

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO INCLUDE FUNERAL, CEMETERY, AND CREMATION REGULATIONS FOR COMPANION ANIMALS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-2, Definitions, to be amended to add the following in alphabetical order:

Animal, Companion: Any domestic or feral dog, domestic or feral cat, guinea pig, small domesticated mammal, rabbit not raised for human food or fiber, miniature pig, potbellied pig, aquatic animal, amphibian, reptile or bird. Livestock, game species, exotic animals as defined in Chapter 7, Animals and Fowl, Section 7-2, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

Funeral Home, Pet: A building or part thereof used for funeral services of companion animals. Such building may contain space and facilities for (a) storage and sale of pet urns/containers, pet caskets and vaults; (b) pet memorials and markers; (c) performance of viewing and/or other services/rituals used in display of animal. Facilities for companion animal cremation may be allowed by special permit if zoning district permits.

Pet: See Companion Animal.

Pet, Household: See Companion Animal.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-2, Definitions, to be amended to delete “Hospital, Small Animal” in its entirety and substitute in lieu thereof the following:

Hospital, Companion Animal: A facility where nursing, medical or surgical services are provided to companion animals.

SECTION 3. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning

Ordinance, Section 38-122, R-4 Special Zone, Uses permitted as special exceptions by the Board of Appeals, to delete subsection (6) in its entirety and substitute in lieu thereof the following:

- (6) Companion Animal Hospitals and Pet Funeral Homes, including companion animal cremation/crematory when used in conjunction with either of those facilities.

SECTION 4. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-184, C-2 Convenience Commercial Zone, Uses permitted as special exceptions by the Board of Appeals, to delete subsection (2) in its entirety and substitute in lieu thereof the following:

- (2) Companion Animal Hospitals, veterinary offices, and Pet Funeral Homes, including companion animal cremation/crematory when used in conjunction with any of those facilities.

SECTION 5. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-204, UGC Urban General Commercial Zone, Uses permitted as special exceptions by the Board of Appeals, to delete subsection (2) in its entirety and substitute in lieu thereof the following:

- (2) Companion Animal Hospitals and Pet Funeral Homes, including companion animal cremation/crematory when used in conjunction with either of those facilities.

SECTION 6. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-302, M-1 Manufacturing Zone, Uses permitted as special exceptions by the Board of Appeals, to delete subsection (5) in its entirety and substitute in lieu thereof the following:

- (5) Cremation/Crematory
 - (a) Facilities for human remains; or
 - (b) Facilities for companion animal remains.

Either facility shall require issuance of a special permit from the Board of Zoning Appeals as provided in Article VIII. Such facility shall not be combined to allow the combination of human and companion animal remains within the same facility operation.

SECTION 6. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-568, Board of Appeals for Variances and Special Permits, Powers, etc., of board; hearings, to delete subsection (4) in its entirety and substitute in lieu thereof the following:

- (4) For funeral homes, mortuaries, undertaking establishments, and Pet Funeral Homes, including cremation/crematory when used in conjunction with such establishments, in the R-4 Special Zone, the C-2 Convenience Commercial Zone, and the UGC Urban General Commercial Zone; and for human or companion animal cremation/crematory facility only in the M-1 Manufacturing Zone.

SECTION 7. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

_____, 2013

CHAIRPERSON

APPROVED: ____ DISAPPROVED: ____

DATE: _____, 2013.

MAYOR

/mms