

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-2; 38-184; 38-204; 38-302; AND 38-568; DEFINING, REGARDING, AND REFERENCING FACILITIES SUCH AS BOARDING, GROOMING, TRAINING, AND SIMILAR USES FOR SMALL ANIMALS IN ARTICLE II, DEFINITIONS; ARTICLE V, ZONING REGULATIONS; ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS.

WHEREAS, current regulations for facilities of boarding, grooming, training, and similar uses for small animals do not include the UGC Urban General Commercial Zone; and

WHEREAS, current regulations do not define current terms, uses, and facilities of animal day care facility, animal grooming service, animal run, domestic animal, small animal, and kennel; and

WHEREAS, current regulations do not specify examples of outdoor use, such as an animal run or a non-enclosed kennel; and

WHEREAS, the current regulations do not specify the applicability to structures which are completely enclosed, adequately soundproofed, and constructed so that there will be no emission of odor or noise detrimental to other properties in the area; and

WHEREAS, the current limitation of outdoor uses to the rear yard limits the flexibility to adjust or disperse the location of the outdoor use on the property; and

WHEREAS, the one hundred (100) foot buffer from any residential, commercial, or office use or zone limits the flexibility of property owners with properties which present documented screening, soundproofing, and site improvement efforts; and

WHEREAS, the current regulations do not address hours of operation for the outdoor use which can protect adjacent property owners from unwanted noise and nuisance during evening and night hours; and

NOW, THEREFORE

SECTION 1. BE IT ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Definitions, Sections 38-2, is hereby amended by adding the following definitions:

Sec. 38-2. Definitions.

Animal day care facility: A facility providing such services as canine or small animal day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

Animal, domestic: Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Animal, small: An animal commonly considered small at maturity and including a domestic dog and cat and other ordinary household pets; but specifically excluding goats, swine, cattle, and horses. This term includes birds and mammals customarily kept in kennels.

Animal grooming service: Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Animal run: An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals.

Kennel: A facility providing such services as the boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other domestic, small animal of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 13, C-2 Convenience Commercial Zone, Section 38-184, Uses permitted as special exceptions by the board of appeals, subsection (7), is hereby deleted in its entirety and substituted in lieu thereof the following:

- (7) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals.

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 14, UGC Urban General Commercial Zone, Section 38-204, Uses permitted as special exceptions by the board of appeals, subsection (7), is hereby deleted in its entirety and substituted in lieu thereof the following:

- (7) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 19, M-1 Manufacturing Zone, Section 38-302, Uses permitted as special exceptions by the board of appeals, subsection (6), is hereby deleted in its entirety and substituted in lieu thereof the following:

- (6) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals. Such facilities shall be permitted only subject to the approval of a Special Permit by the Board of Zoning Appeals under terms of Article VIII.

SECTION 5. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VIII, Board of Appeals for Variances and Special Permits, Section 38-568, Powers, etc. of board; hearings, subsection (12), is hereby deleted in its entirety and substituted in lieu thereof the following:

- (12) For facilities such as a **kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals**, in the C-2 Convenience Commercial Zone, UGC Urban General Commercial Zone, C-7 North Shore Commercial/Mixed Use Zone, and M-1 Manufacturing Zone.

Any outdoor use such as an animal run or non-enclosed kennel:

- (a) Shall be limited to the rear and/or side yard; and
- (b) Shall be located a minimum of one hundred (100) feet from property line, however this buffer may be reduced by the Board of Zoning Appeals if documented proof of proper screening, soundproofing, and site improvement efforts are provided or other mitigating factors exist such as

compatible abutting uses and zoning, and/or proximity to road, rail, or right-of-way; and

- (c) Shall limit use of outdoor facilities to the hours between 7am and 7 pm, unless the Board determines conditions on or around the subject property (i.e. abutting use and zoning, and/or proximity to road, rail, or river right-of-way) deem it appropriate to allow extended hours of operation; and
- (d) Shall be fenced by a sight-obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high). No chain link, slat or wire fences can be used to meet the requirements of this section. The fence perimeter facing neighborhoods shall be screened with Type C Landscape Buffer. The Board may consider alternatives to this screening if existing buffer provides a better alternative or location in the Urban Overlay Zone supports a more appropriate urban edge; and

The above Article VIII, Sec. 38-568, Subsection (12) (a-d) requirements shall not apply to structures which are completely enclosed, adequately soundproofed, and constructed so that there will be no emission of odor or noise detrimental to other properties in the area as determined by the zoning official.

SECTION 6. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within two (2) weeks upon its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem



**A RESOLUTION TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE OF THE CITY OF CHATTANOOGA,
TENNESSEE, BY AMENDING SECTIONS 38-2; 38-184;
38-204; 38-302 38-568; DEFINING, REGARDING AND
REFERENCING FACILITIES SUCH AS BOARDING, GROOMING, TRAINING, AND
SIMILAR USES FOR SMALL ANIMALS IN ARTICLE II, DEFINITIONS; ARTICLE V,
ZONING REGULATIONS; ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES
AND SPECIAL PERMITS**

WHEREAS, current regulations for facilities of boarding, grooming, training, and similar uses for small animals do not include the UGC Urban General Commercial Zone; and

WHEREAS, current regulations do not define current terms, uses, and facilities of animal day care facility, animal grooming service, animal run, domestic animal, small animal, and kennel; and

WHEREAS, current regulations do not specify examples of outdoor use, such as an animal run or a non-enclosed kennel; and

WHEREAS, the current regulations do not specify the applicability to structures which are completely enclosed, adequately soundproofed, and constructed so that there will be no emission of odor or noise detrimental to other properties in the area; and

