

MAYOR'S MEMORANDUM
11-04

DATE: March 8, 2012
TO: Fellow Members of City Council
FROM: Mayor Thomas L. Beehan
SUBJECT: SPECIAL MEETING OF CITY COUNCIL

Consistent with Article II, Section 2 of the City Charter, I am requesting that a special meeting of City Council be called for Monday, March 26, 2012, at 6:00 p.m. in the Municipal Building Courtroom.

The purpose of this meeting shall be to hold a public hearing and consider the adoption of the two ordinances approved on first reading in February for the Not in Our City Campaign:

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 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.

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD THREE NEW DEFINITIONS: "COMMERCIAL/OVERSIZED VEHICLES," "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES, COMMERCIAL/OVERSIZED VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ONSTREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

March 26 is also City Council's scheduled work session which would begin following the adjournment of the special meeting.


Thomas L. Beehan

OAK RIDGE CITY COUNCIL SPECIAL MEETING
(Called by Mayor Beehan)
Municipal Building Courtroom

March 26, 2012—6 p.m.

AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. FINAL ADOPTION OF ORDINANCES
 - a. AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD THREE NEW DEFINITIONS: "COMMERCIAL/OVERSIZE VEHICLES," "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES, COMMERCIAL/OVERSIZE VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.
 - b. 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 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.

(Official Public Hearing Required for the Zoning Ordinance)
- IV. ADJOURNMENT

CITY COUNCIL MEMORANDUM
12-10

DATE: March 19, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: NOT IN OUR CITY PARKING ORDINANCES – SUGGESTED AMENDMENTS FOR CONSIDERATION ON SECOND READING

Two items for the agenda are approval of a City Code ordinance amendment and a Zoning Ordinance amendment pertaining to on-street parking and off-street residential parking. City Staff is proposing amendments to the ordinances as approved on first reading in response to concerns from Councilmembers.

Background:

On November 4, 2011, by Resolutions 11-109-11 and 11-110-11, City Council approved the *Not in Our City* (NIOC) conceptual plan consisting of eight initiatives. Initiative Four pertained to code amendments regarding parking and environmental concerns as part of the Policies and Ordinances Program. In an effort to accomplish the parking aspect of this initiative, City Staff proposed two ordinances which were approved on first reading by City Council on February 13, 2012.

One of the ordinances addresses on-street parking (City Code Ordinance Amendment) and prohibits the parking or storage of recreational vehicles, commercial/oversized vehicles, and utility trailers on marked or unmarked on-street parking spaces except on a temporary basis. The other ordinance addresses residential off-street parking (Zoning Ordinance Amendment) setting forth requirements for front, side and rear yard parking, paving approved parking surfaces, and prohibiting commercial/oversized vehicles.

At the February 13, 2012, City Council meeting and at the February 27, 2012 work session, some Councilmembers expressed concerns over the ordinances. City Staff has reviewed the comments and questions presented by City Council at both of these meetings, and offers the following amendments to address those concerns.

Proposed Amendments:

Amendment #1 (City Code Ordinance Amendment)

To amend the language in City Code §15-617 to change "three (3)" to "seven (7)" in the first sentence of the second paragraph.

This amendment is in response to concerns raised by a Councilmember regarding visiting family members bringing recreational vehicles with a suggestion to change the time period for temporary parking from three days to seven days to account for weeklong vacations. City Staff did not have any concerns with this suggested change and it is offered for City Council's consideration on second reading.

Amendment #2 (City Code Ordinance Amendment, Zoning Ordinance Amendment)

To amend the language in City Code §15-101 by deleting the definition for commercial/oversized vehicle and subsequently renumbering the remaining definitions; to delete all reference to commercial/oversized vehicle in City Code §15-617, and to delete Zoning Ordinance §11.02(d)(3) pertaining to commercial/oversized vehicles and subsequently renumbering the remaining subsections.

This amendment is in response to many Councilmembers who had concerns over the definition of commercial/oversized vehicle, concerns of whether existing parking ordinances could address the issue of wide vehicles that do not fit within the confines of a marked on-street parking space, and concerns over prohibiting the parking of commercial/oversized vehicles within residential districts. The suggestion by City Staff is to eliminate all reference to commercial/oversized vehicles.

