

OAK RIDGE MUNICIPAL PLANNING COMMISSION

MINUTES

Meeting date: March 13, 2014

Call to order: The regular meeting of the Oak Ridge Municipal Planning Commission (Planning Commission) was held in the Municipal Building, Oak Ridge, TN on March 13, 2014. The meeting convened at 5:30 p.m. with Mr. Domm presiding.

Members in attendance: Terry Domm, Charles Hensley, Sharon Kohler, Austin Lance, Claudia Lever, Patrick McMillan, Jane Shelton, Stephen Whitson, Kathryn Baldwin and Monica Austin Carroll – Staff Representatives

Visitors/Others: See attached sign in sheet.

Approval of agenda: Unanimous vote to approve the agenda as presented.

Approval of minutes: A motion by Ms. Lever to approve the minutes of the Regular Meeting minutes on January 16, 2014 as presented. Seconded by Ms. Shelton followed by unanimous vote to approve.

Consent Agenda:

- a. February Bond Report
- b. March Bond Report

Motion by Ms. Lever to approve the consent agenda as presented. Seconded by Mr. Whitson followed by unanimous vote to approve.

Business Items:

- a. Zoning Ordinance Amendments: The following amendments were recommended for approval:

1. **The current Zoning Ordinance does not address sport shooting ranges. Currently, the only similar use located within the City is the Oak Ridge Sportsman Association site, which is zoned RG-1. However, adequate safeguards are needed to address commercial sport shooting ranges, including defining such uses. Add the following definitions to Article II:**

◆ Outdoor Sport Shooting Range

An outdoor area, not enclosed in a building, designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military firing ranges operated by any level of government, and does not include occasional not-for-profit charitable events (commonly called “turkey shoots”).

◆ Indoor Sport Shooting Range

A fully enclosed building or part of building specifically designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military indoor firing ranges operated by any level of government. As used in this section, means any public place or range for shooting and discharging firearms ~~for which a fee is charged.~~

Motion by Mr. Lance to recommend approval of the amendment as presented. Seconded by Mr. Whitson followed by a vote of 7 – 0 for recommendation of approval of the amendment.

2. Add the following supplementary regulations to Article III General Provisions regarding commercial indoor sport shooting ranges. Currently the Zoning Ordinance does not address this use.

(a) License Required.

No person shall conduct, maintain, operate, or cause to be conducted, maintained or operated, any indoor or outdoor sport shooting range without being licensed through the State of Tennessee Department of Safety and Homeland Security and meet all other applicable state and federal regulations for operating a sport shooting range. Any license or permits required for shooting range activity by any level of government shall be submitted as supporting documentation with the site plan.

(b) All sport shooting ranges shall be planned, constructed and maintained according to standards that are at least as stringent as the standards contained in the National Rifle Association range manual and the standards set forth by the State of Tennessee Department of Safety and Homeland Security *Handgun Safety School Firing Range Requirements*. The proposed sport shooting range shall be shown on a site plan showing all buildings, firing lines or stations, shooting related activity areas and other areas or structures.

(c) Location.

Sport shooting range shall be designed to minimize noise to surrounding properties. No indoor sport shooting range shall be located closer than 1,000 feet (measured from property line to property line) from any school, church, hospital, or other indoor sport shooting range, nor in any location that would constitute a nuisance under the Municipal Code, common law or any other applicable law, statute or regulation, or in a location such that the noise from the indoor sport shooting range would constitute such a nuisance or other violation under the Municipal Code.

(d) Hours of Operation.

No indoor sport shooting range shall be operated between the hours of 10:00 p.m. and 7:00 a.m. These hours of operation coincide with allowable decibel levels as defined in Section 12.04 of the Zoning Ordinance.

(e) Safety Rules. In the operation of any sport shooting range, the following safety rules shall at all times be observed:

1. Sport shooting ranges shall contain all projectile and shot fall within the property of the sport shooting range.
2. A lead mitigation plan meeting requirements of the Environmental Protection Agency (EPA) shall be submitted with the site plan.
3. It is the sport shooting range operator's responsibility to determine if a shooter is of appropriate age and has the physical and mental ability to safely utilize the sport shooting range and provide their shooters with appropriate qualified supervision.
4. The sport shooting range shall be properly and adequately ventilated and filtered at all times and comply with all applicable OSHA, NIOSH, EPA standards and any other applicable local, state or federal codes, standards, laws and regulations.

