

**First Reading: October 3, 2017**  
**Second Reading: October 10, 2017**

Alternate Version #3/October 3, 2017

ORDINANCE NO. 13227

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, ZONING REGULATIONS, DIVISION 28, A-1 URBAN AGRICULTURAL ZONE TO REDUCE THE REQUIRED MINIMUM LOT SIZE AND TO ESTABLISH SITE PLAN REQUIREMENTS.

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WHEREAS, Chattanooga City Code Chapter 7 states that it is unlawful for any person to keep or possess swine permits swine, goats, and fowl within the City on property other than agricultural land, unless such animals are kept on a tract of land containing five (5) or more contiguous acres; and

WHEREAS, small and large livestock and fowl are permitted within the corporate limits on A-1 Urban Agricultural Zoned Land; and

WHEREAS, the minimum lot size in the A-1 Urban Agricultural Zone is twenty (20) acres. Currently, there is only one tract of land that is zoned A-1 Urban Agricultural Zone within the City of Chattanooga; and

WHEREAS, the A-1 Urban Agricultural Zone has minimum required pasture areas of one (1) acre for large livestock, and ¼ acre for smaller livestock, such as goats, sheep, and emu. With regard to fowl the minimum pasture area is one (1) acre per twenty (20) fowl; and

WHEREAS, the A-1 Urban Agricultural Zone also includes requirements that no new barn, building, or structure that serves as shelter for livestock or fowl shall be located within twenty-five (25') feet of any property line or within one hundred fifty (150') feet of any property

that is zoned or used for residential purposes, but existing barns may be excluded from these distance restrictions as of the effective date of the adoption of this ordinance if an existing barn is approved by a Special Exceptions Permit and noted on a site plan approved by the City Council.

WHEREAS, the A-1 Urban Agricultural Zone also requires that any building or container used for the storage of feed shall be located within one hundred fifty (150') feet of any property that is zoned or used for residential purposes; and

WHEREAS, based on the minimum requirement areas for pasture areas based on the number of animals to be kept on the property and the minimum five (5) acres established in Chattanooga City Code Chapter 7 the minimum twenty (20) acre lot size could be considered overly strict; and

WHEREAS, the minimum twenty (20) lot size would prohibit larger lots less than twenty (20) acres the ability to grow produce, growing of crops, etc.

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 38-452, be amended as follows:

**Amend Article V. Zone Regulations, Division 28. A-1 Urban Agricultural Zone, Section 38-452 Purpose, by deleting in its entirety and replace with the following:**

**Sec. 38-452. Purpose.**

The purpose of the A-1 Urban Agricultural Zone is to provide the opportunity for agricultural land and related uses within the City limits. This zone also designed to provide an opportunity for Planned Unit Development (Division 25. Planned Unit Development: Residential) that allows for open space design for the protection of sensitive natural resources such as floodplains, slopes over twenty (20%), riparian areas, wetlands, and prime agricultural soils.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-453, be amended as follows:

**Amend Article V. Zone Regulations, Division 28. A-1 Urban Agricultural Zone, Section 38-453 Permitted Uses (1)(a) Livestock by deleting in its entirety and replace with the following:**

- (i) (a) Livestock shall only be kept in an area that satisfies the following conditions:

(i) Each cow, equine, swine or other large livestock shall have a minimum pasture area of one (1) acre. Each goat, sheep, emu, ostrich or other small livestock shall have minimum pasture area of one-fourth (1/4) acre. Livestock pasture areas must be securely fenced at all times so as to securely contain said livestock within the pasture area. No security fence that secures the pasture area shall be erected within twenty-five (25') feet of any property line, excluding the shared property line(s) where the adjacent property(s) already maintain livestock.

(ii) Livestock animals must be provided with shelter to protect them from the elements.

(iii) The shelter and fenced pasture area shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odor.

(iv) No new barn or building that houses livestock animals shall be erected or maintained within twenty-five (25') feet of any property line or within one hundred fifty (150') feet of any property that is zoned or used for residential purposes.

