

1ST READING

4-14-09

2ND READING

4-21-09

INDEX NO.

ORDINANCE NO. 12232

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V AND ARTICLE VI BY PROVIDING FOR A REVOCABLE SPECIAL EXCEPTIONS PERMIT FOR NON-PROFIT HERITAGE EDUCATIONAL FACILITIES AND TO ALLOW SAID USE IN CERTAIN ZONES.

WHEREAS, it has been determined that a Revocable Special Exception Permit for Non-Profit Heritage Educational Facilities is needed to allow certain functions and uses that support the City's existing and future environmental, historical, and cultural resources; and

WHEREAS, Non-Profit Heritage Educational Facilities are an important part of our urban and rural landscapes; and

WHEREAS, such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations; and

WHEREAS, these features help to define the City's unique sense of place; and

WHEREAS, it is necessary to maintain the integrity of existing development patterns as development decisions are made regarding new or expansion of existing Heritage Educational Facilities; and

WHEREAS, the Chattanooga-Hamilton County Regional Planning Agency has recommended that a Revocable Special Exceptions Permit for Non-Profit Heritage Educational Facilities be added to and that said use be permitted in certain zones as set forth below.

NOW, THEREFORE

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Ordinance No. 6958, known as the Zoning Ordinance, Article V, be and hereby is amended by adding new subsections as follows:

R-1 Residential Zone, Section 103:

- (5) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

RT-1 Residential Townhouse Zone, Section 127:

Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

RZ-1 Zero Lot Line Residential Zone, Section 157:

Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

R-T/Z Residential Townhouse Zero Lot Line Zone, Section 167:

Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

R-2 Residential Zone, Section 203:

- (4) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

R-3MD Moderate Density Zone, Section 253:

- (3) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

R-3 Residential Zone, Section 303:

- (3) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206

R-4 Special Zone, Section 403

- (4) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

R-5 Residential Zone, Section 416:

Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

C-2 Convenience Commercial Zone, Section 605:

Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

C-3 Central Business Zone, Section 704:

Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

C-4 Planned Commerce Center Zone, Section 806:

Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

M-1 Manufacturing Zone, Section 1003:

- (3) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 206.

SECTION 2. BE IT FURTHER ORDAINED, That Ordinance No. 6958, known as the Zoning Ordinance, Article VI, be and hereby is amended by adding a new section 206 as follows:

206. Revocable Special Exception for Non-Profit Heritage Educational Facility

A. INTENT:

The Revocable Special Exception Permit for Non-Profit Heritage Educational Facilities is intended to allow certain functions and uses that support our City's existing and future environmental, historical, and cultural resources while maintaining the integrity of existing development patterns as development decisions are made. Heritage Educational Facilities are an important part of our urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. These features help to define the City's unique sense of place.

B. DEFINITION:

Heritage Educational Facility - An educational facility that focuses on the preservation of environmental, historical, and cultural resources through educational programs and activities for members and/or the general public.

C. APPLICABILITY:

Application for a Revocable Special Exception Permit for the Non-Profit Heritage Educational Facility is allowed in all zones **except** MXU, UGC, O-1, C-5, C-7, M-2, M-3 and M-4.

D. PERMITTED USES:

The Revocable Special Exceptions Permit allows uses that are necessary for and accessory to the operation of the educational facility as shown on a site plan and approved by the City Council.

E. GENERAL RESTRICTIONS:

The development and use of property as an Environmental/ Historical/Cultural Educational Facility may be permitted as a Special Exception by the City Council with or without additional conditions, provided that the following requirements are met:

1. Minimum site area shall be five (5) acres.
2. No more than 8 full time persons employed on the premises.
3. The grounds shall be non-illuminated except for necessary security.
4. All parking, including overflow parking, shall be on the site and shall be approved by the City Traffic Engineer.
5. Gated and/or emergency access point shall be approved by the Fire Department.
6. Maintain 501(c)(3) non-profit status.
7. The Special Exceptions Permit may be revoked by the City Council upon written report by the Director of Codes Administration that the Non-Profit Heritage Educational Facility is not being constructed or used in conformance with the approved site plan.

Additional conditions may include, but are not limited to: types of allowable uses, building footprint, building size, building location, use of amplification devices, and the frequency of events in a given year as determined by the expected number of participants.

F. APPLICATION PROCEDURE:

1. The applicant shall apply to the City Council through the Chattanooga-Hamilton County Regional Planning Agency to be reviewed by the Planning Commission followed by final action of the City Council.
2. The applicant shall submit copy of the 501(c)(3) status with the application for the Revocable Special Exception Permit.
3. The applicant shall submit building elevations for proposed buildings.
4. The applicant shall submit a site plan drawn at a minimum scale of one inch equals one hundred feet (1"=100') and shall include:

- a. Location, square footage, and use of existing and proposed buildings, structures, and dumpster areas.
- b. Vehicle access, parking, and overflow parking with total number of spaces.
- c. In addition to the above, the Planning Commission or City Council may require such other additional information as may be determined necessary to adequately review the proposed development.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

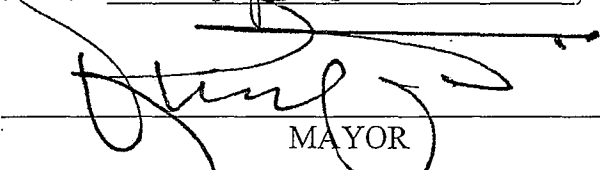
PASSED on Second and Final Reading

April 21, 2009.


CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: April 24, 2009


MAYOR

/add