Motion by Ms. Lever to recommend approval of the amendment as presented. Seconded by Ms. Shelton followed by a vote of 7 – 0 for recommendation of approval of the amendment.

3. Amend Section 7.04 (c) to add the *Indoor Sport Shooting Range* as a use requiring Board of Zoning Appeals (BZA) approval

Staff felt the UB-2 Unified General Business District was an appropriate zoning district for the location of commercial indoor sport shooting ranges because similar uses, such as recreation uses, are allowed with BZA approval. Of the existing commercial districts, this district tends to require additional buffers between non-compatible uses, requires additional setback requirements, and more restrictive allowable uses.

Motion by Ms. Shelton to recommend approval of the amendment as presented. Seconded by Mr. Lance followed by a vote of 7 – 0 for recommendation of approval of the amendment.

4. Sign types are always evolving to meet market demand, but local ordinances are often behind in keeping up with such markets. One such example is the new attention-getting flag devices. To adequately address these new types of signage, the following definitions need to be added to Article II:

◆ Civic Banner

A banner sign attached to lampposts or street lights in commercial districts to provide a streetscape feature.

◆ Flag Sign

Shall mean any device generally made of flexible material, such as cloth, paper, plastic, or other material, and displayed from a pole, cable, or rope. It may or may not include text. Typically it contains distinctive colors, patterns or symbols that are used as symbols of a governmental, commercial or non-commercial entity.

◆ Flag, Feather

A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or lightweight, non-rigid material of any kind with only such material for backing typically supported by one (1) pole intended to attract instant attention. Feather flags are generally a single sign attached to a support post and typically having a dimensional ratio of 4 high to 1 wide. This definition also applies to attention flags, tear drop flags, windweather flags, bow flags, and other similar type signs.

◆ Living or Human Sign

Shall mean a sign held by or attached to a human being or living creature for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.

Motion by Ms. Shelton to recommend approval of the amendment as presented. Seconded by Ms. Lever followed by a vote of 7 – 0 for recommendation of approval of the amendment.

5. Amend Section 14.05 General Requirements as follows

6. Commercial flags that include the company's name insignia, emblem, or logo on a flag, smaller than 40 square feet are allowed and shall not be counted against the maximum signage allowed. However, if the commercial flag is larger than 40 square feet, then it shall count against the maximum signage allowed. Flags are limited to a maximum of three (3) flags per lot, only one of which shall include the company's name, insignia, emblem or logo. A maximum of one (1) commercial flag and flagpole may be permitted if erected in conjunction with at least one (1) non-commercial flag and

flagpole. The non-commercial flag shall be a recognized governmental or political subdivision flag, emblems and/or historical markers and any flags or insignia of recognized religious, charitable, fraternal, academic, civic organization or similar entity.

Ms. Shelton made a motion to postpone any action on the amendment. Seconded by Mr. McMillan followed by an unanimous vote of 8 – 0 to postpone any further action. (Ms. Kohler arrived at the meeting during the discussion of this amendment.)

6. Amend Section 14.15 Prohibited Signs as follows

2. Signs, which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to pennants, streamers, portable, moving (animated), flashing, inflatable, human or living signs, attention-getting devices and revolving signs; provided however, that temporary signs specifically allowed under this article shall be exempt for this prohibition.

Motion by Ms. Shelton to approve the amendment as presented but the motion failed due to a lack of a second to the motion. Motion by Mr. Hensley to postpone any action on this amendment and the following amendment regarding signage. Seconded by Ms. Kohler followed by a vote of 4 – 4 to postpone. With Austin Lance, Charlie Hensley, Stephen Whitson and Sharon Kohler voting to postpone any action and Jane Shelton, Terry Domm, Pat McMillan, and Claudia Lever voting against postponement.

7. Add the following to Section 14.15 Prohibited Signs

9. As used in this section, attention-getting devices shall mean devices erected, placed or maintained outdoors so as to attract attention to any commercial business, or any goods, products or services available on the premises of a commercial business, including but not limited to the following devices: cut out figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects, including balloons; non-governmental flags; pennants; propellers; steam- or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices, any of which are located or employed in connection with the conduct of a commercial business. Attention-getting devices shall not include any structure or device that is permitted under City Building Code.