(v) All food and feed kept for feeding livestock shall be kept and stored in rat-free containers, compartments or rooms unless kept in a rat-proof building. Any new building or container used for the storage of feed shall be located at least one hundred fifty (150') feet from any residential building and at least one hundred fifty (150') feet from any other property that is zoned or used for residential purposes.

(vi) No swine shall be kept within one hundred fifty (150') feet of any property that is zoned or used for residential purposes.

(vii) Existing barns that are noted on the Applicant's site plan approved by Council are excluded from the set-back requirements prescribed by sub-sections (iv), (v), and (vi) within this zone.

**SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II,**

Chapter 38, Zoning Ordinance, Section 38-453, be amended as follows:

**Amend Article V. Zone Regulations, Division 28. A-1 Urban Agricultural Zone, Section 38-453 Permitted Uses (1)(b) Fowl by deleting in its entirety and replace with the following:**

**Sec. 38-453. Permitted Uses.**

(1)(b) Fowl shall only be kept in an area that satisfies the following conditions:

- (i) No more than twenty (20) fowl shall be kept or maintained per acre.
- (ii) Such animals must be provided adequate shelter to protect them from the elements and must be contained in a secure fenced enclosure at all times so as to securely contain said fowl within the enclosure area. No security fence that secures the pasture area shall be erected within twenty-five (25') feet of any property line, excluding the shared property line(s) where the adjacent property(s) already maintain livestock.
- (iii) Such animals must be confined at all times in a secure enclosure that is not less than eighteen (18) inches in height. The enclosure must be well ventilated and well drained so there is no accumulation of odor or moisture.
- (iv) The enclosure shall have a minimum of ten (10) square feet of floor area for each fowl.
- (v) The enclosure shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odor.
- (vi) No new enclosure shall be erected or maintained within twenty-five (25) feet of any property line or within one hundred fifty (150) feet of any other property that is zoned or used for residential purposes.
- (vii) All food for fowl shall be kept and stored in rat-proof and rat-free containers, compartments or rooms unless kept in a rat-proof building. Any new building or container used for the storage of feed shall be located at least one hundred fifty (150) feet from any residential building and at least one hundred fifty (150) feet from any property that is zoned or used for residential purposes.
- (viii) Existing barns that are noted on the Applicant's site plan approved by Council are excluded from the set-back requirements prescribed by subsections (vi), (vii) within this zone.

**SECTION 4.** BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II,

Chapter 38, Zoning Ordinance, Section 38-454, be amended as follows:

**Amend Article V. Zone Regulations, Division 28. A-1 Urban Agricultural Zone, Section 38-454 Area Regulations (1) Minimum Lot Area by deleting in its entirety and replace with the following:**

**Sec. 38-454. Area Regulations.**

- (1) **Minimum Lot Area:** The minimum area requirement shall be five (5) acres. In no case shall property be subdivided or reduced to less than five (5) acres of lot area, unless located within a Planned Unit Development per Section 38-456 or a Special Exceptions Permit is granted by Chattanooga City Council per Section 38-457 Special Exceptions Permit for Lots less than five (5) acres.

SECTION 5. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II,

Chapter 38, Zoning Ordinance, Section 38-456, be amended as follows:

**Amend Article V. Zone Regulations, Division 28. A-1 Urban Agricultural Zone, Section 38-456 Special Exceptions for Planned Unit Developments (PUD) by deleting in its entirety Sections (1)(2)(3) and (4) replacing with the following:**