The concerns of City Staff pertaining to on-street parking of commercial/oversized vehicles can be addressed through clarification of existing parking ordinances in the City Code such as a vehicle must be parking completely within the confines of a marked parking space and cannot overhang onto the curb or sidewalk, and vehicles must be parked within twelve (12) inches *street side* of the curb so as to avoid vehicles being parked over or on the curb itself. An ordinance for clarification of the City's existing parking ordinances has been prepared and is being presented to City Council for first reading immediately following consideration of these two NIOC ordinances. (Please see Memorandum 12-09 for specifics on this newly proposed ordinance and the clarifications it seeks to implement.)

Amendment #3 (Zoning Ordinance Amendment)

To amend the language in Zoning Ordinance §11.02(d)(1) to delete the sixth sentence in the first paragraph and replace it with the following: "Based upon 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" and to delete Zoning Ordinance §11.02(e)(5).

This amendment is in response to some Councilmembers who had a desire to grandfather in existing non-paved approved parking surfaces from the ten-foot back paved requirement. City Staff is recommending a return to the originally proposed language for this section which allows the City to require the paving of an approved parking surface ten feet back in the event of a siltation/erosion problem with the particular property. The hardship provision remains, however, the need to grandfather in a property is no longer needed since paving will not be a requirement. This allows City Staff to address specific areas that are problems, as determined by the City Engineer, and not financially impact properties that are not creating erosion problems. This amendment is more financially appealing to citizens and still provides the necessary protections to the City should problems occur.

Other Concerns:

Other concerns raised by City Council have not been addressed by the above proposed amendments. For example, there was some discussion about creating a height limit for vehicles allowed to be parked or stored in on-street parking spaces, with a suggestion of an eight-foot-high limit from the ground or a seven-foot-high limit from the bottom of the vehicle (not including tires). City Staff does not at this time propose the implementation of a height limit. The City Manager has authority by City Code §15-606 to prohibit or limit parking on streets or portions of streets, and this authority can be utilized for specific parking concerns that are not specifically addressed elsewhere in the City's ordinances.

Some concerns have been raised outside of a meeting, therefore, not discussed by the entire City Council, and those concerns are also not addressed by the above amendments. However, those concerns are addressed below and suggested language is proposed should City Council desire to incorporate those provisions.

Parking of Heavy Vehicles in Residential Areas

A concern was raised about heavy vehicles parked in residential areas with a suggestion to require such vehicles to be parked on a paved surface that can physically support such weight. Should City Council desire to amend the Zoning Ordinance to address this issue, the following language is offered as a suggestion:

To amend Zoning Ordinance §11.02(d)(1) to add a new paragraph immediately following the existing paragraphs to read as follows: Heavy vehicles, defined as a vehicle with a gross vehicle weight of 20,000 pounds or more, shall be parked only on an approved paved parking surface that is physically capable of supporting the weight of a heavy vehicle.

Setbacks

A concern was raised about the setback requirement in Zoning Ordinance §11.02(e)(2) and the lack of a definition for the setback. Setbacks vary in the different districts. However, it is understood that simply referring to the setbacks will place a burden on the property owners to either know or inquire about their setback distances. Should City Council desire to amend the Zoning Ordinance to clarify this issue, the following language is offered as a suggestion which is to return this provision to its originally proposed version:

To amend Zoning Ordinance §11.02(e)(2) to delete the phrase "side and rear yard setbacks are met" and to replace it with "vehicles are parked at least five (5) feet from the property lines".

Recommendation:

The proposed amendments (Amendments #1, #2, and #3) are set forth above separately should City Council wish to address each one individually. However, City Staff recommends adoption of all three proposed amendments and has provided attached substitute ordinances for both the City Code Ordinance Amendment and the Zoning Ordinance Amendment. Additionally, a bold/strike-through of each ordinance showing the three proposed amendments is included as well for ease of reference.



Mark S. Watson

Attachments

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD ~~THREE~~ **TWO** NEW DEFINITIONS: ~~"COMMERCIAL/OVERSIDED VEHICLES,"~~ "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES, ~~COMMERCIAL/OVERSIDED VEHICLES~~ AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains provisions for on-street parking but does not currently address parking concerns regarding recreational vehicles, ~~commercial/oversized vehicles,~~ and utility trailers; and

WHEREAS, the City desires to amend the City Code to address those concerns.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," Section 15-101, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by correcting the introductory language and by adding three new definitions in alphabetic order and accordingly renumbering all definitions within this section, which introductory language and new definitions shall read as follows:

Sec. 15-101. Definitions.

The following words and phrases, when used in this title, having the meanings respectively ascribed to them in this section:

...