It shall be unlawful for any person to place, erect, maintain, or display any attention-getting device on any private or public property within the City in all office, commercial, multi-family (residential with more than four (4) attached housing units) zones, industrial zones, and for all non-residential uses within residential and special districts zones. No attention-getting device shall be eligible for a permit under this Article.

8. Amend the following definition for clarification

Business Services: Establishments primarily engaged in providing assistance, as opposed to products *to other* individuals, business, industry, government, and other enterprises, including hotels and other lodging places; personal, business; repair, and amusement services; health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services.

Motion by Ms. Lever to recommend approval of the amendment as presented. Seconded by Ms. Shelton followed by a vote of 8 – 0 for recommendation of approval of the amendment.

9. Amend Section 7.03 B-2 General Business Districts (a) Permitted Principal Uses

3. Office building uses resulting from any of the following occupations: ~~executive, administrative, professional~~ *services, business services*, accounting, banking, writing, clerical, stenographic, drafting, *and* graphic arts and sales.

Motion by Ms. Lever to recommend approval of the amendment as presented. Seconded by Ms. Kohler followed by a vote of 8 – 0 for recommendation of approval of the amendment.

10. Amend Section 7.04 UB-2 Unified General Business Districts (a) Permitted Principal Uses

2. Office building uses resulting from any of the following occupations: ~~executive, administrative, professional~~ *services, business services*, accounting, banking, writing, clerical, stenographic, drafting, *and* graphic arts, ~~printing, and sales, including computer, electronic and video sales and services.~~

11. Amend Section 5.05 R-3 Medium Residential District (a) Permitted Principal Uses

4. Business and professional offices; *including office building uses resulting from professional services, business services, accounting, banking, drafting, and graphic arts.*

Motion by Ms. Shelton to recommend approval of the amendments #10 and amendments #11 as presented. Seconded by Ms. Lever followed by a vote of 8 – 0 for recommendation of approval of the amendments.

12. Add the following new definition to Article II

Transitional housing: A facility operated by a non-profit agency providing temporary housing to indigent, homeless, or transient persons during crisis intervention; may also be integrated with other social services and programs to provide ancillary services such as counseling, vocational training, etc. to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

13. Amend Section 3.24 Title to include Transitional Housing for the supplementary regulations listed for permanent and transient group care facilities

Permanent and Transient Group Care Facilities *and Transitional Housing*

14. Add Transitional Housing as a Special Exception Requiring Board of Zoning Appeals (BZA) approval in the following zoning districts: R-2, R-3, and R-4

15. Amend Section 5.07 One-Family Residential Districts, R-1-A/B (c) Use ~~Special Exceptions Requiring Board of Zoning Appeals Approval Permit~~ to have consistent language throughout the Zoning Ordinance and eliminate the following use as a Special Exception in its entirety

2. ——— Permanent ~~and transient~~ group care facilities

Motion by Ms. Lever to recommend approval of the amendments #12, #13, #14 and #15 as presented. Seconded by Mr. Hensley followed by a vote of 8 – 0 for recommendation of approval of the amendments.

16. **Amend Section 11.02 (e) Required Yard Parking Regulations Subsection 2. Parking in Side and Rear Yard as follows:**

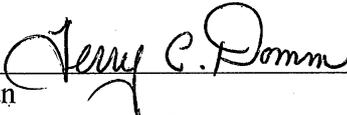
- a. For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only in the side and rear yard provided side and rear yard setbacks are met and the setback area shall remain clear of all vehicles. *For the purpose of this subsection, all R-1-C and R-2 side and rear setbacks shall be five (5) feet.*

Motion by Mr. Hensley to recommend approval of the amendment as amended. Seconded by Mr. Lance followed by a vote of 8 – 0 for recommendation of approval of the amendment as amended.

Reports:

Discussion of the recent items before City Council including the schools and the red light cameras.

Adjournment: The meeting was adjourned at 6:15 p.m.



Chairman
Oak Ridge Municipal Planning Commission

6-26-2014

Date of Approval