CITY OF LAKEWOOD

ORDINANCE NO. 304

AN ORDINANCE AMENDING THE CITY OF LAKEWOOD ZONING ORDINANCE AND ZONING MAP, AND FURTHER AMENDING TITLE 11, CHAPTER 2, SECTION 11.207(27) OF THE LAKEWOOD MUNICIPAL CODE BY PROHIBITING IN COMMERCIAL DISTRICTS THE SALE AT RETAIL OR WHOLESALE AND THE STORAGE OF USED OR PRE-OWNED MOTOR VEHICLES AND PROVIDING FOR THE TERMINATION OF RIGHTS FOR A NONCONFORMING USE

WHEREAS, the Board of Commissioners of the City of Lakewood has determined that the health, safety and welfare of the citizens are adversely affected by the continued operation of car lots for the retail and wholesale sale storage of used and pre-owned motor vehicles in that such lots are unsightly, provide pollution to the air, and ground through the leaking of oil and other chemicals, devalue adjoining properties, and pose other hazards to the citizens; and

WHEREAS, the City of Lakewood Planning Commission has recommended the passage of this amendment at its meeting conducted on the 26 day of July, 2002; and

WHEREAS, the Board of Commissioners conducted a Public Hearing on this amendment on the 8th day of August, 2002 after proper publication as required by law.

NOW THEREFORE, BE IT ORDAINED by the City of Lakewood, Davidson County, Tennessee, as follows:

Section 1. The City of Lakewood Zoning Ordinance and Zoning Map and Title 11, Chapter 2, Section 207 of the Lakewood Municipal Code are amended by adding the following subsection:

> (o) The sale at retail or wholesale of used or pre-owned motor vehicles and the storage of used or pre-owned motor vehicles.

Section 2. The existing Title 11, Chapter 2, Section 11-207(o) is redesignated as (p).

Section 3. Should the existing operation of a lot or parcel in the commercial district be utilized for the sale at retail or wholesale of used or pre-owned motor vehicles, or for the storage of used or pre-owned motor vehicles, be discontinued for a period ~~30 or more days~~ 6 mos. or more, or should the present operator or owner of a lot or parcel for the sale at retail or wholesale of used or pre-owned motor vehicles, or for the storage of motor vehicles, be terminated, sold, conveyed or otherwise changed, then the use of the property for that purpose shall terminate and be prohibited.

Section 4. Should any provision of this Ordinance be deemed invalid or unconstitutional by any court, the remaining provisions of this Ordinance, and the Ordinance so amended, shall remain in full force and effect.

Section 5. This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

APPROVED:

FIRST READING: June 13, 2002

SECOND READING: August 8, 2002

APPROVED:

Emery G. Graves
MAYOR

ATTEST:

Victor Ellis
CITY RECORDER

APPROVED AS TO FORM:

Louis W. Oliver III
LOUIS W. OLIVER, III
CITY ATTORNEY