

ORDINANCE NO. 06-3059

AN ORDINANCE TO AMEND TITLE 14, CHAPTER 11, BY ADDING SECTION 14-1105 ALLOWING FOR GENERAL PROVISIONS FOR REVIEW OF USES PERMISSIBLE ON APPEAL.

WHEREAS, From time to time it is necessary to review and update the Zoning Ordinance; and

WHEREAS, it is important to provide criteria and direction to the Board of Zoning Appeals when they consider a request for Use on Appeal; and

WHEREAS, the addition of Section 14-1105 will provide the Board of Zoning Appeals review criteria that can be applied to any Use on Appeal requested; and

WHEREAS, Planning Staff reviewed the regulations of several other surrounding jurisdictions and found that, requests for a Use on Appeal were dependent upon additional general criteria for review; and

WHEREAS, at their November 27, 2006 meeting, the Board of Zoning Appeals recommended approval of this proposed amendment.

WHEREAS, at their November 28, 2006 meeting, the Planning Commission recommended approval of this proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEBANON, TENNESSEE:

Section 1. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Planning and Zoning, Chapter 11, Board of Zoning Appeals, be amended by adding Section 14-1105 as follows:

14-1105 General Provisions for Review of Uses Permissible on Appeal

The Board of Zoning Appeals shall, during consideration of an application for any use on appeal permitted by the Lebanon Municipal Code, use the herein listed criteria as a guide for determining whether such use on appeal is appropriate for the parcel upon which it is sought. In considering any application for a Use on Appeal, the Boarding of Zoning Appeals shall give consideration to the health, safety, community standards, comfort and general welfare of the inhabitants of the City of Lebanon, including but not limited to the following factors:

1. Conforms to all other requirements of the district in which it is to be located.
2. Is designed, located, and proposed to be operated so that the public health, safety and welfare will be protected.
3. Encouragement of improvements and land uses in keeping with overall planning.
4. Provision for the orderly and proper renewal, development, and growth.
5. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses will not create unusual hazards or result in adverse impacts.

6. The use shall be served by adequate public facilities and services and will not adversely affect public services to the surrounding area or for which conditions can be established to mitigate adverse impacts of such facilities.
7. Board may require appropriate screening and buffering to protect adjacent uses and owners only at the time of consideration of the special use.
8. Prevention of traffic congestion and promotion of traffic safety and the orderly parking of motor vehicles. In order to promote traffic safety, a traffic study may be required by the Board of Zoning Appeals.
9. The Use on Appeal will be reviewed on how its affected and how it effects the integration with the zoning district it is to be located within only at the time of consideration of the special use.

Notwithstanding any other provisions to the contrary, the criteria listed above shall be considered for any use on appeal permitted by the Lebanon Municipal Code, but shall not allow the Board of Zoning Appeals to consider a use not specifically permitted by the Lebanon Municipal Code.

Each application for a use on appeal shall be considered individually as to its own unique location and situation.

Section 2. This Ordinance shall take effect on and after its passage.

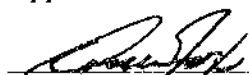
Notice of Public Hearing was published in the "Wilson Post" on January 19, 2007.

A Public Hearing was held at 5:55 PM in the City Council chambers on February 6, 2007.

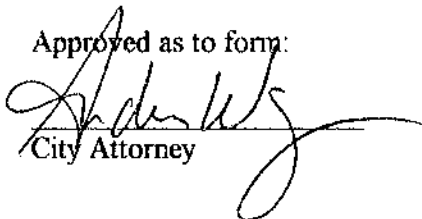
Attest:


Commissioner of Finance & Revenue

Approved:


Mayor

Approved as to form:


City Attorney

Passed first reading: January 2, 2007

Passed second reading: February 6, 2007

ORDINANCE 06-3059

TO BE PUBLISHED January 19, 2007

PUBLIC NOTICE

In reference to Ordinance No. 06-3059, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on February 6, 2007 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment to Title 14, Chapter 11, Board of Zoning Appeals, relative to adding Section 14-1105. The Lebanon Municipal Regional Planning Commission recommended this proposed amendment to the Mayor and City Council on November 28, 2006. The proposed amendment to Title 14 and public hearing are being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the amendment are available for inspection at the following locations: City of Lebanon Mayor's Office and Planning Office at 200 Castle Heights Avenue North.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-8610.

Bill and send proof of publication to City of Lebanon, Mayor's Office, 200 Castle Heights Avenue North, Attn: Debbie Jessen