having frontage on two parallel or approximately parallel streets.

(k) Nonconforming use. A lawful use of a building, structure, or tract of land which does not conform to any one or more of the applicable use regulations of the district in which it is located either on the effective date of this ordinance or as the result of any subsequent amendment.

(l) Principal building. A building which contains the principal activity or use located on the zone lot on which it is situated.

(m) Residence. A building or part of a building containing one or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels, but not including transient hotels, motels, tourist homes, sanitariums, nursing homes, convalescent homes, or rest homes.

(n) Setback line. The setback line is a line back of the street line between which and the street line no building or portion thereof may be erected above the established sidewalk grade at the center of the front of the building.

(o) Stable, private. A stable with capacity for not more than two horses, provided, however, that the capacity for a private stable may be increased if the lot whereon such stable is situated contains an area of not less than two acres for each additional horse accommodated.

(p) Street. A public thoroughfare more than twenty (20) feet wide, provided however, that any existing thoroughfare less than twenty feet wide, generally known as a street on the effective date of this ordinance shall be known as a street for the purposes of this ordinance.

(q) Yard. An existing or required open space on the same lot with a principal building and lying along the adjacent lot line, open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this ordinance.

(1) Rear yard. A yard extending for the full length of a rear lot line.

(2) Side yard. A yard along the side line of a lot and extending from the setback line to the rear yard.

(3) Front yard. A yard extending along the full length of a front lot line. At least one such yard shall be designated for each corner lot, and at least two such yards shall be designated for each through lot, and each through corner lot.

(r) Family day care home. A home operated by any person who receives therein for pay, children who are related to such person and whose parents or guardians are not residents in the same house, for daytime supervision, boarding and care.

(s) Nursing home. A nursing home is any institution which is maintained and operated for the purpose of providing care for non-related persons who may not be acutely ill, but who do not require skilled nursing care and related medical services.

(t) Mobile home. A movable or portable structure having no foundation other than wheels, jacks, or skirtings, designed or constructed so as to permit long-term occupancy for dwelling purposes, and arriving at the site where it is to be occupied as a complete dwelling.

(u) Mobile home park. A unit development designed and constructed to accommodate mobile homes.

(v) Mobile home space. A designated area within a mobile home park for the exclusive use of the occupants of a single home.

(w) Family. One person, or two or more persons related by blood, marriage or adoption, living together as an independent housekeeping unit, together with incidental domestic servants and temporary non-paying guests.

(x) Home occupation. An accessory activity of a nonresidential nature, which is performed within a living unit, or within a garage accessory thereto and reserved therefor by an occupant of the living unit and which is customarily incidental to the residential use of the living unit and which requires no equipment except that which generally would be used for purely domestic or household purposes. (ord. 39, sec. 10)

11-211. Nonconforming uses. Any lawful building, structure, or use existing on the effective date of this ordinance, or whenever a district shall be changed by amendment thereto, may be continued, although such building, structure or use does not conform to the regulations of the district in which it is located.

No building or structure, or the nonconforming use of a building, structure, or land shall hereafter be extended or altered, except for incidental alternations, unless such extension or alteration shall conform to the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of the building which were manifestly arranged or designed for such use on the effective date of this ordinance, or the enactment of subsequent amendments thereto, provided no structural alterations, except those required by law or ordinance are made therein.

Where no structural alterations are made in any building containing a nonconforming use, such use may be changed to one of a similar or higher classification, but no building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use; provided, however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

Structural alterations of a building or structure which do not conform to the provisions of this ordinance, may be made only:

(1) If the building is made to conform to the requirements of the district in which it is located, or

(2) If such alteration is being made in order to comply with sanitary, health, or other codes or ordinances requiring improved sanitation facilities.

