



AGENDA

March 03, 2019

MT. JULIET BOARD OF COMMISSIONERS

7:00 PM Commission Chambers 2425 North Mt. Juliet Road Mt. Juliet, TN 37122

1. Call to Order & Declare a Quorum Present

1.1. Discussion Item

PUBLIC NOTICE FOR SPECIAL MEETING

Sponsor(s): City Manager Kenny Martin

2. Call to Order

3. Set Agenda

4. Invocation & Pledge of Allegiance

5. New Business

5.1. Ordinance

AN ORDINANCE AMENDING PART B OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF MT. JULIET, TENNESSEE, KNOWN AS THE ZONING REGULATIONS (ORDINANCE 2001-29), ADOPTED OCTOBER 8, 2001, AS AMENDED, BY MODIFYING ARTICLES 2-103.3, DEFINITIONS, COMMERCIAL ACTIVITIES, 3-102(C), LISTING OF ACTIVITY TYPES FOR COMMERCIAL ACTIVITIES, 3-103.3, COMMERCIAL ACTIVITIES-CLASS AND TYPES, 3-104.7 PROVISIONS APPLICABLE TO COMMERCIAL ACTIVITIES, TABLE 7-102A, PERMITTED AND CONDITIONAL USES AND STRUCTURES ALLOWABLE WITHIN INDUSTRIAL DISTRICTS TO INCLUDE SURGICAL ABORTION CLINICS

Sponsor(s): Mayor Ed Hagerty, Commissioner Brian Abston, Commissioner - District 3 Art Giles, Vice Mayor - District 2 James Maness, Commissioner - District 1 Ray Justice

6. Adjournment

CITY OF MT. JULIET

PUBLIC NOTICE

The Board of Commissioners of the City of Mt. Juliet will have a Special Meeting at City Hall located at 2425 N. Mt. Juliet Road, on Sunday, March 3, 2019 at 7:00 p.m. to consider the following on 1st Reading:

- Amend Zoning Ordinance / Land Development Code concerning “Professional Ambulatory Surgical Treatment Centers/Surgical Abortion Clinics.

The public is invited to attend.

Sheila S. Lockett, Deputy City Manager/City Recorder
Kenny Martin, City Manager
City of Mt. Juliet

ORDINANCE - _____

AN ORDINANCE AMENDING PART B OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF MT. JULIET, TENNESSEE, KNOWN AS THE ZONING REGULATIONS (ORDINANCE 2001-29), ADOPTED OCTOBER 8, 2001, AS AMENDED, BY MODIFYING ARTICLES 2-103.3, DEFINITIONS, COMMERCIAL ACTIVITIES, 3-102(C), LISTING OF ACTIVITY TYPES FOR COMMERCIAL ACTIVITIES, 3-103.3, COMMERCIAL ACTIVITIES-CLASS AND TYPES, 3-104.7 PROVISIONS APPLICABLE TO COMMERCIAL ACTIVITIES, TABLE 7-102A, PERMITTED AND CONDITIONAL USES AND STRUCTURES ALLOWABLE WITHIN INDUSTRIAL DISTRICTS TO INCLUDE SURGICAL ABORTION CLINICS

WHEREAS, The City of Mt. Juliet desires to include guidelines and requirements for Surgical Abortion Clinics within the City of Mt. Juliet’s Zoning Ordinance; and

WHEREAS, the Planning Commission will consider this request during their meeting of March 21, 2019, and shall submit a recommendation of the zoning amendment; and

WHEREAS, the Board of Commissioners desires to amend Articles 2-103.3, Definition, Commercial Activities, 3-102(C), Listing of Activity Types for Commercial Activities, 3-103.3, Commercial Activities-Class and Types, 3-104.7, Provisions applicable to commercial activities, Table 7-102A, Permitted and Conditional Uses and Structures Allowable within Industrial Districts to include Surgical Abortion Clinics with the language below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Mt. Juliet, Wilson County, Tennessee, while in regular session on _____, 2019 as follows:

SECTION 1: Section 2-103.3 Terms Defined is hereby amended by inserting a new definition for Surgical Abortion Clinic, to read as follows:

Surgical Abortion clinic means any institution, place, or building in which any surgical activity that is conducted is devoted primarily to the maintenance and operation of a facility for the performance of surgical procedures utilized to terminate pregnancy, otherwise known as abortion as defined at Tenn. Code Ann. § 39-15-201..

SECTION 2: Pursuant to the findings of the Tennessee General Assembly, as set forth in Tennessee Code Annotated (TCA) 68-11-223 and the adoption of Article 1, § 36 of the Tennessee Constitution, the City adopts the use classification “Surgical Abortion Clinic”,. The term “Surgical Abortion Clinic” shall be added to Section 3-102 (C) of the Zoning Code, Commercial Activities, in the appropriate alphabetic position.

