

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

June 6, 2016 —7:00 p.m.

AGENDA

- I. INVOCATION
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPEARANCE OF CITIZENS
- V. PROCLAMATIONS AND PUBLIC RECOGNITIONS
(NONE)
- VI. SPECIAL REPORTS
(NONE)
- VII. CONSENT AGENDA
 - a. Confirmation of Nomination of James E. Rushton by Oak Ridge Utility District Board of Commissioners
- VIII. RESOLUTIONS
(NONE)
- IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES
 - a. AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.
 - b. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING THE FOLLOWING: ARTICLE II, TITLED "DEFINITIONS," TO ADD A DEFINITION FOR "RELIGIOUS INSTITUTION"; SECTION 3.27, TITLED "RELIGIOUS INSTITUTIONS," TO ADD A NEW SUBSECTION (H) PERTAINING TO MOVING COPY SIGNS; AND SECTION 14.10, TITLED "SIGNS FOR OFFICE-INDUSTRIAL DISTRICTS," TO DELETE THE REQUIREMENT THAT MOVING COPY SIGNS SHALL NOT EXCEED ONE LINE OF MOVING COPY.
 - c. 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 "FITNESS AND RECREATIONAL CENTERS;" AND AMENDING SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," AND SECTION 8.01, TITLED "IND-1, INDUSTRIAL DISTRICTS," TO ADD "FITNESS AND RECREATIONAL CENTERS" AS A PERMITTED PRINCIPAL USE.

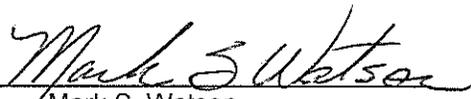
- X. FINAL ADOPTION OF ORDINANCES
- XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING
 - a. Elections/Appointments
 - b. Announcements
 - c. Scheduling
- XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS
- XIII. SUMMARY OF CURRENT EVENTS
 - a. CITY MANAGER'S REPORT
 - b. CITY ATTORNEY'S REPORT
- XIV. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEMORANDUM
16-14

DATE: May 26, 2016
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CONFIRMATION OF NOMINATION BY ORUD
BOARD OF COMMISSIONERS

The attached communication from the Oak Ridge Utility District (ORUD) Board of Commissioners nominates James E. Rushton to succeed himself as a Commissioner of the Utility District and petitions City Council to confirm his nomination. I met with the ORUD Board of Commissioners on May 25, 2016 and join with them in recommending the reappointment of Mr. Rushton to fill the five-year term beginning July 1, 2016 and ending June 30, 2021.



Mark S. Watson

Attachment

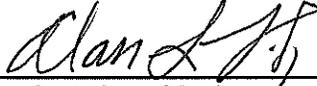
**TO THE HONORABLE MAYOR AND CITY COUNCIL
OF OAK RIDGE, TENNESSEE**

1. That, by Chapter 503 of the 1951 Private Acts of Tennessee, there was created a municipal corporation designated as "Oak Ridge Utility District,"
2. That, by Section 3 of said Chapter 503, and by petitions for appointments by the Board of Commissioners of Oak Ridge Utility District and the City Manager of the City of Oak Ridge, having been confirmed by the City Council of the City of Oak Ridge as follows:
 - a. On July 1, 2011, the term of James E. Rushton expired, and he was duly nominated and re-appointed to a five-year term expiring June 30, 2016.
 - b. On July 1, 2012, the term of Nancy S. Riser expired, and she was duly nominated and re-appointed to a five-year term expiring June 30, 2017.
 - c. On July 1, 2013, the term of James W. Charles, III expired, and he was duly nominated and re-appointed to a five-year term expiring June 30, 2018.
 - d. On July 1, 2014, the term of Alan L. Liby expired, and he was duly nominated and re-appointed to a five-year term expiring June 30, 2019.
 - e. On July 1, 2015, the term of Dr. Thomas L. Clary, III expired, and he was duly nominated and re-appointed to a five-year term expiring on June 30, 2020.
3. That, on June 30, 2016, the term of James E. Rushton expires, thereby creating a vacancy in the membership of the Board of Commissioners of Oak Ridge Utility District.
4. That Section 3 of said Chapter 503 provides that whenever a vacancy occurs, a successor shall be nominated by a majority vote of the remaining members of the Board of Commissioners and the City Manager, then the name of the person so nominated shall be submitted to the City Council of Oak Ridge, Tennessee, for confirmation and within twenty days from the submission of such name to such City Council, the Council shall act upon the nomination and advise the District thereof.
5. That James E. Rushton of Oak Ridge, Tennessee, has been duly nominated to fill the vacancy created by the expiration of his current term, beginning July 1, 2016 and expiring on June 30, 2021, such nomination being made by a majority vote of the remaining members of the Board of Commissioners of Oak Ridge Utility District and the City Manager of Oak Ridge, Tennessee, as evidenced by the Resolution attached hereto.

