ORDINANCE 361

AN ORDINANCE AMENDING SECTION 11-207 OF THE LAKEWOOD ZONING ORDINANCE AND MUNICIPAL CODE REGARDING THE COMMERCIAL DISTRICT

WHEREAS, the City of Lakewood seeks to clarify the language of the Lakewood Zoning Ordinance, and;

WHEREAS, more specific language is needed to clarify the provisions of the Ordinance, and;

WHEREAS, the Lakewood Municipal Planning Commission recommended approval at its meeting held March 27, 2008; now therefore,

BE IT ORDAINED, by the Board of Commissioners of the City of Lakewood, Tennessee as follows:

Section 1. The Lakewood Municipal Code and Lakewood Zoning Ordinance is amended by deleting all text of Section 11-207 entirely and replaced with:

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 three stories 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 or four stories, 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.

(18) Rear yards. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixteen feet for a one-story building, twenty feet for a two-story building and twenty-four feet for a three story building.
Such depths shall be increased by twenty-five percent if the building is designed for residential purposes only.

(19) Side yards. There shall be a minimum of zero side yard on each side of every building or portion of a building used as a dwelling, which side yard shall have a minimum width of five feet increased by two feet for each story above the first story.

(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) One car space 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.

Section 2. If the provisions of this ordinance shall conflict with the provisions of any other ordinance of the City of Lakewood, the most restrictive provisions shall prevail. If any provision of this ordinance shall be determined unconstitutional or invalid for any reason, the remaining provisions of this ordinance shall remain in full force and effect.

Section 3. This ordinance shall take effect at the earliest date allowed by law, the public welfare being benefited.

ORDINANCE 2007 - 361

PUBLIC HEARING DATE : April 3, 2008

PASSED:

FIRST READING: _March 6, 2008

SECOND READING: _April 3, 2008

City Recorder

Mayor