SECTION 3: Section 3-103.3 of the Zoning Code shall be amended, a new section thirteen (13) is inserted, pushing current sections thirteen through twenty (13-20) down one each, and thus after twelve (12), Professional Services Medical, the new 13 shall be listed as follows:

- 13. Activity Type – Professional Services - “Surgical Abortion Clinic”
 - a. *Intent and limitations.* This grouping is intended to be limited to those facilities defined herein as Surgical Abortion Clinics.
 - b. *Use listing.*
Surgical Abortion Clinic

SECTION 4: Amend Section 3-104.7, Provisions applicable to commercial activities, creating a new section two (2) Surgical Abortion Clinic, thus assigning each following section in the proper numerical position. The amendment shall read:

- 2. Surgical Abortion Clinic In all districts where authorized as a use permitted with supplemental provisions (SUP), Surgical Abortion Clinics shall adhere to the following location criteria:
 - a. No establishment shall be located within 1,000 feet (measured property line to property line) of any church, public or private school ground, college campus, public park or recreation facility, public library, child care facilities, or a lot zoned residentially or devoted primarily to residential use; and

SECTION 5: Table 7-102A is hereby amended to include “Surgical Abortion Clinic” as a permitted use, with supplemental provisions in Industrial General and Special Industrial Districts as shown in the amended chart as follows:

Table 7-102A. Permitted and Conditional Uses and Structures Allowable Within Industrial Districts					
[Uses, Structures and] Activities			Zone District		
			I-R (1)	I-G	I-S
I.	Manufacturing activities				
A.	Manufacturing, limited		P	P	P
B.	Manufacturing, general		P	P	P
C.	Manufacturing, basic industry				SUP (2)
D.	Manufacturing, hazardous				SUP (2)

Attachment: surgical abortion clinic amended (3512 : Amend Zoning Ordinance - Ambulatory Surgical Treatment Center)

II.	Commercial activities			
A.	Adult oriented business		O (3)	
B.	Animal care and veterinary service	SUP*	SUP*	SUP* (2)
C.	Automotive parking	P	P	P
D.	Automotive and marine craft sales, service and repair	SUP	SUP	
E.	Entertainment and amusement services, limited	P	P	
F.	Group assembly and commercial outdoor recreation	C	C	
G.	Outside materials and equipment sales and repair		P	
H.	Professional services, medical	P	P	P
I.	Surgical Abortion Clinic		SUP (4)	SUP (4)
J.	Professional services, nonmedical	P	P	
K.	Restaurant, full-service	P	P	P
L.	Restaurant, fast food	P	P	P
M.	Scrap operations			SUP (2)
N.	Self-service storage	P	P	
O.	Warehousing goods, transport and storage	P	P	SUP (2)
P.	Wholesale sales	P	P	SUP (2)
Q.	Banking and financial institutions	P		
R.	General retail sales and services	P		
III.	Community facility activities			

Attachment: surgical abortion clinic amended (3512 : Amend Zoning Ordinance - Ambulatory Surgical Treatment Center)

A.	Administrative services	P	P	P
B.	Child care facilities	C	C	
C.	Community assembly	C	C	
D.	Essential public transport communication and utility services	P	P	P
E.	Extensive impact facilities	C	C	SUP (2)
F.	Intermediate impact facilities	C	C	
G.	Religious facilities	C	C	
H.	Waste disposal operations			SUP (2)
IV.	Agricultural activities			
A.	Mining and quarrying			SUP (2)
V.	Accessory activities			
A.	Accessory storage, enclosed	P	P	P
B.	Accessory child care	C	C	
C.	Administrative office	P	P	P
D.	Operation of cafeteria	C	C	C
E.	Residential occupancy	C	C	C

Note— Key to interpreting use classifications.

- P = Use permitted by right within the district.
- SUP = Principal use permitted with supplemental provisions.
- C = Conditional use (subject to approval by the Board of [Zoning] Appeals).
- O = Requires overlay district.

Attachment: surgical abortion clinic amended (3512 : Amend Zoning Ordinance - Ambulatory Surgical Treatment Center)

- (1) See subsection 7-104.2, for supplemental design provisions.
- (2) See subsection 7-104.1, for supplemental design provisions.
- (3) See article VIII, section 8-401.
- (4) See article III, section 3-104.7, Provisions applicable to commercial activities.

SECTION 6: If any section, clause, provision, or portion of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION 4: PUBLIC HEARING - The zoning changes were the subject of a public hearing held on _____ at 6:15 p.m.

BE IT FURTHER ORDAINED

In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law

PASSED:

Ed Hagerty, Mayor

FIRST READING: _____

SECOND READING: _____

ATTEST:

Sheila S. Luckett, MMC
City Recorder

Kenny Martin, City Manager

APPROVED AS TO FORM:

L. Gino Marchetti, Jr.
City Attorney

Attachment: surgical abortion clinic amended (3512 : Amend Zoning Ordinance - Ambulatory Surgical Treatment Center)