Wherefore, the undersigned Petitioners pray that Oak Ridge City Council confirm the nomination of James E. Rushton as Commissioner of the Oak Ridge Utility District to serve a five-year term beginning July 1, 2016 and ending June 30, 2021, as authorized by Chapter 503 of the 1951 Private Acts of Tennessee.

RESPECTFULLY SUBMITTED THIS 25th DAY OF MAY, 2016,

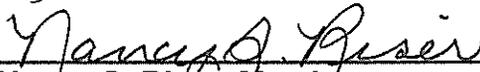
BOARD OF COMMISSIONERS OF OAK RIDGE
UTILITY DISTRICT:



Alan L. Liby, Chairman



Dr. Thomas L. Clary, III, Member

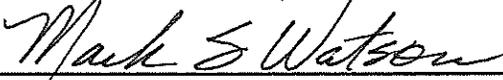


Nancy S. Riser, Member



James W. Charles, III, Member

CITY OF OAK RIDGE, TENNESSEE:



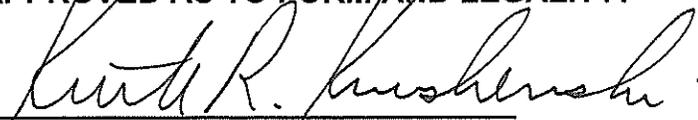
Mark Watson, City Manager

APPROVED BY OAK RIDGE CITY COUNCIL
THE _____ DAY of MAY, 2016,

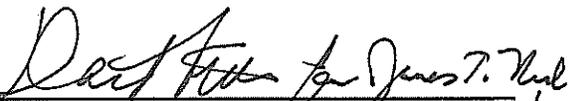
MAYOR

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:



Kenneth Krushenski, City Attorney



James T. Normand, ORUD Attorney
Plan

RESOLUTION NOMINATING JAMES E. RUSHTON TO THE BOARD OF COMMISSIONERS OF OAK RIDGE UTILITY DISTRICT

A **RESOLUTION** to nominate **James E. Rushton** to be re-appointed as a member of the Board of Commissioners of Oak Ridge Utility District, to fill the vacancy created by the expiration of his current term as a Commissioner of the Oak Ridge Utility District, and to petition the Mayor and City Council of Oak Ridge, Tennessee, to confirm said nomination.

WHEREAS, by Chapter 503 of the 1951 Private Acts of Tennessee, there was created a municipal corporation designated as "Oak Ridge Utility District," and

WHEREAS, Section 3 of Chapter 503 provides that whenever a vacancy occurs or thirty days prior to the expiration of the term of office of any commissioner, the Chief Executive Officer of the City (the City Manager) shall meet with the Board of Commissioners of the District, exclusive of the commissioner whose term of office is about to expire, and nominate a commissioner by a majority vote, and to submit the name of said nominee to the Oak Ridge City Council for confirmation, and within twenty days from the submission of such name to City Council, the Council shall act upon the nomination and advise the District thereof, and

WHEREAS, the current term of office of **James E. Rushton** expires on June 30, 2016, and