No nonconforming use may be re-established where such non-conforming use has been discontinued for a period of one (1) year. Any nonconforming building or structure damaged by fire, explosion, flood, riot, or act of God may be reconstructed and used to the same extent as before any such calamity, provided the building has not been destroyed to an extent of more than 60% of its fair market value, and provided such reconstruction takes place within twelve months of the calamity.

No junkyard which, on the effective date of this ordinance, is not permitted within the district in which it is located, shall continue as a nonconforming use for a period longer

than one year from the effective date of this ordinance. After such period of time, such nonconforming use shall be automatically terminated. For the purposes of this section, a junkyard is hereby defined as the storage of junk or waste materials, including but not limited to, obsolete appliances, automobiles or automobile parts, machinery, furnishings, or equipment, or the dismantling of the same for the purpose of sale, re-sale or storage.

Any sign, violative of the provisions of section 11-209(m), installed and in use on the effective date of this ordinance shall be construed as a nonconforming sign, and the use thereof may be continued for not longer than one year from the effective date of this ordinance, after which such nonconforming sign use shall be automatically terminated, and made to comply with the general sign provisions as contained in section 11-209(m).

The keeping, feeding, or breeding of hogs or pigs in any zone district except the agricultural district is hereby declared to be a public nuisance, and such nonconforming use of property shall be automatically terminated at the end of one year from the effective date of this ordinance. Such nonconforming use of premises for the keeping, feeding, or breeding of hogs or pigs shall be strictly limited to the number of such swine on the premises at the effective date of this ordinance. It shall be unlawful for any hogs or pigs to be placed on any premises, other than in the agricultural district, from and after the effective date of this ordinance, it being the legislative intent of the City Commission of Lakewood that there shall be no enlargement or extension of such nonconforming activity in any manner whatsoever from and after the effective date of this ordinance. (ord. 39, sec. 11)

11-212. Board of zoning appeals.

(a) Creation. There is hereby created an administrative board, to be designated "the board of zoning appeals," which board shall consist of three members to be elected or appointed by the city commission and who shall have been bona fide residents of the city for not less than three years immediately prior to their election or appointment. No person holding any public office or position in the government of the city shall be eligible for membership on such board.

(b) Term of office, removal, vacancies. The members of the board shall serve for a three year term, or until their respective successors are appointed and qualified, except that the board first appointed or elected shall serve respectively for the terms following: one for one year, one for two years, and one for three years. Thereafter, a member of the board shall be elected or appointed for a term of three years, in the manner hereinabove provided at the expiration of the term of each member. All members of the board shall serve without compensation, and may be removed by the mayor for continued absence or other just causes. Any member, being so removed, shall be provided, upon his request, a public hearing on the removal decision before the city commission. Vacancies on said board shall be filled for the unexpired term of those members whose position has become vacant, in the manner herein provided for the election or appointment of such member.

(c) Selection of officers. Upon appointment, the board shall elect from its members its own chairman, and vice-chairman, who shall serve for one year. The city clerk shall act as secretary of said board and shall be the custodian of all records of its actions and decisions.

(d) Conflict of interest. Any member of the board who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, any decision of the board shall be disqualified from participating in the discussion, decision, or proceedings of the board in connection therewith.

(e) Meetings. Regular sessions of the board shall be held each month, on the first Thursday thereof, at 8:00 p.m. Special meetings may be held at the call of the chairman or on the request of two members, provided that notice of any special meeting shall be given to every member at least twenty-four hours before the time set, except that the announcement of a special session at any meeting at which a quorum is present shall be sufficient notice of such meeting.

(f) Board rules. The board shall have the right to adopt rules of procedure, consistent with the provisions of this ordinance and sections 13-7-201 through 13-7-210 of the Tennessee Code Annotated, as amended.

