

1ST READING
2ND READING 5-24-11
INDEX NO. _____

ORDINANCE NO. 12508

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-2, 38-42, AND 38-568, TO PROVIDE FOR A SPECIAL EXCEPTIONS PERMIT FOR EQUINE FOR PERSONAL USE BY THE BOARD OF APPEALS IN THE R-1 RESIDENTIAL ZONE.

WHEREAS, as the City of Chattanooga has extended its boundaries over the decades and incorporated properties that had personal stables and horses which remain as legal, nonconforming uses; and

WHEREAS, other residents are seeking to establish the ability to maintain horses and other equine animals on their property for personal use; and

WHEREAS, the only zoning designation in the City that permits horses and other equine animals is the A-1 Urban Agricultural Zone which also allows fowl and livestock other than horses, signage, and farm stands; and

WHEREAS, it has been determined that city residents should be provided with the ability to maintain horses and other equine animals on their property for personal use; and

WHEREAS, it has been determined that a Special Exceptions Permit from the City of Chattanooga Board of Zoning Appeals would provide regulations and a process for this to occur;

WHEREAS, this permit is not applicable to livery and boarding stables, riding academies and similar business uses; and

SECTION 1. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Definitions, Section 38-2, be amended by deleting the definition of Stable, Private and adding the following definitions:

Equine: Horses (including miniature horses), ponies, donkeys, mules, burros.

Pasture: Open, uncultivated land used for the grazing of livestock (including equine) which contains sufficient vegetation to serve as the principal food source for the livestock confined therein.

Stable, Pleasure: Stable used to shelter horses, mules, burros or ponies kept or ridden for the sole purpose of recreation or pleasure by the property owner. The stable is not held out for remuneration or hire.

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, Article V, Section 38-42, Residential Zone, Uses permitted as special exceptions by Board of Appeals, be amended by adding the following new subsection:

(5) Special Permit for Equine for Personal Use.

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, Article VII, Section 38-568, be amended by adding the following new subsection:

(21) Special Exceptions Permit for Equine for Personal Use:

The intention of this permit is to permit residents the ability to maintain equine for personal use. Stables and pasture areas are intended to be used to shelter and maintain horses, mules, burros, and ponies that are kept or ridden for the sole purpose of the property owner's recreation and pleasure. Neither the equine or stable facility shall be held out for remuneration or hire.

The applicant shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts on adjacent parcels. The site plan shall also show the location of structures or facilities used for stabling, keeping, or training of animals and the location/amount of pasture area.

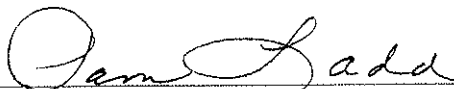
The McKamey Animal Center shall be notified of the request for the Special Exceptions Permit. The Center's comments, if any, will be presented to the Board of Zoning Appeals.

- (a) Equine shall only be kept in an area that satisfies the following conditions:
 - (i) Each animal shall have a minimum pasture area of one acre. Equine pasture areas must be securely fenced at all times.
 - (ii) Equine 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 barn, building, or fenced pasture area that houses equines shall be erected or maintained within 50 feet of any property line or within 150 feet of any residential dwelling unit or structure such as patio or pool on an adjoining property. This distance separation does not apply to detached storage garages or outbuildings.
 - (v) All food and feed kept for feeding livestock shall be kept and stored in rat-free and rat-proof containers, compartments or rooms unless kept in a rat-proof building. Any building or container used for the storage of feed shall be located at least 150 feet from any residential building and at least 150 feet from any other property that is zoned or used for residential purposes.
- (b) No special events, shows, or activity that generates traffic will be permitted.

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

May 24, _____, 2011



CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 5/26 _____, 2011.



MAYOR

/mms/add