ORDINANCE NO. 3-2019

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING ARTICLE II, TITLED "DEFINITIONS," TO ADD A DEFINITION FOR MIXED-USE DEVELOPMENT; BY AMENDING SECTION 6.02, TITLED "O-2, OFFICE DISTRICT," SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICT," AND SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICT," TO ADD MIXED-USE DEVELOPMENT AS A PERMITTED PRINCIPAL USE; AND BY AMENDING SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," TO UPDATE THE PARKING REQUIREMENTS FOR MIXED-USE DEVELOPMENTS.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to update provisions and make it more understandable to the general public; and

WHEREAS, this amendment will update the Zoning Ordinance to allow mixed-use developments as a permitted principal use in O-2, B-2, and UB-2 districts, as well as define what a mixed-use development is and update the parking requirements for mixed-use developments; and

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 2, titled “The Zoning Ordinance of the City of Oak Ridge, Tennessee,” Article II, titled “Definitions,” is hereby amended by adding the following new definition to be inserted alphabetically:

ARTICLE II
DEFINITIONS

MIXED USED DEVELOPMENT: A mixed use development is defined as three-dimensional, pedestrian-oriented places that layer compatible land uses, public amenities, and utilities together at various scales and intensities. This may include a blend of commercial, residential, office, entertainment, and/or cultural uses. Mixed-use development can be vertical or horizontal on single or multiple coordinated structures and/or properties.

Section 2. Ordinance No. 2, titled “The Zoning Ordinance of the City of Oak Ridge, Tennessee,” Article VI, titled “Office Districts,” Section 6.02, titled “O-2, Office Districts,” Subsection (a), titled “Permitted Principal Uses,” is hereby amended by adding a new Subpart 11, which new subpart shall read as follows:

Section 6.02 O-2, Office Districts
(a) Permitted Principal Uses:
11. Mixed Use Developments provided the following are met:
   a. Other than residential uses, only those uses already permitted within the O-2 district will be allowed.
   b. Regardless of project scale, any change in use resulting in a mixed use development shall be required to submit a Site Development Plan to the Planning Commission for review in accordance with Section 16.11. In reviewing a mixed use development proposal, the Planning Commission must consider the project’s relationship to the surrounding area in addition to the standards listed in this section. Projects should promote
pedestrian activity and mobility and be similar in mass and scale to other nearby developments.

c. All mixed use proposals must maintain some nonresidential function directly accessible from a street. The Planning Commission may waive this requirement if the applicant demonstrates that their proposal is compatible with the definition of a mixed use development and the other standards in this section.

d. All applicable building and fire codes must be met.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.03, titled "B-2, General Business Districts," Subsection (a), titled "Permitted Principal Uses," is hereby amended by adding a new Subpart 24, which new subpart shall read as follows:

Section 7.03 B-2, General Business Districts

(a) Permitted Principal Uses:

24. Mixed Use Developments provided the following are met:

a. Other than residential uses, only those uses already permitted within the B-2 district will be allowed.

b. Regardless of project scale, any change in use resulting in a mixed use development shall be required to submit a Site Development Plan to the Planning Commission for review in accordance with Section 16.11. In reviewing a mixed use development proposal, the Planning Commission must consider the project's relationship to the surrounding area in addition to the standards listed in this section. Projects should promote pedestrian activity and mobility and be similar in mass and scale to other nearby developments.

c. All mixed use proposals must maintain some nonresidential function directly accessible from a street. The Planning Commission may waive this requirement if the applicant demonstrates that their proposal is compatible with the definition of a mixed use development and the other standards in this section.

d. All applicable building and fire codes must be met.

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," Subsection (a), titled "Permitted Principal Uses," is hereby amended by adding a new Subpart 21, which new subpart shall read as follows:

Section 7.04 UB-2, General Business Districts

(a) Permitted Principal Uses:

21. Mixed Use Developments provided the following are met:

a. Other than residential uses, only those uses already permitted within the UB-2 district will be allowed.
b. Regardless of project scale, any change in use resulting in a mixed use development shall be required to submit a Site Development Plan to the Planning Commission for review in accordance with Section 16.11. In reviewing a mixed use development proposal, the Planning Commission must consider the project’s relationship to the surrounding area in addition to the standards listed in this section. Projects should promote pedestrian activity and mobility and be similar in mass and scale to other nearby developments.

c. All mixed use proposals must maintain some nonresidential function directly accessible from a street. The Planning Commission may waive this requirement if the applicant demonstrates that their proposal is compatible with the definition of a mixed use development and the other standards in this section.

d. All applicable building and fire codes must be met.

Section 5. Ordinance No. 2, titled “The Zoning Ordinance of the City of Oak Ridge, Tennessee,” Article XI, titled “Off Street Parking and Loading Requirements,” Section 11.02, titled “Required Off-Street Parking,” Subsection (f), titled “Number of Parking Spaces Required,” is hereby amended by deleting Subpart 7, titled “Mixed-Use Development,” and substituting therefor a new Subpart 7, titled “Mixed-Use Development,” which new subpart shall read as follows:

Section 11.02 Required Off-Street Parking

(f) Number of Parking Spaces Required

7. Mixed-Use Development

   a. On-site parking is not required for residential uses. However, parking availability will be considered as part of the site plan review process to be certain the project will not create a significant parking issue in its neighborhood.

   b. For nonresidential uses, parking will be required in accordance with this section (11.02).

   c. The Planning Commission shall have the authority to reduce parking requirements in accordance with Sections 11.02(k) and (m) during the site plan review process.

   d. In order to avoid unreasonable and excessive parking requirements in a mixed use development, the owner may provide a parking study, addressing the size, functional relationships and peak parking demand (hourly, daily and seasonal) for each land use as well as identifying actual parking demand for similar type mixed use projects already in existence. The Community Development Director or Planning Commission may require this study to be prepared by a qualified registered professional engineer. Upon review and approval by the Planning Commission, a parking space requirement may be established for the mixed use development in lieu of requirements described herein.

Section 6. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.
Publication Date: 11/23/2018
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