

1ST READING 8-25-09
2ND READING 8-25-09
INDEX NO. _____

ORDINANCE NO. 12280

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-2, 38-185, AND 38-527, RELATIVE TO THE REGULATION OF NIGHTCLUBS.

WHEREAS, it has been determined that there is a need to further define requirements within the Chattanooga Zoning Ordinance in relation to nightclub uses; and

WHEREAS, concerns have been expressed regarding the excessive noise and disruption that can accompany these uses; and

WHEREAS, nearby residents are often most impacted by these type uses, particularly, during evening and nighttime hours; and

WHEREAS, greater review for compatibility may be given through the process described and through the information provided on the site plan; and

WHEREAS, the Chattanooga-Hamilton County Planning Agency has recommended certain clarifications relative to nightclub uses.

NOW, THEREFORE

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Article II, Section 38-2, Definitions, be and hereby is amended to include the following:

Nightclub: Any building within Assembly Group A-2 as defined by the International Building Code currently adopted by the City with an occupancy capacity of more than 100 people and which is utilized as a cabaret, dance club, entertainment restaurant, music club, sports bar, or Entertainment/Comedy establishment and which serves alcohol or allows alcohol on the premises between the hours of 11:00 p.m. until 3:00 a.m.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Article V, Division 13, Section 38-185, C-2 Convenience Commercial Zone, Special Exceptions by City Council be and hereby is amended to include a new subsection (3), as follows:

- (3) Nightclubs under the terms specified in Article VIII, Section 38-527.

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Article VI, Height and Area Exceptions and Other Special Exceptions, be and hereby is amended to include a new Section 38-527, as follows:

Sec. 38-527. Special Exceptions for nightclubs or similar uses.

For nightclubs with occupancy capacity of more than one hundred (100) people in the C-2 Convenience Commercial Zone provided that the following conditions are met:

- (a) The owner shall apply for a Special Exceptions Permit to the City Council, through the Chattanooga-Hamilton County Regional Planning Agency, and shall submit a site plan, which shows the general plan for utilization of any building (including outside gathering places such as decks, balconies, covered areas and patios), distances from adjoining residential zones, locations of any amplified speakers in the building or on the property, parking plans, and any proposed landscaping or noise reduction efforts which will be taken to protect nearby properties from excessive noise or traffic concerns due to this use by the applicant.
- (b) The following uses are permitted only within this zone by Special Exception Permit issued by the City Council:
 - 1. Cabarets;
 - 2. Dance Clubs;
 - 3. Entertainment restaurants;
 - 4. Music Clubs;
 - 5. Sports Bars;
 - 6. Nightclubs; and

7. Any other indoor/outdoor commercial use which in the judgment of the Chief Building Official is similar in character and impact to the above uses.
- (c) Any doorway entrance regularly used for ingress and egress of any such use (if permitted by approval of a Special Exception Permit) shall be located more than seven hundred fifty feet (750') away from the nearest boundary of any residential zone.
- (d) The site plan and landscaping requirements set forth in subsection (a) shall not be required for any special permit if the doorway entrance regularly used for ingress and egress of such use is located more than one thousand (1,000') feet from the nearest entrance of any structure located in any residential zone.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

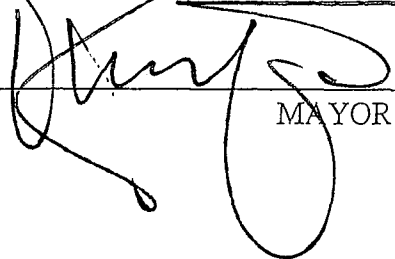
PASSED on Second and Final Reading

August 25, 2009.


CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: 8-28, 2009


MAYOR

PAN/mms/add