WHEREAS, the current limitation of outdoor uses to the rear yard limits the flexibility to adjust or disperse the location of the outdoor use on the property; and

WHEREAS, the one hundred (100) foot buffer from any residential, commercial, or office use or zone limits the flexibility of property owners with properties which present documented screening, soundproofing, and site improvement efforts; and

WHEREAS, the current regulations do not address hours of operation for the outdoor use which can protect adjacent property owners from unwanted noise and nuisance during evening and night hours; and

NOW THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on April 11, 2016, does hereby recommend to the Chattanooga City Council to amend the Chattanooga Zoning Regulations as follows:

Article II. Definitions, Section 38-2; ADD the following definitions in their entirety:

Animal day care facility: A facility providing such services as canine or small animal day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

Animal, domestic: Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Animal, small: An animal commonly considered small at maturity and including a domestic dog and cat and other ordinary household pets; but specifically excluding goats, swine, cattle, and horses. This term includes birds and mammals customarily kept in kennels.

Animal grooming service: Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

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Kennel: A facility providing such services as the boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other domestic, small animal of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

Article V. Zoning Regulations, Division 13. C-2 Convenience Commercial Zone, Section 38-184. Uses permitted as special exceptions by the board of appeals, subsection (7); DELETE in its entirety and substitute in lieu thereof the following:

- (7) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals.

Article V. Zoning Regulations, Division 14. UGC Urban General Commercial Zone, Section 38-204. Uses permitted as special exceptions by the board of appeals, subsection (7); DELETE in its entirety and substitute in lieu thereof the following:

- (7) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals.

Article V. Zoning Regulations, Division 19. M-1 Manufacturing Zone, Section 38-302. Uses permitted as special exceptions by the board of appeals, subsection (6); DELETE in its entirety and substitute in lieu thereof the following:

- (6) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals. Such facilities shall be permitted only subject to the approval of a Special Permit by the Board of Zoning Appeals under terms of Article VIII.

Article VIII. Board of Appeals for Variances and Special Permits, Section 38-568. Powers, etc., of board; hearings, subsection (12); DELETE in its entirety and substitute in lieu thereof the following:

- (12) For facilities such as a kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals, in the C-2 Convenience Commercial Zone, UGC Urban General Commercial Zone, C-7 North Shore Commercial/Mixed Use Zone, and M-1 Manufacturing Zone.

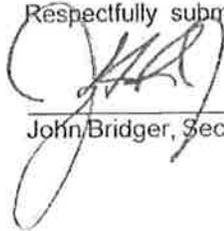
Any outdoor use such as an animal run or non-enclosed kennel:

- (a) Shall be limited to the rear and/or side yard and
- (b) Shall be located a minimum of one hundred (100) feet from property line, however this buffer may be reduced by the Board of Zoning Appeals if documented proof of proper screening, soundproofing, and site improvement efforts are provided or other mitigating factors exist such as compatible abutting uses and zoning, and/or proximity to road, rail, or

- (c) Shall limit use of outdoor facilities to the hours between 7am and 7 pm, unless the Board determines conditions on or around the subject property (i.e. abutting use and zoning, and/or proximity to road, rail, or river right-of-way) deem it appropriate to allow extended hours of operation; and
- (d) Shall be fenced by a sight-obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high). No chain link, slat or wire fences can be used to meet the requirements of this section. The fence perimeter facing neighborhoods shall be screened with Type C Landscape Buffer. The Board may consider alternatives to this screening if existing buffer provides a better alternative or location in the Urban Overlay Zone supports a more appropriate urban edge; and

The above Article VIII, Sec. 38-568, Subsection (12) (a-d) requirements shall not apply to structures which are completely enclosed, adequately soundproofed, and constructed so that there will be no emission of odor or noise detrimental to other properties in the area as determined by the zoning official.

Respectfully submitted,



John Bridger, Secretary

Date of Adoption: April 11, 2016
JB:KR:GH:PD:sh
KennelApril2016

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2016-049 Sonja Y. Benning. 109 Workman Road, from M-1 Manufacturing Zone to R-1 Residential Zone.

2016-051 Duane Carleo and Mark Neal. 24 East 14th Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-052 David J. Kluttz. 5277 Wilbanks Road, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2016-053 Adamson Developers. 8062 and 8074 Old Lee Highway, from R-2 Residential Zone to R-3 Residential Zone.

2016-054 Chambliss Center for Children. 402 and 406 Gillespie Road, from R-1 Residential Zone to R-2 Residential Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2016-048 Sunnyside Properties, LLC. 4820 Oakland Avenue, from M-1 Manufacturing Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, recommending denial for the R-T/Z Residential Townhouse Zero Lot Line and approved for R-1 Residential Zone, subject to one single-family residential dwelling only.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that Condition No. 4 be lifted from Ordinance No. 12867 of Previous Case No. 2014-094 on property located at 7408 Bonny Oaks Drive.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) **Amending Section 38-2, Definitions**, by adding definitions for Animal day care facility; Animal, domestic; Animal, small; Animal grooming service; Animal run; and Kennel.
- (b) **Amending Section 38-184, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (7) in its entirety and substituting in lieu thereof.
- (c) **Amending Section 38-204, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (7) in its entirety and substituting in lieu thereof.
- (d) **Amending Section 38-302, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (6) in its entirety and substituting in lieu thereof.
- (e) **Amending Section 38-568, Powers, etc., of board; hearings**, by deleting subsection (12) in its entirety and substituting in lieu thereof.
- (f) **Amending Section 38-361(3), Areas included**, by deleting in its entirety and substituting in lieu thereof.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

May 10, 2016

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2016.

Nicole Gwyn
Clerk to the City Council