

ARTICLE III

ESTABLISHMENT OF DISTRICTS, OFFICIAL ZONING MAP AND GENERAL PROVISIONS

SECTION 1 - CLASSIFICATION OF DISTRICTS

- A. Establishment of Zoning Districts** – In order to regulate and restrict the location and use of buildings and land for commerce, residences and other purposes and to regulate and restrict the height and size of yards, open spaces and the density of habitation, the City of Lakeland is hereby divided into zoning districts as set forth below:

AG Agricultural

E-R Estate Residential

R-R Rural Density Residential

R-1 Low Density Residential

R-2 Medium Density Residential

M-R Multiple Dwelling Residential

O-N Neighborhood Office

O-G General Office

C-1 Neighborhood Business

C-2 General Business

I-L Light Industrial District

FW Floodway District

- B. Other Districts** – Other Special Districts, Overlay Districts, and Supplementary District Regulations are included in Articles V through IX.

SECTION 2 - BOUNDARIES OF DISTRICTS

- A. Official Zoning Map** – The boundaries of districts are hereby established as shown on the map entitled, "Official Zoning Map of Lakeland, Tennessee," which is a part of this Ordinance and which is on file in the City Hall of the City of Lakeland.

- B. Zoning District Boundaries** – Unless otherwise indicated on the zoning map, the boundaries are lot lines, the centerlines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of enactment of this Ordinance. The Board of Appeals shall determine questions concerning the exact location of district boundary lines.
- C. District Boundaries Dividing a Lot** – Where a district boundary divides a lot, as existing at the time that this Ordinance takes effect, and the major portion of said lot is in the less restrictive district, the regulations relative to that district may extend as well to such portion of said lot which is not more than twenty (20) feet within the more restricted district.

SECTION 3 - OFFICIAL ZONING MAP

- A. Identification of Official Zoning Map** – The Official Zoning Map shall be identified by the signature of the Mayor and the Chairman and Secretary of the Planning Commission. It shall be attested by the City Recorder and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Article II of Ordinance _____ of the City of Lakeland, Tennessee," together with the date of the adoption of this Ordinance.
- B. Changes to District Boundaries** – If, in accordance with the provisions of this Ordinance and T.C.A. Section 13-701 et seq., changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Commissioners with an entry indicating the date of change and a brief description of the change. Such entry shall be signed by the Mayor and the Chairman and Secretary of the Planning Commission and attested by the City Recorder. No amendment to the Ordinance that involves a matter portrayed on the Official Zoning Map shall become effective until after such changes and entries have been made on the map.
- C. Changes to Official Zoning Map** – No changes of any nature shall be made in the Official Zoning Map or any matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article XI. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the City Recorder, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

SECTION 4 - REPLACEMENT OF OFFICIAL ZONING MAP

- A. Resolution to Adopt New Zoning Map** – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the

nature or number of changes and additions, the Board of Commissioners may by Resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

- B. Identification of New Zoning Map** – The new Official Zoning Map shall be identified by the signature of the Mayor and the Chairman and Secretary of the Planning Commission. It shall be attested by the City Recorder and bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____ by Ordinance _____ of the City of Lakeland, Tennessee." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 5 - GENERAL PROVISIONS

- A. Zoning Affects Every Building and Use** - No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.
- B. Required Yard Cannot Be Used By Another Building** - No part of a yard or open space required by this Ordinance shall be included as a part of a yard or other open space required in this Ordinance for another building.
- C. Minimum Lot Frontage** - No dwelling shall be erected on a lot which does not abut a public street or permanent access easement for at least thirty-five (35) feet.
- D. Reduction in Lot Area Prohibited** - No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, minimum lot size, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.
- E. Rear Yard Abutting a Public Street** - When a rear yard abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.
- F. Lot of Record** - Where the owner of a lot of record at the time of the adoption of this Ordinance does not own sufficient land to enable him/her to conform to the yard

or other requirements of this Ordinance, an application may be submitted to the Board of Appeals for a variance from the terms of this Ordinance. Permission to use such a lot as a building site may be granted if, in the judgement of the Board of Appeals, the yards and other requirements of the district have been followed as closely as possible. Where two or more substandard lots of record with continuous frontage are under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. However, any lot legally created in a Subdivision Plat or Planned Residential Development Plat which is recorded in a Plat Book at the Shelby County Register's Office shall continue to be a legal lot, and the yards and other requirements of the zoning district or the planned residential development approval shall continue to apply. Subsequent changes to the Ordinance shall not change the legal status of these lots or the yard and other requirements. Such lots shall be required to only meet the requirements of this Ordinance at the time the lots were created.

G. Continuance of Nonconforming Uses and Structures - It is the intent of this Ordinance to recognize that the reasonable elimination over time of the existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non conforming uses, buildings and structures so as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

1. Changing the use of a nonconforming building - An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the Board of Appeals and subject to such conditions as the Board of Appeals may require in order to protect the area.
2. Alterations to nonconforming uses and structures - No existing nonconforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.
3. Expansion of nonconforming uses and structures - Nonconforming commercial, business, or industrial uses shall be allowed to expand operations and reconstruct facilities that involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business

and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.