~~(7) "Commercial/oversized vehicles." Any motor vehicle, trailer, or semi-trailer exceeding twenty-two (22) feet in length and/or eight (8) feet in width that is designed or used to transport commodities, produce, freight, animals, passengers for a fee, or merchandise in the furtherance of any commercial enterprise, including but not limited to any vehicle used to generate income or which has the appearance that it is used for business.~~

(31-30) "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.

(55-54) "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 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new section 15-617, titled "Parking of recreational vehicles, commercial/oversized vehicles and utility trailers in marked and unmarked on-street parking spaces," which new section shall read as follows:

Sec. 15-617. Parking of recreational vehicles, ~~commercial/oversized vehicles~~ and utility trailers in marked and unmarked on-street parking spaces.

It is unlawful for any person to park or store any recreational vehicle, ~~commercial/oversized vehicle,~~ or utility trailer within marked or unmarked on-street parking on any public street. It is also unlawful for the registered owner of a recreational vehicle, ~~commercial/oversized vehicle,~~ or utility trailer to allow another person to park or store such vehicle or trailer within marked or unmarked on-street parking on any public street.

Notwithstanding any provisions to the contrary, an operational recreational vehicle, ~~commercial/oversized vehicle,~~ or utility trailer may be temporarily legally parked or stored within marked or unmarked on-street parking on any public street for a period not to exceed ~~three (3)~~ **seven (7)** consecutive days for the purpose of loading, unloading, trip preparation, or minor, routine maintenance and repair. However, at no time shall any un-mounted camper enclosure, personal watercraft carrier, or boat not mounted on a utility trailer be parked or stored within any designated on-street parking space.

Section 3. There are no "grandfathered" rights associated with this ordinance.

Section 4. There shall be a thirty (30) 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: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

SUBSTITUTE ORDINANCE

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD TWO NEW DEFINITIONS: RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains provisions for on-street parking but does not currently address parking concerns regarding recreational vehicles and utility trailers; and

WHEREAS, the City desires to amend the City Code to address those concerns.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," Section 15-101, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by correcting the introductory language and by adding three new definitions in alphabetic order and accordingly renumbering all definitions within this section, which introductory language and new definitions shall read as follows:

Sec. 15-101. Definitions.

The following words and phrases, when used in this title, having the meanings respectively ascribed to them in this section:

...

- (30) "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.
- (54) "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 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new section 15-617, titled "Parking of recreational vehicles, commercial/oversized vehicles and utility trailers in marked and unmarked on-street parking spaces," which new section shall read as follows:

Sec. 15-617. Parking of recreational vehicles and utility trailers in marked and unmarked on-street parking spaces.

It is unlawful for any person to park or store any recreational vehicle or utility trailer within marked or unmarked on-street parking on any public street. It is also unlawful for the registered owner of

a recreational vehicle or utility trailer to allow another person to park or store such vehicle or trailer within marked or unmarked on-street parking on any public street.

Notwithstanding any provisions to the contrary, an operational recreational vehicle or utility trailer may be temporarily legally parked or stored within marked or unmarked on-street parking on any public street for a period not to exceed seven (7) consecutive days for the purpose of loading, unloading, trip preparation, or minor, routine maintenance and repair. However, at no time shall any un-mounted camper enclosure, personal watercraft carrier, or boat not mounted on a utility trailer be parked or stored within any designated on-street parking space.

Section 3. There are no "grandfathered" rights associated with this ordinance.

Section 4. There shall be a thirty (30) 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: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

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 _____ 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.** ~~For vehicular access that slopes down to the street, the City requires paving the approved parking surface an additional ten (10) feet from the street right-of-way line (property line) into the lot to prevent siltation from erosion into the street.~~ 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. Commercial/oversized vehicles are prohibited in residential districts except as allowed by City Code §15-617. For the purposes of this section, a commercial/oversized vehicle is any motor vehicle, trailer, or semi-trailer exceeding twenty-two (22) feet in length and/or eight (8) feet in width that is designed or used to transport commodities, produce, freight, animals, passengers for a fee, or merchandise in the furtherance of any commercial enterprise, including but not limited to any vehicle used to generate income or which has the appearance that it is used for business.~~
- 4.3. 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.
- ~~5. The provisions of subsection (d)(1) above pertaining to paving the street right-of-way portion of the vehicular access to the public street an additional ten (10) feet do not apply to approved parking surfaces that were properly permitted by the City prior to the effective date of this ordinance [insert date here] unless and until such time as a siltation and/or erosion problem exists as determined by the City Manager or the City Manager's designee.~~