- (1) Flexibility in the arrangement of residential uses may be permitted by the City Council as a special exception in any A-1 Urban Agricultural Zone, provided that the minimum size of any tract of land sought to be used for the PUD shall be at least five (5) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units in conjunction with dedicated open space.
- (2) The five (5) acre minimum lot may be subdivided under a Planned Unit Development: Residential (article V, Section 38-391) in which case the five (5) acre minimum lot size may be subdivided according to PUD regulations if a minimum of fifty (50%) percent of total land area is set aside for agricultural uses or open space that is maintained in common ownership, private ownership or other manner, established in an appropriate legal manner.
- (3) Lands set aside under an A-1 PUD shall include all wetlands, riparian areas, including at least ten (10') feet on either side of high water mark for all USGS blue line streams, one hundred (100) year floodplain as shown on FEMA Flood Insurance Rate Maps, and slopes over twenty (20%) percent, and shall reflect a preference for forested lands, and/or prime agricultural soils as defined by county soil survey.
- (4) The maximum number of dwelling units to be developed under a PUD in the A-1 Urban Agricultural Zone shall be computed by multiplying the gross acreage to be developed, excluding land set aside as explained in Sections 2 and 3, by 8. For lots using septic systems for sewage disposal the maximum number of dwelling units shall be determined by the Hamilton County Groundwater Protection.

SECTION 6. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II,

Chapter 38, Zoning Ordinance, Article V, Zone Regulations, Division 28, A-1 Urban Agricultural Zone, Section 38-457, Precedence, by deleting same in its entirety and substituting

in lieu thereof the following:

**Sec. 38-457. Revocable Special Exceptions Permit for Lots Less than 5 Acres in the A-1 Urban Agricultural Zone by Chattanooga City Council**

1. The Chattanooga City Council may grant a Revocable Special Exceptions Permit for lots less than five (5) acres, so that the Chattanooga City Council may evaluate the effect of the proposed use and its effect on the surrounding area and on the public health and welfare. The request shall be reviewed and considered on the following criteria:
  - a) If the site or property formerly in use as an agricultural or farming use prior to being annexed into the city limits of Chattanooga.
  - b) If the site contains high quality agricultural soils and is considered prime farmland of local importance by the USDA Natural Resources Conservation Service.
  - c) If the site contains environmentally sensitive features such as floodplains, steep slopes, or the high potential for protecting large natural areas through parks, greenways, working farms and conservation easements.
  - d) In addition to the above criteria the applicant shall submit a site plan in compliance with Section 38-459 of these regulations.
2. Special Exceptions Permit may be revoked by Chattanooga City Council at any time upon notice to the owner and after a public hearing which establishes evidence that the property is in violation of any requirements listed in Division 28. A-1 Urban Agricultural Zone, or any municipal code violation.

SECTION 7. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zone Regulations, Division 28, A-1 Urban Agricultural Zone, by adding the following Section:

**Sec. 38-458. Precedence.**

This ordinance shall take precedence over all ordinances or parts of ordinances or resolutions in conflict herewith and to the extent that they do not conflict with this ordinance they are hereby repealed with respect to the conflict and no more.

SECTION 8. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zone Regulations, Division 28, A-1 Urban Agricultural Zone, by adding the following Section:

**Sec. 38-459. Site Plan Requirements.**

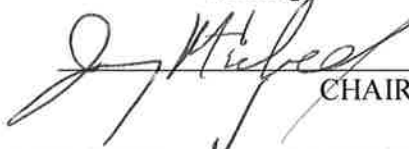
A site plan must be submitted with any application to rezone to A-1 Urban Agricultural Zone to demonstrate compliance with the A-1 Urban Agricultural Zone and to address how agricultural activities will be managed to avoid negative impacts on surrounding land uses and natural systems.

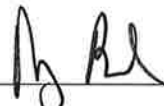
At a minimum the site plan must include and/or show the following:

- Operating hours;
- A description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
- Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
- Disclosure of the spreading of manure;
- Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site;
- A proposed composting and waste management plan.
- Location of livestock and/or fowl fencing and pasture areas and distance in feet from all property lines to demonstrate compliance with Sec. 38-453.
- Location of livestock and/or fowl feeding storage and shelter areas and distance in feet from all property lines to demonstrate compliance with Sec. 38-453.

SECTION 9. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: October 10, 2017

  
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CHAIRPERSON  
APPROVED:  DISAPPROVED:

  
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MAYOR

/mem/Alternate Version #3/October 3, 2017