(g) Procedure before the board. All hearing sessions shall be open to the public. The presence of two members shall constitute a quorum and the concurring vote of at least two members shall be necessary to deny or grant any application before the board. In the event no more than two members are present and participating in any hearing, a failure to receive two concurring votes within thirty (30) days shall be deemed a denial. If two members fail to concur in the vote within thirty (30) days of the public hearing then the application shall again be advertised and set for public hearing at the next regular meeting at which said application shall be eligible. No action shall be taken by the board on any case until after a public hearing and notice thereof. Proper notice of a hearing before the board shall be a legal notice published in a newspaper of general circulation in the area comprising the City of Lakewood at least ten days before the date set for the public hearing and a written notice of the hearing of an appeal shall be sent to the appellant and all directly affected property owners at least ten days prior to the hearing of an appeal. The notice to the appellant shall be sent by registered mail. No appeal shall be considered and heard by the board within less than fifteen days after the filing of such appeal.

Appeals to the board shall be taken within thirty days after the date of the decision of the city manager by filing with the board of zoning appeals a written notice of appeal, specifying the grounds thereof. No appeal shall be presented to the board for consideration except upon an official form provided by the board. Each appeal shall be accompanied by cash or certified check, payable to the City of Lakewood, in the amount of thirty-five and no/100 dollars (\$35.00), which amount shall be used to defray the cost of publication and processing said appeal.

Each appeal shall be numbered serially, shall be dated, and shall be filed in proper form and placed upon the calendar of the board by the secretary. The calendar numbers shall begin anew on January 1st in each year, and shall be hyphenated with the year in which the appeal is filed. Appeals shall be assigned for hearing in the order in which they appear on the calendar, except that may be advanced for hearing by order of the board, upon good cause being shown. The board shall keep minutes of its proceedings, showing the vote of each member on every question, or if absent or failing to vote, indicating such fact, and it shall also keep records of its other official actions. At the public hearing before the board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption by the other. Every person before the board shall abide by the order and direction of the chairman.

(h) Powers of the board. The board of zoning appeals is hereby vested with the following powers:

(1) To hear and decide appeals from any order, requirement, decision or determination made by the city manager in carrying out the enforcement of this ordinance, whereby it is alleged in writing that the city manager is in error or has acted in an arbitrary manner.

(2) To hear and decide all questions brought before it by appeal from the refusal, granting or revocation of permits by the city manager under the provisions of this ordinance.

(3) To hear and decide all matters referred to it on which it is required to act under this ordinance.

(4) To, within its powers, reverse or affirm, wholly or in part, or modify, the order, requirement, decision or determination of the city manager as in its opinion ought to be done under the circumstances, and to that end, the board shall have all the powers of the city manager, and it may issue or direct the issuance of a permit.

(5) To permit exceptions to and variations from the terms of this ordinance under the following conditions.

Permit the extension of an existing or proposed building or use into a more restricted district under such conditions as will safeguard the character of the more restricted district.

Grant a permit in any agricultural, residence or commercial district for a temporary building or use incidental to the residential or commercial development, such permit to be issued for not more than two years.

Where by reason of exceptional narrowness, shallowness or shape of a specified parcel of property at the time of the enactment of this ordinance, or by reason of exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such parcel of property the strict application of these regulations would result in peculiar and exceptional practical difficulty or undue hardship upon the owner of such property, the board of zoning appeals shall have the power in a specific case to vary from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this zoning ordinance.

No variance may be granted that would authorize activities in a district other than those permitted by the terms of this ordinance. Financial returns only shall not be considered as a basis for the granting of a variance. Alleged difficulty or hardship may not constitute grounds for a variance where such difficulty or hardship was created by any act of an appellant or other person having an interest in the property after the effective date of this ordinance. No variance may be granted that would be detrimental to the public welfare or injurious to other property or improvements in the area where the subject property is located, nor shall any variance be granted that might impair an adequate supply of light and air to adjacent property, increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

To grant a permit by way of special exception for the erection and use of a multi-family dwelling or apartment building in any residence district, under the following terms and conditions:

Not more than six (6) family living units shall be constructed upon any lot, which lot shall have a minimum area of twenty thousand square feet for each three or four-family dwelling, to be increased twenty-five hundred square feet for each additional dwelling unit, but not to exceed in any case six family units.