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

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

SUBSTITUTE ORDINANCE

ORDINANCE NO. _____

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 _____ 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

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

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-02

DATE: February 3, 2012

TO: Mark Watson, City Manager

FROM: Kathryn Baldwin, Community Development Director 

SUBJECT: AMENDMENTS TO THE CITY CODE AND ZONING ORDINANCE THAT INCORPORATE NOT IN OUR CITY (NIOC) PRINCIPLES

An item for the February City Council agenda is adoption on first reading of two ordinances which are components of the "Not In Our City" (NIOC) program. In June 2010, the Planning Commission hosted a Housing Summit titled "Housing: Identifying a Path Forward." Since then City Manager Mark Watson, with support from city staff, has been working on a "Not in Our City" plan to address blight within our neighborhoods, improve structural housing conditions, reduce the incidence of crime and drugs, and to establish the City of Oak Ridge as a great place to live, work, and invest.

The two ordinances presented for first reading have a specific focus on parking and environmental concerns. The companion ordinances address citizen concerns expressed for commercial/oversized vehicles, recreational vehicles, utility trailers and storage located in on-street parking spaces within city right-of-way. This mis-use of on-street spaces creates parking shortages for personal vehicles and potential sight distance issues. In addition, many of the recreational vehicles are not operational and therefore contribute to the blighted aesthetics of the overall streetscape. Secondly, staff is proposing an ordinance regarding parking on private property to address concerns regarding utilization of front and side yards while permitting specific, temporary parking needs. The goal of these companion ordinances is to insure that vehicles removed from the right-of-way (ROW) are not prominently placed on private property, exacerbating an aesthetic problem which currently exists in many of our older neighborhoods.

The details of the ordinances are discussed individually below:

Amendments to the Code of Ordinances, Section 1. Titled "Motor Vehicles, Traffic and Parking"

Add three new definitions:

- **Commercial/Oversized Vehicles:** Any motor vehicle, trailer, or semi-trailer exceeding twenty-two (22) feet in length and/or eight (8) feet in width that is designed or used to transport commodities, produce, freight, animals, passengers for a fee, or merchandise in the furtherance of any commercial enterprise, including but not limited to any vehicle used to generate income or which has the appearance that it is used for business
- **Recreational Vehicles:** Any vehicle-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
- **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

The second section of the City Code ordinance amends Title 15, Chapter 6, titled "Stopping, Standing and Parking." In essence this section clearly states that the vehicles, newly defined above, are prohibited from parking within marked or unmarked street right-of-way. The intent in this section is not to prohibit residents from utilizing these types of vehicles but rather to limit storage of the vehicles within city street right-of-way. Exceptions for operational vehicles will be made for periods of up to three consecutive days for the purpose of loading, unloading, or minor repairs.

These code amendments are designed to clear city streets of vehicles which are not related to residential uses, are too large for on-street parking, and tend to overhang onto sidewalks or travel lanes. In addition, the proposed ordinance eliminates the continual storage of materials which are the responsibility of private property owners and do not belong within street right-of-way. Streetscapes within Oak Ridge have become plagued with unsightly vehicles which have limited the availability of on-street parking for residents and contributed to the blighted appearance of our neighborhoods.

Amendments to the Zoning Ordinance: This is a companion ordinance to amendments in the City Code in an effort to insure proper parking of vehicles on private property, establish parking on approved surfaces, and limit parking of vehicles within yards, which has a negative impact on neighboring property. In addition, exceptions to these criteria are identified to specifically allow parking on a temporary basis during periods of construction, remodeling or repairs, as well as family gatherings and parties. A grace period of 90 days is established to allow ample notification of city residents and allow time to relocate vehicles which may be in violation of the proposed ordinance changes. Details are as follows:

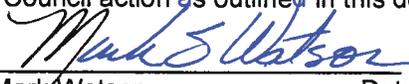
- Residential Parking Regulations
 - Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as "approved parking surface")
 - To prevent material from entering the right-of-way, the entrance to the parking surface (driveway) is required to be paved an additional ten (10) feet into private property from the edge of public right-of-way.
 - Residential Parking Regulations Approved Surface
 - 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
 - Residential Parking Regulations Location
 - Under no circumstances may a vehicle parked or stored in a residential district be occupied for permanent living purposes
 - Commercial/oversized vehicles are prohibited in residential districts
- Required Yard Parking Regulations
 - 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
 - No more than 50% of the required front yard shall be utilized for the approved parking space

