

1ST READING 10-13-09  
2ND READING 10-20-09  
INDEX NO \_\_\_\_\_

ORDINANCE NO. 12303

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, BY ADDING A NEW SECTION 38-288 TO PROVIDE FOR PROHIBITED USES IN THE C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE AND NEW SECTION 38-289 FOR USES THAT REQUIRE A SPECIAL PERMIT.

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**WHEREAS**, the C-7 North Shore Commercial/Mixed Use Zone was created in 1998 by Ordinance 10717 of the Chattanooga City Council as a commercial/mixed use zone which was intended to promote development consistent with the North Shore Area Plan which maximizes the riverfront as a public resource and a catalyst for private development; balances developed areas with land preservation; accommodates a mixture of uses; creates an appealing pedestrian environment; preserves and enhances the architectural character and scale of the Frazier Avenue commercial district; and promotes a distinctive image and identity for North Shore; and

**WHEREAS**, the C-7 North Shore Review Committee reviews site and design proposals within this district and has adopted illustrated design guidelines which are used as a reference guide to the standards set forth for design review within the C-7 zone; and

**WHEREAS**, the Design Guidelines may require from time to time certain amendments which may be approved by Ordinance of the Chattanooga City Council and the permitted and prohibited uses within such zone may be reviewed by the Chattanooga/Hamilton County Planning Commission for its recommendations as required by TCA 13-7-204.

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, Zoning Ordinance, be and is hereby amended by adding Section 38-288 as follows:

**Section 38-288. Prohibited Uses and Structures**

The following uses shall not be permitted within this zone:

- (1) Any use that may create conflicts with pedestrian safety or become a nuisance should not be included in this zone. Uses which shall not be permitted are:
  - (a) Adult Oriented Establishments;
  - (b) Commercial Hazardous or Medical Waste Facilities;
  - (c) Commercial Radio, Television, Telephone or Microwave Towers;
  - (d) Outdoor display and-or storage of cars, other vehicles, travel trailers, boats or equipment;
  - (e) Warehousing and commercial mini-warehouse storage;
  - (f) Recycling Processing Centers;
  - (g) Manufacturing and Food Processing with more than five (5) employees;  
and
  - (h) Single-wide manufactured homes.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and is hereby amended by adding Section 38-289 as follows:

**Section 38-289. Uses which require a special permit**

*(1) Board of Zoning Appeals*

The following uses in this zone shall require a special permit from the Board of Zoning Appeals, subject to the requirements and restrictions as specified in Article VIII, before such use may occur in addition to the required review by the North Shore C-7 Review Committee.

- (a) Day Care Centers and Kindergartens;
- (b) Animal Hospitals, Kennels, Pet Boarding, Pet Grooming, or Pet Training Facilities and Veterinary Offices; and

- (c) Assisted Living Facilities, Hospitals, Medically Assisted Living Facilities, and/or Nursing Homes.

(2) *City Council*

The following uses in this zone shall require a special exceptions permit from the City Council as authorized by Tennessee Code Annotated, 57-3-208 and Chattanooga City Code, Part II, Sections 5-101 through 5-126:

- (a) Liquor stores

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 38-568, be and is hereby amended by deleting in its entirety and substituting in lieu thereof subsections (6), (8), and (12) as follows:

**Section 38-568. Powers, etc. of board, hearings**

- (6) For **Day Care centers and kindergartens not operated by government or religious organizations** in the R-1, R-2, RT-1, RZ-1, R-3MD, R-4, R-5, O-1, C-1, C-2, C-3, C-4, C-5, C-6 and C-7 Zones; in the M-1 Zone as an on-site accessory use to any permitted use.
- (8) For **small animal hospitals** in the R-4 Special Zone, the C-2 Convenience Commercial Zone and the C-7 North Shore Commercial/Mixed Use Zone.
- (12) Facilities such as **boarding, grooming, training, and similar uses for small animals** (defined as **household pets**), in the C-1 Highway Commercial, C-2 Convenience Commercial and C-7 North Shore Commercial/Mixed Use Zones, subject to the provision that any outdoor use:
  - (a) Shall be limited to the rear yard and
  - (b) Shall be one hundred (100) feet from any residential, commercial or office use or zone and
  - (c) 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 fence can be used to meet the requirements of this section.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

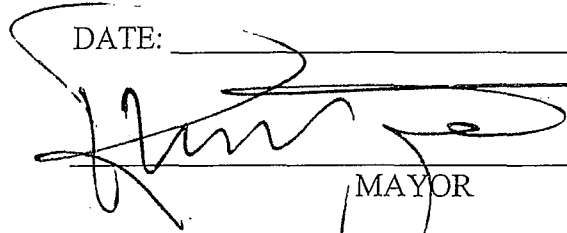
PASSED on Second and Final Reading

October 20, 2009.

  
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CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2009

  
\_\_\_\_\_  
MAYOR

/mms