Every such multi-family dwelling shall have minimum side yards, a rear yard and a front yard of at least twenty feet for side yards, forty feet for rear yards and fifty feet for front yards, all of which dimensions shall be increased by ten feet for each story by which such multi-family dwelling may exceed the height limitations for dwellings in a residence district.

The board of zoning appeals, in addition to the above requirements, shall find that such proposed use and/or buildings will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the community, and further provided, the site plans and architectural plans for the layout of the lot and the design of the buildings are first approved by the planning commission, taking into account the foregoing considerations and requirements and the adequacy and safety of ingress and egress to and

from the site, and the appropriate landscaped screening from adjacent properties in the side and rear yard areas.

(6) Right of entry upon land. The board, and its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys, and place or remove public notices in connection with any appeal case.

(i) Final disposition of appeal. The final disposition of any appeal to the board of zoning appeals shall be in the form of a resolution, which shall affirm, reverse, or modify the refusal of a permit by, or any order or decision of the city manager in connection therewith. The board may include in any such resolution any condition or conditions upon which its actions or decisions may be predicated in order to carry out the purpose and intent of this ordinance. Any condition imposed must be reasonable under all the circumstances of the case. All resolutions adopted in the determination of any appeal case shall be copied into the minutes of the board and be approved by the signature of the chairman at the next succeeding meeting of the board following the date of decision.

(j) Rehearings. No rehearing of any decision made by the board shall be held except on a motion to reconsider the vote, or on a request for a rehearing. If any motion to reconsider and grant a rehearing receives two affirmative votes, the rehearing shall be allowed on such conditions as the board may in each case stipulate. No request for a rehearing may be entertained unless new evidence is submitted, which could not reasonably have been presented at the previous hearing. If a request for a rehearing is granted, the case shall be placed upon the calendar. In all cases the request for rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data, diagrams, and exhibits, if any. If the rehearing is granted, the person requesting it shall be notified to appear before the board on a date set by it. (ord. 39, sec. 12, as amended by ord. 91)

11-213. Enforcement and building permits. The city manager shall be responsible for the enforcement of the provisions of this ordinance, and for the issuance of all building permits that comply with the terms thereof.

No permit shall be issued for the excavation, construction or alteration of any building, structure, or part thereof, where the plans, specifications, or intended use indicate that the building or use would not conform in all respects with the provisions of this ordinance. All applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the parcel of land to be built upon, the size of the building to be erected, the position of the building upon the lot and such other information as may be deemed necessary to provide for the enforcement of the provisions of this ordinance.

A record of all building permits issued or refused shall be kept in the office of the city manager, numbered serially, and shall be furnished on request to any person having a proprietary or tenancy interest in the affected property.

Nothing in this section shall be construed to require the issuance of a building permit to the owner of any residential or business property who desires to make minor repairs to the same, provided such minor repairs are necessary for and incidental to the routine upkeep of the aforesaid premises by the owner thereof, and provided such minor repairs and work incidental thereto do not constitute annoyance to or threat of danger to the owners or tenants of adjoining property. (ord. 39, sec. 13)

11-214. Certificate of compliance. No vacant land and no building hereafter erected shall be occupied or used in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use in any building or on any premises without a certificate of compliance from the city manager, which certificate shall state that the use of the building or premises complies with the provisions of this ordinance.