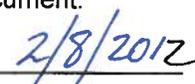
- Exceptions to Front Yard Parking Regulations
 - Temporary loading and unloading
 - When construction, remodeling, maintenance, or repairs are being performed on the property, provided a *Temporary Use Permit* is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the *Temporary Use Permit*
 - 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
 - Side and Rear Yard Parking
 - Residential off-street parking for single-family detached dwellings and duplexes 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.
 - 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
- 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

These ordinance amendments comprise two primary elements of the "Not in Our City" campaign. Collectively, the intent is to clean up the streetscapes within the City of Oak Ridge which is the primary view of our town to residents and visitors. The streetscape forms the framework of our neighborhoods. Many community activities occur here, such as neighbors engaging in conversation; travel of pedestrians; and children riding bikes. These areas, while providing parking for our residents, should be clear of clutter and impingements which may create safety hazards. Streetscapes establish an aesthetic stage for neighborhoods and speak to the quality of adjacent homes. Lawn areas, in addition to travel lanes, are a common thread which ties neighborhoods together with the larger community. The lack of attention to this community asset mars the reputation of our residents and contributes to the assumption that the City of Oak Ridge is largely becoming a blighted city. This issue has continued unabated for years and has been allowed to contribute to the deterioration of our housing stock, our schools, and our reputation in the greater Knoxville region. Many potential residents choose not to live here, leading to absentee landlords who fail to invest in their property or our community which contributes to a lost sense of civic pride. We can no longer afford to sit idly by and allow this downward spiral to continue to compromise the quality, vitality, and livability of our neighborhoods and our community as a whole.

City Manager's Comments:

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


Mark Watson


Date

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD THREE NEW DEFINITIONS: "COMMERCIAL/OVERSIDED VEHICLES," "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES, COMMERCIAL/OVERSIDED VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains provisions for on-street parking but does not currently address parking concerns regarding recreational vehicles, commercial/oversized vehicles, and utility trailers; and

WHEREAS, the City desires to amend the City Code to address those concerns.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," Section 15-101, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by correcting the introductory language and by adding three new definitions in alphabetic order and accordingly renumbering all definitions within this section, which introductory language and new definitions shall read as follows:

Sec. 15-101. Definitions.

The following words and phrases, when used in this title, having the meanings respectively ascribed to them in this section:

...

- (7) "Commercial/oversized vehicles." Any motor vehicle, trailer, or semi-trailer exceeding twenty-two (22) feet in length and/or eight (8) feet in width that is designed or used to transport commodities, produce, freight, animals, passengers for a fee, or merchandise in the furtherance of any commercial enterprise, including but not limited to any vehicle used to generate income or which has the appearance that it is used for business.
- (31) "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.
- (55) "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 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new section 15-617, titled "Parking of recreational vehicles, commercial/oversized vehicles and utility trailers in marked and unmarked on-street parking spaces," which new section shall read as follows:

Sec. 15-617. Parking of recreational vehicles, commercial/oversized vehicles and utility trailers in marked and unmarked on-street parking spaces.

It is unlawful for any person to park or store any recreational vehicle, commercial/oversized vehicle, or utility trailer within marked or unmarked on-street parking on any public street. It is also unlawful for the registered owner of a recreational vehicle, commercial/oversized vehicle, or utility trailer to allow another person to park or store such vehicle or trailer within marked or unmarked on-street parking on any public street.

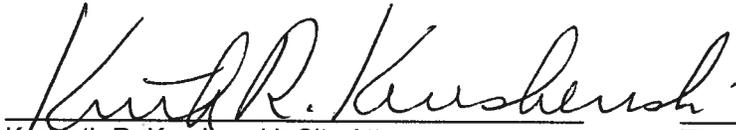
Notwithstanding any provisions to the contrary, an operational recreational vehicle, commercial/oversized vehicle, or utility trailer may be temporarily legally parked or stored within marked or unmarked on-street parking on any public street for a period not to exceed three (3) consecutive days for the purpose of loading, unloading, trip preparation, or minor, routine maintenance and repair. However, at no time shall any un-mounted camper enclosure, personal watercraft carrier, or boat not mounted on a utility trailer be parked or stored within any designated on-street parking space.

Section 3. There are no "grandfathered" rights associated with this ordinance.