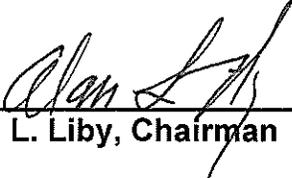
WHEREAS, the remaining members of the Board of Commissioners and the City Manager unanimously agree that Oak Ridge Utility District will greatly benefit by the continued service of **James E. Rushton** on the Board, and

WHEREAS, **James E. Rushton** is desirous and willing to serve another term on the Board of Commissioners;

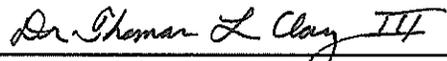
NOW THEREFORE, be it resolved by the Board of Commissioners of the Oak Ridge Utility District of Oak Ridge, Tennessee, along with the City Manager of the City of Oak Ridge, Tennessee, that **James E. Rushton** of Oak Ridge, Tennessee, be and hereby is nominated to serve a five-year term on the Board of Commissioners of Oak Ridge Utility District beginning July 1, 2016 and ending June 30, 2021.

APPROVED THIS 25th DAY OF MAY, 2016,

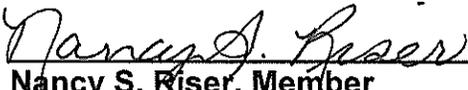
BOARD OF COMMISSIONERS OF OAK
RIDGE UTILITY DISTRICT:



Alan L. Liby, Chairman



Dr. Thomas L. Clary, III, Member

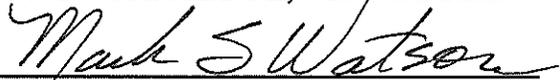


Nancy S. Riser, Member



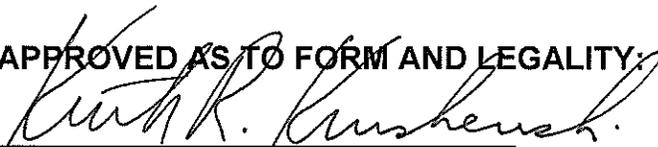
James W. Charles, III, Member

CITY OF OAK RIDGE, TENNESSEE:



Mark Watson, City Manager

APPROVED AS TO FORM AND LEGALITY:



Kenneth Krushenski, City Attorney



James T. Normand, ORUD Attorney

PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES

CITY COUNCIL MEMORANDUM

16-16

DATE: June 1, 2016
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: ADOPTION OF THE APPROPRIATION ORDINANCE FOR FY2017

Introduction

An item for City Council's consideration is the fiscal 2017 Budget Appropriation Ordinance reflecting appropriations for the various City Funds as presented in the proposed budget document. The presented property tax rate remains at the fiscal 2016 tax rate of \$2.52 per \$100 of assessed valuation as outlined in Section 2 of the Ordinance. Each cent on the property tax rate generates approximately \$85,000 in revenue.

Review

The appropriation ordinance reflects the budgeted expenditures of City and School Funds including debt servicing, utility funds and special revenue funds of \$181,907,156. Of this amount, the General Fund budget shall represent \$22,272,667 for municipal expenditures.

Per last year's budget discussions, the City Council indicated an intent to remove the general fund contribution subsidy for refuse services. This year's budget reflects the impact of the increase in the monthly residential refuse collection fee from \$10.50 to \$14.00 effective October 2016. This results in a \$376,902 reduction in funding required from the General Fund to the Solid Waste Fund for fiscal 2017 refuse collection operations. In fiscal 2017, the fees for solid waste collection will be above 51% of expenditures for these services. In accordance with State law and accounting standards, the budgeted activities for solid waste collection have been moved from the General Fund and are once again accounted for in a separate fund, the Solid Waste Fund.

The City's operating transfer to the Oak Ridge Schools is at the requested amount of \$15,493,963, an additional \$538,048 over last year's funding level of \$14,955,915 which is proposed as a non-recurring amount that will be considered for specific needs and not adding to maintenance of effort costs.