An application for a certificate of compliance shall be made with the application for a building permit, or may be directly applied for where no building permit is necessary. The certificate of compliance shall be issued or refused in writing within five (5) days after the city manager has been notified in writing that the building or premises is ready for occupancy. A record of all such certificates of compliance shall be kept in the office of the city manager, numbered serially, and shall be furnished on request to any person having a proprietary or tenancy interest in the affected property. (ord. 39, sec. 14)

11-215. Penalty provisions. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine as provided in the general penalty clause for this municipal code, in the way and manner provided by section 6-21-502 and 13-7-208 of the Tennessee Code Annotated, as amended. In addition to the penalties provided herein, for the violation of the provisions of this ordinance, the city attorney shall, upon the direction of a majority of the members of the city commission, institute injunction, mandamus, or other appropriate proceedings under the provisions of section 13-7-208 of the Tennessee Code Annotated, for the further and more effective enforcement of the provisions of this ordinance. (ord. 39, sec. 15)

11-216. Amendments. Any person or persons seeking to amend this ordinance may proceed by filing a copy of the proposed amendment with the office of the City Manager. The City Manager shall give notice thereof to the Board of Commissioners and to the Planning Commission at its next regular meeting.

. The Planning Commission upon receiving such amendatory ordinance or ordinances shall promptly consider same and, prior to the time such amendatory ordinance will come to be heard before the Board of Commissioners on final reading, shall notify the Board of Commissioners of its recommendation for approval or disapproval of same in writing.

Prior to final reading, the City Recorder shall advertise by public notice the amendatory ordinance for public hearing, which public notice shall include the nature of the proposed amendment, the time and place set for hearing by the Board of Commissioners thereon,

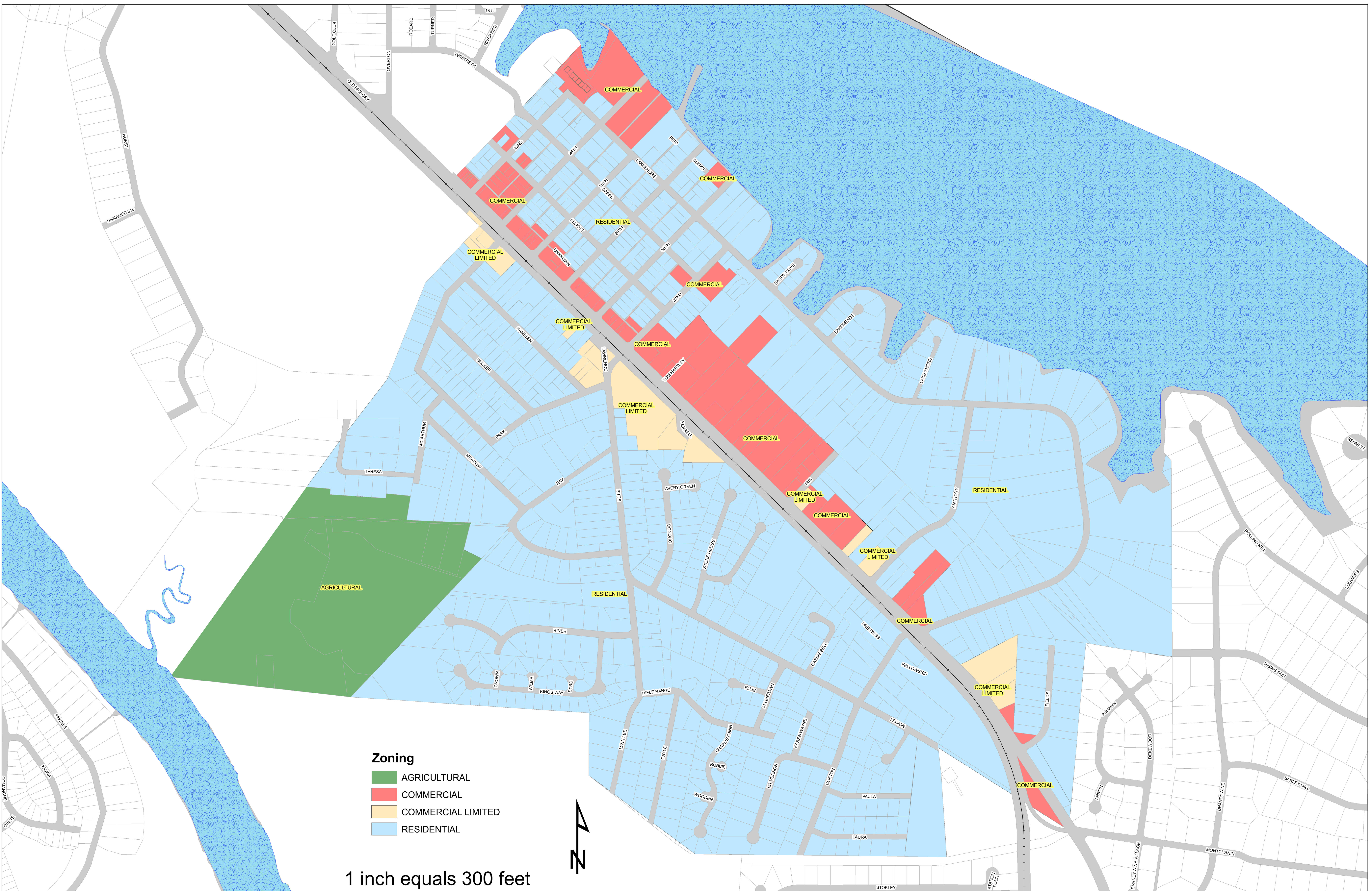
and which public notice shall be published in a newspaper of general circulation in the City of Lakewood at least 15 days prior to such public hearing. Notification will also be placed on the Lakewood City Website.