4. Restrictions on additional land or buildings - A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.
 5. Discontinued nonconforming use or building - When a nonconforming use of any building, or land has ceased for a period of six (6) months, it shall not be re-established or changed to any other nonconforming use.
 6. Damage to nonconforming use or building - Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it occurs within twelve months of such damage, unless such damage is to the extent of more than fifty percent (50%) of the fair sales value immediately prior to the damage, in which case any repair or reconstruction shall be in conformity with the provisions of this Ordinance.
 7. Structural alterations - A nonconforming building or a building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
 8. Nonconforming mobile home park - All additions or improvements to an existing nonconforming mobile home park shall be in conformance with these regulations.
- H. Access Control** - In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing contact, the following regulations shall apply:
1. Plan Submission - In order to obtain access to a street, a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted in accordance with the Site Plan Review requirements in Section 2 of Article IV of this Ordinance.
 2. Number Of Access Points - Lots with less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street. For lots that are between one hundred (100) and three hundred (300) feet in width, there shall be no more than two (2) points of access to any one (1) public street. Lots in excess of three hundred (300) feet in width may

have two (2) points of access to any one (1) public street for each three hundred (300) feet of frontage.

3. Distance of Intersections - All vehicular access points shall be located at least thirty (30) feet from the intersection of any right-of-way lines of street or a street and a railroad.
 4. Width - A point of access, i.e., a driveway or other opening for vehicles onto a public street, shall not exceed twenty-five (25) feet in width for one-way (one (1) lane) ingress or egress and shall not exceed thirty-five (35) feet in width for two-way ingress and/or egress. Points of access up to fifty (50) feet in width for businesses engaged primarily in the servicing of automobile vehicles may be granted on a case by case basis.
 5. Effect on Curbs, Drainage Ditches, and Sidewalks - No curbs shall be cut or altered or drainage ditches covered for the purpose of access without written approval by the Lakeland City Manager. Where sidewalks exist, the area between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles onto the sidewalk area.
 6. Relation to State Highway Regulations - Access control of property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation.
 7. Variances - Causes requiring variances relative to this Section where the hardship is not caused by the property owner shall be heard and acted upon by the Board of Appeals.
- I. Pedestrian Traffic** - In all developments, due consideration shall be given to pedestrian traffic circulation. In developments adjacent to existing sidewalks, the extension of the sidewalks shall be required. In all new developments the Planning Commission shall evaluate the density of the development or the location of the development relative to existing and future commercial or residential developments to determine if there is a need for sidewalks in the area.
- J. Waste Disposal Sites** – Off-street refuse collection sites shall be required in all multi-family residential developments, office developments, commercial developments and industrial developments. A refuse collection site shall not be located within any required yard and shall be screened and maintained using a similar material from which the principal use was constructed. Each refuse collection receptacle shall be placed on a cement pad of sufficient size to accommodate the desired number of receptacles.
- K. Placement of Manufactured Homes** - Manufactured residential dwellings, as defined in Article II of this Ordinance, and as further defined in Tennessee Code

Annotated, Section 13-24-201, where allowed as a permitted use by this Ordinance, shall meet the following conditions:

1. Appearance - The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
 2. Foundation - The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
 3. Exterior Materials - The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used and the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include, but shall not be limited to; clapboard or simulated clapboards such as conventional or metal material but excluding smooth, ribbed or corrugated metal or plastic panels.
 4. Towing Apparatus - The hitches or towing apparatus, axles and wheels must be removed.
 5. Roof - The roof must be pitched so there is at least a two (2) inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to, approved wood, asphalt composition shingles or fiberglass.
 6. Orientation on Lot - The unit must be oriented on the lot so that its long axis is parallel with the street.
 7. Utilities - All such units shall be required to connect to a public utility system which includes electric, water and sewer in compliance with the Southern Standard Building Code and National Electrical Code.
- L. Residential Support Centers** - If the City of Lakeland Land Use Plan recommends the site for Residential Support Center uses, no one user on the site shall be permitted to exceed seventy-five thousand (75,000) square feet in gross floor area. No single tenant space shall be designed to accommodate a user larger than seventy-five thousand (75,000) square feet in gross floor area.
- M. Streets, Pedestrian Facilities, Bike Facilities, and Street Trees** - Street trees shall be required in all districts and all planned developments, except on or adjacent to an area along the side of a right-of way or private street that is intended to be left natural and undisturbed. Except, however, that the AG zoning district shall be exempt from the requirement for street trees if a residential subdivision in conformance with AG bulk standards of this ordinance is

developed. Illustrative plates or sections and typical dimensions for the placement of any street, street tree, pedestrian facility, or bikeway facility proposed shall be provided with applicable development plans, or site plans.

- N. Open Space** - A minimum of twenty percent (20%) of the gross land area of any development site shall consist of either common open space, or open space, as defined in Article II of this ordinance, provided however, that conservation easements or other similar perpetual open space easements may also be counted toward this requirement, if deemed appropriate by the Planning Commission. This section of the zoning ordinance shall not apply and would not be sufficient for the development of land recommended for a Conservation Overlay area designation in the City of Lakeland Land Use Plan.

Generally, on-site passive and active recreational improvements may be permitted within the required minimum twenty percent (20%) open space area, if deemed appropriate and recommended by the Planning Commission. Required minimum drainage areas shall not be permitted to count toward the calculation of the minimum twenty percent (20%) open space area. Surplus drainage areas may be permitted to be counted toward the requirement.

If a conservation easement or other perpetual easement to conserve open space is recorded in favor of the City, the written acceptance of the conservation or other easement by the City shall be obtained prior to the recording of the easement. The developer shall record the necessary legal instrument to accomplish protection of the applicable open space prior to, or concurrent with, the recording of the final plat or final development plan. A condition stating the requirement for such an agreement to be created shall be placed in all rezoning, preliminary development plan and subsequent zoning and subdivision approvals, as well as the development contract.

Existing lots of record shall be exempt from the minimum twenty percent (20%) open space requirement.

Minor subdivisions in residential districts shall be exempt from the minimum twenty percent (20%) open space requirement.

Subdivisions developed in the AG District, and in accordance with all other requirements of the AG District, shall be exempt from the twenty percent (20%) minimum open space requirement.