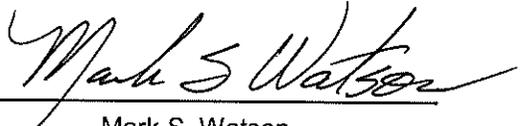
Scheduling

First reading of the appropriation ordinance will occur at the June 6, 2016 City Council meeting, with second reading occurring the following Monday, June 13, 2016. The City has advertised for two (2) public hearings to occur as part of the consideration of the ordinance with the June 13, 2016 public hearing serving as the official Charter requirement.

Recommendation

Adoption of the attached ordinance is recommended.

Attachment


Mark S. Watson

TITLE

AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, the City Manager, in accordance with the requirements of Article V, Section 10, of the Charter of the City of Oak Ridge, has submitted to City Council a proposed budget prior to the beginning of the fiscal year upon which a public hearing was held on June 6, 2016 and June 13, 2016 as required by law; and

WHEREAS, in accordance with the requirements of the same Charter section, the Council held meetings which served to provide guidance to the City Manager on the preparation of the proposed budget.

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

Section 1. The budget for the fiscal year beginning July 1, 2016 submitted to City Council by the City Manager, is hereby adopted.

Section 2. In order to provide revenue for municipal purposes, there is hereby imposed on the value of all property within the City of Oak Ridge as such value has been ascertained by the taxing authority of the City, a levy at the rate of \$2.52 upon each One Hundred Dollars' (\$100.00) worth of assessed value of all taxable property, this levy to be the tax rate for the year 2016. This levy shall also be imposed upon such assessments as may be certified for tax purposes to the City of Oak Ridge by the Public Service Commission of the State of Tennessee.

Section 3. In accordance with Article V, Section 13, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2017:

| | |
|--|---------------|
| General Fund, Municipal Operations | \$ 22,272,667 |
| Debt Service (Bond and Interest Redemption Fund) | \$ 8,600,000 |
| State Street Aid Fund | \$ 1,821,000 |
| Drug Enforcement Program Fund | \$ 255,200 |
| General Purpose School Fund | \$ 59,756,640 |
| Golf Course Fund | \$ 1,197,494 |
| Capital Projects Fund | \$ 5,927,708 |
| Solid Waste Fund | \$ 2,831,954 |
| West End Fund | \$ 2,822,492 |

Section 4. The following amounts in the proprietary-type funds are projected expenses for Fiscal Year 2017 and are provided for informational purposes:

| | |
|--|---------------|
| Electric Fund | \$ 56,084,906 |
| Waterworks Fund | \$ 19,147,026 |
| Emergency Communications District Fund | \$ 1,190,069 |

Section 5. In order to provide funds to meet the expenditure requirements, the following transfers are projected for Fiscal Year 2017 and are provided for informational purposes:

| | |
|--|---------------|
| <u>To General Fund For Tax Equivalent</u> | |
| From Electric Fund | \$ 1,705,350 |
| From Waterworks Fund | \$ 1,760,600 |
| <u>To General Purpose School Fund for Operations</u> | |
| From General Fund | \$ 15,493,963 |
| <u>To Debt Service Fund</u> | |
| From General Fund | \$ 4,300,000 |
| <u>To Capital Projects Fund</u> | |
| From General Fund | \$ 910,000 |
| <u>To State Street Aid Fund</u> | |
| From General Fund | \$ 700,000 |
| <u>To Solid Waste Fund</u> | |
| From General Fund | \$ 1,230,454 |

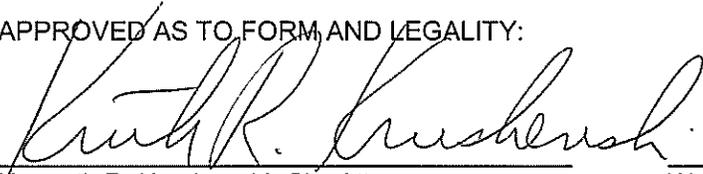
Section 6. All proceeds received through fines, forfeitures and the disposal of seized goods resulting from the City's drug enforcement program shall be used exclusively for that program. A Special Revenue Fund has been established and any funds expended will be limited to the funds collected for that program.

