

ORDINANCE NO. 4573-15

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE VI, USE REQUIREMENTS BY DISTRICT, AND ARTICLE XI, PARKING REGULATIONS OF THE ZONING CODE OF THE CITY OF JOHNSON CITY, TENNESSEE REGARDING NON-RESIDENTIAL SUBSTANCE ABUSE TREATMENT FACILITIES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Article II, Definitions, Article VI, Use Requirements by Districts, and Article XI, Parking Regulations of the Zoning Code of the City of Johnson City, Tennessee be and the same is hereby amended and modified as follows:

Amend Article II, Definitions to include the following definitions:

CLINIC: A building or portion of a building, other than a hospital, as herein defined, containing facilities providing outpatient medical, dental, chiropractic, optical, osteopathic diagnostic, and similar services, for humans, by physicians, dentists, and other health care specialists. The term clinic includes offices as a separate use for the above, but does not include Substance Abuse Treatment Facility, or Non-Residential Substance Abuse Treatment Facilities.

NON-RESIDENTIAL SUBSTANCE ABUSE TREATMENT FACILITY: (scheduled drugs dispensed on-site): A building or portion of a building, other than a clinic containing offices, facilities or designated space with the predominant, substantial, or significant purpose of providing outpatient treatment, distributing or dispensing scheduled drug(s) on-site to individuals who are dependent or addicted to legal or illegal drugs, opiates, alcohol or other similar substances. The obligation of the operations of such a facility to obtain a CON and license from the State of Tennessee shall create a presumption that the intended use is a non-residential substance abuse treatment facility (scheduled drugs dispensed on-site).

Amend Article VI, Use Requirements by Districts to include the following:

ARTICLE VI, 6.13-MS-1 MEDIAL SERVICES DISTRICT

6.13.3.4 Non-Residential Substance Abuse Treatment Facility (scheduled drugs dispensed on-site):

- A. The facility shall be fully licensed/certified by the appropriate regulating state or federal agency, if required;
- B. If a certificate of need (CON) is required, a copy of the CON application shall be submitted to the Board of Zoning Appeals prior to being heard by the Board. The CON shall be obtained as a condition of final approval; no building permits shall be issued or occupancy be allowed prior to the petitioner receiving the CON and licenses; and presenting them to the Development Services Department;
- C. The facility shall be located on properties which abuts, adjoins, or physically borders a collector street, arterial street, or any section of State of Franklin Road;
- D. The petitioner shall provide the Board of Zoning Appeals with information regarding the number of staff to be employed; and
- E. The facility shall provide one (1) off-street space per one-hundred (100) square feet of gross floor area plus one (1) space per employee as specified in Article XI, Section 11.3.

Amend Article II, Parking Regulations to include the following requirement:

SECTION 11.3 – PARKING REGULATIONS

Non-Residential Substance Abuse Treatment Facility - One (1) off-street space one-hundred (100) square feet of gross floor area plus one (1) space per employee.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 1/5/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 1/15/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 2/19/2015
APPROVED AND SIGNED IN OPEN
MEETING ON THE 19th DAY OF
February, 2015
FOLLOWING PASSAGE ON THIRD
READING

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
CITY ATTORNEY