Section 4. There shall be a thirty (30) 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
Publication Date: 02/20/2012
Second Reading: 03/07/2012
Publication Date: _____
Effective Date: _____

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 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 _____ 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. For vehicular access that slopes down to the street, the City requires paving the approved parking surface an additional ten (10) feet from the street right-of-way line (property line) into the lot to prevent siltation from erosion into the street. 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. Commercial/oversized vehicles are prohibited in residential districts except as allowed by City Code §15-617. For the purposes of this section, a commercial/oversized vehicle is any motor vehicle, trailer, or semi-trailer exceeding twenty-two (22) feet in length and/or eight (8) feet in width that is designed or used to transport commodities, produce, freight, animals, passengers for a fee, or merchandise in the furtherance of any commercial enterprise, including but not limited to any vehicle used to generate income or which has the appearance that it is used for business.
4. 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.
5. The provisions of subsection (d)(1) above pertaining to paving the street right-of-way portion of the vehicular access to the public street an additional ten (10) feet do not apply to approved parking surfaces that were properly permitted by the City prior to the effective date of this ordinance [insert date here] unless and until such time as a siltation and/or erosion problem exists as determined by the City Manager or the City Manager's designee.

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

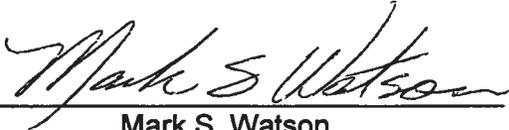
First Reading: 02/13/2012
Publication Date: 02/20/2012
Second Reading: 03/07/2012
Public Hearing: 03/07/2012
Publication Date: _____
Effective Date: _____

ADMINISTRATIVE MEMORANDUM
12-03

DATE: March 19, 2012
TO: Diana R. Stanley, City Clerk
FROM: Mark S. Watson, City Manager *MSW*
SUBJECT: SPECIAL CITY COUNCIL MEETING

In accordance with Article II, Section 2, of the Charter of the City of Oak Ridge, you are hereby requested to call a special meeting of the Oak Ridge City Council for Monday, March 26, 2012, immediately following the special meeting called by the Mayor and prior to the work session in the Courtroom of the Municipal Building, for consideration of the following:

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES FOR MOTORIZED VEHICLES, EXCEPTIONS"; BY AMENDING SECTION 15-603, TITLED "PROHIBITED IN SPECIFIED PLACES," BY RE-DESIGNATING THE SECTION AS SUBSECTION (A), ADDING LANGUAGE TO SUBSECTION (A)(1) PERTAINING TO SIDEWALKS, CREATING TWO NEW SUBPARTS (A)(21) AND (A)(22) PERTAINING TO PARKING ON CURBS AND WITHIN MARKED PARKED SPACES, AND CREATING A NEW SUBSECTION (B); AND BY DELETING SECTION 15-604, TITLED "METHOD OF PARKING," SUBSECTION (1), IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1), WITH ALL AMENDMENTS FOR THE PURPOSE OF CLARIFYING ON-STREET PARKING REQUIREMENTS AND FOR COMPATIBILITY WITH RECENTLY ENACTED SECTION 15-617.


Mark S. Watson

OAK RIDGE CITY COUNCIL SPECIAL MEETING
(Called by City Manager Mark S. Watson)
Municipal Building Courtroom

March 26, 2012—Immediately Following Mayor's Special Called Council Meeting

AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. FIRST READING OF ORDINANCES
 - a. AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES FOR MOTORIZED VEHICLES, EXCEPTIONS"; BY AMENDING SECTION 15-603, TITLED "PROHIBITED IN SPECIFIED PLACES," BY RE-DESIGNATING THE SECTION AS SUBSECTION (A), ADDING LANGUAGE TO SUBSECTION (A)(1) PERTAINING TO SIDEWALKS, CREATING TWO NEW SUBPARTS (A)(21) AND (A)(22) PERTAINING TO PARKING ON CURBS AND WITHIN MARKED PARKED SPACES, AND CREATING A NEW SUBSECTION (B); AND BY DELETING SECTION 15-604, TITLED "METHOD OF PARKING," SUBSECTION (1), IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1), WITH ALL AMENDMENTS FOR THE PURPOSE OF CLARIFYING ON-STREET PARKING REQUIREMENTS AND FOR COMPATIBILITY WITH RECENTLY ENACTED SECTION 15-617.
- IV. ADJOURNMENT

CITY COUNCIL MEMORANDUM
12-09

DATE: March 19, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CITY CODE PARKING AMENDMENTS FOR CLARIFICATION PURPOSES AND FOR COMPATIBILITY WITH NEWLY ENACTED CITY CODE §15-617

An item for the agenda is an ordinance to amend Title 15, Chapter 6, of the City Code to clarify existing parking provisions and for compatibility with newly enacted City Code §15-617.