Section 7. The taxes levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

Section 8. The levy provided for herein shall be imposed on all taxable property as the same has been reported to the Council as a final total assessment of each class of property by the legally constituted Boards of Equalization for property situated in either Anderson County or Roane County within the City of Oak Ridge. The written report of the Equalization Boards shall be the assessment roll of the City of Oak Ridge.

Section 9. This Ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

Publication Date: _____
Public Hearing: _____
First Reading: _____
Publication Date: _____
Public Hearing: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
16-19**

DATE: May 19, 2016
TO: Mark Watson, City Manager
FROM: Andrea Kupfer, Community Development Specialist *AK*
THROUGH: Kathryn Baldwin, Community Development Director *KGB*
SUBJECT: PROPOSED AMENDMENTS TO ZONING ORDINANCE – SIGN REGULATIONS FOR RELIGIOUS INSTITUTIONS

Introduction

An item for City Council's consideration is a request to amend Article II – Definitions, Article III – General Provisions and Article XIV – Sign Regulations of the Zoning Ordinance to allow religious institutions the use of Electronic Message Centers. For many years, religious institutions have expressed a desire to utilize new technology in the signage industry, including electronic message centers (EMCs). As a growing number of religious institutions are locating in commercial areas with broad based sign provisions, requests for EMCs have increased. However, the need to protect adjacent property from negative off-site impacts is still a major factor. The use of EMCs by religious institutions is recommended as a conditional use requiring approval from the Board of Zoning Appeals based on specific conditions.

Funding

No funding is necessary for this item.

Consideration

The following is a summary of the proposed changes to the zoning ordinance to allow religious institutions to install electronic message centers:

Article II DEFINITIONS:

Insert the following definition:

Religious Institution: A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Section 14.10. Signs for Office Institutional Districts. 1. a. Ground Signs (3):

Strike the second sentence "The moving copy sign shall not exceed one (1) line of moving copy".

Section 3.27. Religious Institutions: Insert new sub-section;

(h) Moving Copy Signs:

1. In no instance shall the combination of the moving copy sign display area and the ground sign surface display area exceed thirty-two (32) square feet, excluding the name of the Religious Institution. Religious Institution name letters shall not exceed eighteen inches

(18") in height. The combination of the moving copy sign display and the Religious Institution name may not exceed the height limitation of eight (8) feet.

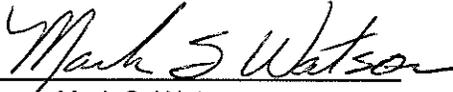
2. Shall be located on streets with no less than 18,000 Average Daily Traffic (ADT) counts.
3. Sign is limited to legal lot on which Religious Institution is located and Religious Institution shall own property.
4. Shall be located no less than 200 feet from a legal lot of record which is zoned to accommodate a single-family attached or detached structure.
5. Shall be located no less than 100 feet from a legal lot of record which is zoned to accommodate a multi-family structure.
6. Religious Institution shall present a plan that identifies location of proposed sign in addition to "line of sight" from adjacent property.
7. This provision is limited to one moving copy sign per Religious Institution.

Recommendation

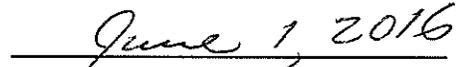
The proposed amendments were reviewed and discussed by the Oak Ridge Planning Commission and recommended for approval to City Council by a vote of 8 – 0 during the regularly scheduled meeting on April 21, 2016.

City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson



Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING THE FOLLOWING: ARTICLE II, TITLED "DEFINITIONS," TO ADD A DEFINITION FOR "RELIGIOUS INSTITUTION"; SECTION 3.27, TITLED "RELIGIOUS INSTITUTIONS," TO ADD A NEW SUBSECTION (H) PERTAINING TO MOVING COPY SIGNS; AND SECTION 14.10, TITLED "SIGNS FOR OFFICE-INDUSTRIAL DISTRICTS," TO DELETE THE REQUIREMENT THAT MOVING COPY SIGNS SHALL NOT EXCEED ONE LINE OF MOVING COPY.