If the proposed amendment changes the zoning classification of specific property, at least fifteen (15) days prior to the public hearing concerning the specific property, all owners of record of adjoining property, including those separated by a public way from the premises in question shall be notified of the scheduled public hearing. The notification required to meet this provision shall be accomplished by certified mail, return receipt request. Return receipts shall be maintained by the applicant, and subject to public examination upon request. The applicant shall pay all costs of notification prior to any action taken.

The city shall require signs to be posted by the applicant on the specific property on which a change of zoning classification is requested. Such signs shall be posted at least fifteen (15) days prior to the public hearing. The signs shall contain wording provided by the City Manager which shall be sufficient to convey the information that a change in zoning classification is proposed for the subject property along with the date, time and place of the public hearing and the telephone number for additional information. One (1) sign shall be posted for each five hundred (500) feet of public road frontage. One (1) sign will also be placed at the nearest intersection or crossroad. The applicant shall purchase such signs from the City of Lakewood no less than twenty-one days prior to the date of the public hearing.

No public hearing shall be conducted, nor any final action taken by the Board of Commissioners, on any request for which such notice is required until the required signs are posted, the required notices are sent by certified mail, and the required newspaper public notice is published within the time limits specified.

The Board of Commissioners shall have before it for consideration the recommendation of the planning commission before any action is taken on final reading on any ordinance amending this ordinance. The Board of Commissioners may concur in or reject the recommendation of the planning commission, and should the Board of Commissioners materially amend the proposed ordinance on any reading, the amendment must be referred to the planning commission for its further consideration, and the planning commission's recommendation shall be received before final passage by the city commission. (ord.371, sec.1)



Zoning

- AGRICULTURAL
- COMMERCIAL
- COMMERCIAL LIMITED
- RESIDENTIAL

1 inch equals 300 feet



AGRICULTURAL

RESIDENTIAL

COMMERCIAL

RESIDENTIAL

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RESIDENTIAL

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KENNETT

LOWMYER

RISING SUN

BARLEY MILL

MONTCHANIN

BRANDYWINE VILLAGE

DEKEWOOD

ASHAWN

ARROY

FIELDS

FELLOWSHIP

PRENTISS

CASSIE BELL

LESION

PAULA

LAURA

CLIFTON

MT VERNON

BOBBIE

WOODEN

CHARLE GANN

WILMA

CROWN

RYLE

LYNN LEE

RIFLE RANGE

BYRD

KINGS WAY

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