Background:

During City Council's deliberations of the Not in Our City (NIOC) parking amendments to the City Code and the Zoning Ordinance, there was a concern that existing City ordinances could be used to address many of the parking issues such as parking on the sidewalk, on the curb or outside the marked lines. While there are existing City ordinances on these issues, clarification is needed in order for the ordinances to become a more useful enforcement tool.

Additionally, with the enactment of City Code §15-617, certain vehicles are no longer permitted to park in on-street parking spaces except on a temporary basis. This is in conflict with existing City Code §15-601 which gives equal rights to on-street parking spaces for motorized and non-motorized vehicles. This section is in need of an amendment to correct this discrepancy.

Proposed Ordinance:

With the proposed elimination of the prohibition on commercial/oversized vehicles in on-street parking and off-street residential parking in the NIOC parking ordinances, the issue of wide vehicles in on-street parking spaces remains. In addition to wide vehicles, there are times when vehicles are parked in on-street parking spaces and the vehicle is not within the confines of the marked parking space, or is on or over the curb, or is on the sidewalk. While this type of parking should obviously be impermissible, current City ordinances are not so clear.

For example, City Code §15-605(1) states vehicles parked on the street must have their right-hand wheels within twelve (12) inches of the right-hand curb or edge of roadway. It does not address whether the vehicle must be parked *street side* of the curb, which could imply that parking is permitted on or over the curb, or possibly even the sidewalk, as long as the right-hand wheels are within twelve (12) inches of either side of the right-hand curb. Sidewalk parking is not permissible by City Code §15-603(1), however, the lack of proper delineation in City Code §15-605(1) leaves it ambiguous and open for argument.

Further, City Code §15-605(1) does not address proper parking on one-way streets which could occur on the left-hand side of the roadway instead of the right-hand side. Every vehicle parked on the left-hand side of a one-way street is arguably in violation of City Code §15-605(1) and that requires correction.

The following changes are set forth in the attached ordinance for Council's consideration:

City Code §15-601

This section is proposed to be amended to delete the reference to non-motorized vehicles, which are now prohibited in on-street parking spaces by City Code §15-617. City Code §15-617 allows recreational vehicles, which are motorized vehicles, to be temporarily parked, so reference is made to that provision. See below for a bold/strike-through version of the proposed amendment.

City Code §15-601, Equal Rights to Parking Spaces for Motorized Vehicles

Unless specifically designated by a city-authorized sign, all persons parking motorized or ~~nonmotorized~~ vehicles **(except recreational vehicles)** have equal rights and privileges to any parking space on all public streets. **The parking of recreational vehicles in any parking space on public streets is governed by City Code §15-617.**

City Code §15-603, Prohibited in Specified Places

It is recommended to take the existing language in this section and designate it as Subsection (a).

It is also recommended to amend the language in Subsection (1) [soon to be Subsection (a)(1)] to include the phrase "pedestrian walking area" as a place of prohibited parking along with a sidewalk. This is intended to encompass such areas of the pedestrian greenways.

It is further recommended to add two new subsections [to be Subsections (a)(21) and (a)(22) to clarify that parking is not permitted on or over the curb, and to clarify that vehicles parked within marked on-street parking must be contained entirely within the marked space (white lines and curbing).

The last recommendation for this section is to create a new Subsection (b) to clarify that the entire portion of a vehicle, including any items placed on said vehicle, must be outside of the prohibited parking areas for the parking to be lawful. Examples:

- If a vehicle is parked with the tailgate down and the tailgate overhangs the marked parking space, the vehicle is unlawfully parked.
- If a vehicle is hauling lumber that protrudes in front of a fire hydrant, the vehicle is unlawfully parked.
- If a vehicle's side mirrors overhang onto the sidewalk, the vehicle is unlawfully parked.

City Code §15-605, Method of Parking

It is recommended to amend Subsection (1) to require vehicles parked on two-way streets to be parked with the right-hand wheels parallel and within twelve (12) inches *street side* of the curb

It is also recommended to amend Subsection (1) to address vehicles parked on one-way streets.

Recommendation:

City Staff recommends adoption of the attached ordinance as proposed.