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, the amendments will update the Zoning Ordinance to allow religious institutions to use moving copy signs (electronic message centers) based upon specific conditions that are designed to protect adjacent properties from any negative off-site impacts of such signs; and

WHEREAS, the following changes have 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 in alphabetical order, which new definition shall read as follows:

ARTICLE II
DEFINITIONS

RELIGIOUS INSTITUTION: A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article III, titled "General Provisions," Section 3.27, titled "Religious Institutions," is hereby amended by adding a new subsection (h), titled "Moving Copy Signs," which subsection shall read as follows:

Section 3.27 Religious Institutions

(h) Moving Copy Signs:

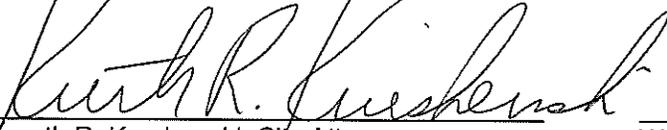
1. In no instance shall the combination of the moving copy sign display area and the ground sign surface display area exceed thirty-two (32) square feet, excluding the name of the Religious Institution. Religious Institution name letters shall not exceed eighteen inches (18") in height. The combination of the moving copy sign display and the Religious Institution name may not exceed the height limitation of eight (8) feet.
2. Sign shall be located on streets with no less than 18,000 Average Daily Traffic (ADT) counts.

3. Sign is limited to legal lot on which Religious Institution is located and Religious Institution shall own property.
4. Shall be located no less than 200 feet from a legal lot of record which is zoned to accommodate a single-family attached or detached structure.
5. Shall be located no less than 100 feet from a legal lot of record which is zoned to accommodate a multi-family structure.
6. Religious Institution shall present a plan that identifies location of proposed sign in addition to "line of sight" from adjacent property.
7. This provision is limited to one moving copy sign per Religious Institution.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article XIV, titled "Sign Regulations," Section 14.10, titled "Signs for Office-Institutional Districts," is hereby amended by deleting the second sentence in subsection 1.a.(3), which reads "The moving copy sign shall not exceed one (1) line of moving copy," without replacement.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

Public Hearing: 6/6/2016
 Publication Date: _____
 First Reading: _____
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
16-20**

DATE: May 19, 2016
TO: Mark Watson, City Manager
FROM: Sherith E. Colverson, Senior Planner *SEC*
THROUGH: Kathryn Baldwin, Community Development Director *KB*
SUBJECT: PROPOSED AMENDMENTS TO ZONING ORDINANCE – FITNESS AND RECREATIONAL CENTERS

Introduction

An item for City Council Consideration is first reading of an ordinance amending Articles II, VII and VIII of the Zoning Ordinance to adequately provide new use categories for the burgeoning business of physical fitness services and expand opportunities for geographic locations.

Funding

No funding is necessary for this item.

Background

In recent years fitness related businesses have expanded and are now commonplace. The fitness industry generates more than \$25 billion of revenue annually, 60% of which comes from membership fees according to a leading business industry research group. From 2011 to 2016 the growth of the fitness industry revenue was 0.1% per year, however, the growth in revenue is predicted to increase to 3.0% per year from 2016 to 2021 because of aging baby boomers becoming more health conscious and enrolling in gym memberships.

Many fitness and recreational retail centers such as gymnastic training and indoor commercial playgrounds are choosing to locate in buildings that were once occupied by other uses. The physical needs are for a large indoor open space with clear upper stories. The Work Out Anytime gym that is located in the Manhattan Place Shopping Center adjacent the Oak Ridge Turnpike is just one of many examples. Fortunately the building they chose to occupy is located in a UB-2 zone and the activity marginally fits into the following Principal Use category:

Enclosed theater, radio and television studio, assembly hall, concert hall, dance hall,
bowling alley, skating rink, or similar recreation use or place of assembly.

