ORDINANCE NO. 02-2012

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (D), TITLED "RESIDENTIAL PARKING," TO ADD PROVISIONS PERTAINING TO CURB CUTS FOR OFF-STREET RESIDENTIAL PARKING, TO ALLOW PARKING IN SIDE AND REAR YARDS IN RESIDENTIAL DISTRICTS PROVIDED SUCH PARKING IS OUTSIDE THE REQUIRED SETBACK, AND TO PROHIBIT PERMANENT LIVING INSIDE A PARKED OR STORED VEHICLE IN A RESIDENTIAL DISTRICT, AND TO AMEND RESERVED SUBSECTION (E) TO DEDICATE SAID SUBSECTION TO FRONT YARD PARKING REGULATIONS.

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 current provisions pertaining to off-street parking are in need of modification and clarification; 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," Section 11.02, titled "Required Off-Street Parking," is hereby amended by deleting Subsection (d), titled "Residential Parking," in its entirety and substituting therefor a new Subsection (d), titled "Residential Parking," which new subsection shall read as follows:

Section 11.02. Required Off-Street Parking

(d) Residential Parking

1. Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as "approved parking surface"). All approved parking surfaces shall be located on the lot it is intended to serve and there shall be vehicular access from each approved parking surface to the public street via a curb cut. All curb cuts must be approved and permitted by the City of Oak Ridge Public Works Department (see City Code §16-102). All approved parking surfaces and accesses to the public street shall meet the requirements of Article XI of the Zoning Ordinance. The portion of the vehicular access to the public street (approved parking surface such as driveway, parking strip, etc.) that is located on the street right-of-way shall have a hard paved surface meeting the requirements of the City Public Works Department. Based on the topography and to prevent siltation from erosion into the street, the City may require paving the approved parking surface up to an additional ten (10) feet from the street right-of-way line (property line) into the lot. The City Manager or the City Manager's designee shall have the authority to review cases for possible changes to the requirements where enforcement of this section will cause an undue hardship to the owner of the property.

For single-family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised of either gravel, asphalt, concrete, pavers, or some combination thereof. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all approved parking surfaces shall be paved.

2. Under no circumstances may a vehicle parked or stored in a residential district be occupied for permanent living purposes.

3. The provisions of this subsection (d) are not intended to and shall not be used to permit the parking of junked vehicles as regulated by City Code Title 13, Property Maintenance Regulations, Chapter 2, Oak Ridge Property Maintenance Code, and Chapter 3, Junked Vehicles.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.02, titled "Required Off-Street Parking," is hereby amended by dedicating reserved Subsection (e) to front yard parking regulations, which new subsection shall read as follows:

Section 11.02. Required Off-Street Parking

(e) Required Yard Parking Regulations

1. Parking in Front Yard.

a. It is unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface. It is also unlawful for the registered owner of any such vehicle or trailer to allow another person to park or store a vehicle or trailer within the front yard in any residential district unless such vehicle is parked on an approved parking surface. No more than fifty percent (50%) of the required front yard shall be utilized for an approved parking space.

b. Parking in a front yard off of an approved parking surface will be allowed under these special circumstances:

i. Temporary loading or unloading.

ii. When construction, remodeling, maintenance, or repairs are being performed on the property, provided a *Temporary Use Permit* is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the *Temporary Use Permit.*

iii. Parking for isolated, non-recurring gatherings or parties or for visitors. *This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles.*

2. Parking in Side and Rear Yard.

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 remain clear of all vehicles.

b. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all off-street parking shall be on a paved approved parking surface.

3. The provisions of this subsection (e) are not intended to and shall not be used to permit the parking of junked vehicles as regulated by City Code Title 13, Property Maintenance Regulations, Chapter 2, Oak Ridge Property Maintenance Code, and Chapter 3, Junked Vehicles.

4. For the purposes of this section, the following definitions apply:

a. "Recreational vehicles." Any vehicular-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal watercraft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles.

b. "Utility trailers." Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property.

Section 3. There are no "grandfathered" rights associated with this ordinance except as specifically set forth in the ordinance.

Section 4. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the public on the requirements of the ordinance.

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

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading:	02/13/2012
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