Mark S. Watson

Attachment

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES FOR MOTORIZED VEHICLES, EXCEPTIONS"; BY AMENDING SECTION 15-603, TITLED "PROHIBITED IN SPECIFIED PLACES," BY RE-DESIGNATING THE SECTION AS SUBSECTION (A), ADDING LANGUAGE TO SUBSECTION (A)(1) PERTAINING TO SIDEWALKS, CREATING TWO NEW SUBPARTS (A)(21) AND (A)(22) PERTAINING TO PARKING ON CURBS AND WITHIN MARKED PARKED SPACES, AND CREATING A NEW SUBSECTION (B); AND BY DELETING SECTION 15-604, TITLED "METHOD OF PARKING," SUBSECTION (1), IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1), WITH ALL AMENDMENTS FOR THE PURPOSE OF CLARIFYING ON-STREET PARKING REQUIREMENTS AND FOR COMPATIBILITY WITH RECENTLY ENACTED SECTION 15-617.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains provisions for on-street parking, however, it is in need of clarification with respect to parking within the confines of a marked parking space and within a specified distance of the curb; and

WHEREAS, additionally, with newly enacted City Code §15-617 pertaining to parking of certain vehicles on the street, City Code §15-601 pertaining to equal parking rights must be amended to compatibility with the new ordinance; and

WHEREAS, the City desires to amend the City Code to address those concerns.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 15-601, titled "Equal Rights to Parking Spaces," in its entirety and substituting therefor a new Section 15-601, titled "Equal Rights to Parking Spaces for Motorized Vehicles, Exceptions," which new section shall read as follows:

Sec. 15-601. Equal rights to parking spaces for motorized vehicles, exceptions.

Unless specifically designed by a city-authorized sign, all persons parking motorized vehicles (except recreational vehicles) have equal rights and privileges to any parking space on all public streets. The parking of recreational vehicles in any parking space on public streets is governed by City Code §15-617.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by designating the existing language in Section 15-603, titled "Prohibited in specified places," as Subsection (a), with items (1) through (20) being designated as subparts to subsection (a).

Section 3. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding the phrase "or pedestrian walking area" after the word "sidewalk" in subsection (a)(1).

Section 4. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding two new subparts to subsection (a), which new subparts shall read as follows:

Sec. 15-603. Prohibited in specified places.

- (a)
 - (21) On or over the curb of any public street.
 - (22) Outside of any marked parking space lines on any public street. This does not preclude the ability to park in unmarked parking spaces provided such parking is allowed, however, it does require a vehicle parked in marked on-street parking to be contained entirely within the marked space (white lines and curbing).

Section 5. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new subsection (b), which new subsection shall read as follows:

Sec. 15-603. Prohibited in specified places.

- (b) The requirements of this section apply to the entire portion of the vehicle, including but not limited to side mirrors and tailgates, and to any items placed on said vehicle that are not completely contained within said vehicle, including but not limited to protruding lumber or other materials. If any portion of the vehicle or any items placed on said vehicle are within any of the prohibited parking areas set forth in subsection (a) above, the vehicle is parked unlawfully. For example, if a vehicle's side mirrors overhang onto the sidewalk or if materials protrude from the vehicle and overhang the marked parking lines, the vehicle is parked unlawfully.

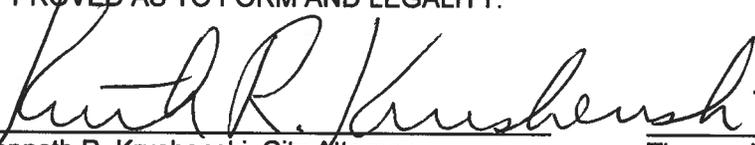
Section 6. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-605, titled "Method of Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting subsection (1) in its entirety and substituting therefor a new subsection (1), which new subsection shall read as follows:

Sec. 15-605. Method of parking.

- (1) Every vehicle parked or standing unattended upon any two-way street, road, avenue or other public way within the city shall be so parked or stopped in the direction of the flow of traffic with the right hand wheels parallel to and within twelve (12) inches street side of the right hand curb or edge of the roadway. Every vehicle parked or standing unattended upon any one-way street, road, avenue or other public way within the city shall be so parked or stopped in the direction of the flow of traffic with its right hand wheels parallel to and within twelve (12) inches street side of the right hand curb or edge of the roadway, or its left hand wheels parallel to and within twelve (12) inches street side of the left hand curb or edge of the roadway, whichever is applicable. Where parking stalls or spaces are marked or designated as such on the curbs or pavement, vehicles shall be parked or stopped only within such designated stalls or spaces with the vehicle headed in the direction of the flow of traffic or an angle indicated by appropriate markings.

Section 7. 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: 03/26/2012
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____