Other fitness centers in Oak Ridge occupy buildings located in a B-2 zone (Gold's Gym, Maxed Out and National Fitness) which reference the same use category.

Analysis

Due to the number of these facilities and anticipated growth of this type of business it appears time to draft a new definition and use category that provides greater detail and specifics pertaining to the nature of Fitness and Recreational Centers. As such, city staff proposed an amendment to the Zoning Ordinance to establish a definition for "Fitness and Recreational Centers" and allow an additional "Permitted Principal Use: Fitness and Recreational Centers", in the B-2, UB-2, and IND-1 zones. Staff included the addition of the IND-1 zone for Fitness and Recreational Centers due to the nature of the facilities available in these areas and the zone's ability to accommodate this center's primary purpose.

Article II: Definitions

Fitness and Recreational Centers: establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as group fitness, swimming, skating, or racquet sports. These businesses might also provide nonmedical services to assist clients in attaining or maintaining a desired weight, diet and weight reducing centers; or establishments primarily engaged in operating health resorts and spas where there are also recreational activities. For example: Aerobic dance, exercise centers, ice or roller skating rinks, gymnasiums, physical fitness centers handball, racquetball, or tennis club facilities.

Article VII: Parking and Business Districts

Section 7.03 B-2, General Business Districts

(a) Permitted Principal Uses:

23. **Fitness and Recreational Centers**

Section 7.04 UB-2, Unified General Business Districts

(a) Permitted Principal Uses:

19. **Fitness and Recreational Centers**

Article VII: Industrial Districts

Section 8.01 IND-1, Industrial Districts

(b) Permitted Principal Uses:

12. **Fitness and Recreational Centers**

Recommendation

The Oak Ridge Planning Commission reviewed this proposal in their Work Session on May 12th and unanimously recommended the amendment to City Council on May 18, 2016.

City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson



Date

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 "FITNESS AND RECREATIONAL CENTERS;" AND AMENDING SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," AND SECTION 8.01, TITLED "IND-1, INDUSTRIAL DISTRICTS," TO ADD "FITNESS AND RECREATIONAL CENTERS" AS A PERMITTED PRINCIPAL USE.

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, the amendments will update the Zoning Ordinance to list "Fitness and Recreational Centers" as a permitted principal use in B-2, UB-2, and IND-1 Districts; and

WHEREAS, the following changes have 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 in alphabetical order, which new definition shall read as follows:

ARTICLE II
DEFINITIONS

FITNESS AND RECREATIONAL CENTERS: Establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as group fitness, swimming, skating, or racquet sports. These businesses might also provide nonmedical services to assist clients in attaining or maintaining a desired weight, diet and weight reducing centers; or establishments primarily engaged in operating health resorts and spas where there are also recreational activities. For example: Aerobic dance, exercise centers, ice or roller skating rinks, gymnasiums, physical fitness centers, handball, racquetball, or tennis club facilities.

Section 2. 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 23, which subpart shall read as follows:

Section 7.03 B-2, General Business Districts

(a) Permitted Principal Uses:

23. Fitness and Recreational Centers.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," Subsection (a), titled "Permitted Principal Uses," is hereby amended by adding a new subpart 19, which subpart shall read as follows:

Section 7.04 UB-2, Unified General Business Districts

(a) Permitted Principal Uses:

19. Fitness and Recreational Centers.

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.01, titled "IND-1, Industrial Districts," Subsection (b), titled "Permitted Principal Uses," is hereby amended by adding a new subpart 12, which subpart shall read as follows:

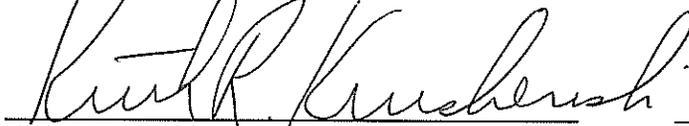
Section 8.01 IND-1, Industrial Districts

(b) Permitted Principal Uses:

12. Fitness and Recreational Centers.

Section 5. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

Public Hearing: 6/6/2016
Publication Date: _____
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____