

First Reading: May 10, 2016
Second Reading: May 17, 2016

ORDINANCE NO. 13061

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-2; 38-184; 38-204; 38-302; AND 38-568; DEFINING, REGARDING, AND REFERENCING FACILITIES SUCH AS BOARDING, GROOMING, TRAINING, AND SIMILAR USES FOR SMALL ANIMALS IN ARTICLE II, DEFINITIONS; ARTICLE V, ZONING REGULATIONS; ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS.

WHEREAS, current regulations for facilities of boarding, grooming, training, and similar uses for small animals do not include the UGC Urban General Commercial Zone; and

WHEREAS, current regulations do not define current terms, uses, and facilities of animal day care facility, animal grooming service, animal run, domestic animal, small animal, and kennel; and

WHEREAS, current regulations do not specify examples of outdoor use, such as an animal run or a non-enclosed kennel; and

WHEREAS, the current regulations do not specify the applicability to structures which are completely enclosed, adequately soundproofed, and constructed so that there will be no emission of odor or noise detrimental to other properties in the area; and

WHEREAS, the current limitation of outdoor uses to the rear yard limits the flexibility to adjust or disperse the location of the outdoor use on the property; and

WHEREAS, the one hundred (100) foot buffer from any residential, commercial, or office use or zone limits the flexibility of property owners with properties which present documented screening, soundproofing, and site improvement efforts; and

WHEREAS, the current regulations do not address hours of operation for the outdoor use which can protect adjacent property owners from unwanted noise and nuisance during evening and night hours; and

NOW, THEREFORE

SECTION 1. BE IT ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Definitions, Sections 38-2, is hereby amended by adding the following definitions:

Sec. 38-2. Definitions.

Animal day care facility: A facility providing such services as canine or small animal day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

Animal, domestic: Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Animal, small: An animal commonly considered small at maturity and including a domestic dog and cat and other ordinary household pets; but specifically excluding goats, swine, cattle, and horses. This term includes birds and mammals customarily kept in kennels.

Animal grooming service: Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Animal run: An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals.

Kennel: A facility providing such services as the boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other domestic, small animal of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 13, C-2 Convenience Commercial Zone, Section 38-184, Uses permitted as special exceptions by the board of appeals, subsection (7), is hereby deleted in its entirety and substituted in lieu thereof the following:

- (7) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals.

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 14, UGC Urban General Commercial Zone, Section 38-204, Uses permitted as special exceptions by the board of appeals, subsection (7), is hereby deleted in its entirety and substituted in lieu thereof the following:

- (7) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 19, M-1 Manufacturing Zone, Section 38-302, Uses permitted as special exceptions by the board of appeals, subsection (6), is hereby deleted in its entirety and substituted in lieu thereof the following:

- (6) Kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals. Such facilities shall be permitted only subject to the approval of a Special Permit by the Board of Zoning Appeals under terms of Article VIII.

SECTION 5. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VIII, Board of Appeals for Variances and Special Permits, Section 38-568, Powers, etc. of board; hearings, subsection (12), is hereby deleted in its entirety and substituted in lieu thereof the following:

- (12) For facilities such as a **kennel, animal day care facility, animal grooming service, and similar uses for small, domestic animals**, in the C-2 Convenience Commercial Zone, UGC Urban General Commercial Zone, C-7 North Shore Commercial/Mixed Use Zone, and M-1 Manufacturing Zone.

Any outdoor use such as an animal run or non-enclosed kennel:

- (a) Shall be limited to the rear and/or side yard; and
- (b) Shall be located a minimum of one hundred (100) feet from property line, however this buffer may be reduced by the Board of Zoning Appeals if

documented proof of proper screening, soundproofing, and site improvement efforts are provided or other mitigating factors exist such as compatible abutting uses and zoning, and/or proximity to road, rail, or right-of-way; and

- (c) Shall limit use of outdoor facilities to the hours between 7am and 7 pm, unless the Board determines conditions on or around the subject property (i.e. abutting use and zoning, and/or proximity to road, rail, or river right-of-way) deem it appropriate to allow extended hours of operation; and
- (d) 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 fences can be used to meet the requirements of this section. The fence perimeter facing a residentially zoned neighborhood shall be screened with Type C Landscape Buffer. The Board may consider alternatives to this screening if existing buffer provides a better alternative or location in the Urban Overlay Zone supports a more appropriate urban edge; and


The above Article VIII, Sec. 38-568, Subsection (12) (a-d) requirements shall not apply to structures which are completely enclosed, adequately soundproofed, and constructed so that there will be no emission of odor or noise detrimental to other properties in the area as determined by the zoning official.

SECTION 6. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within two (2) weeks upon its passage.

Passed on second and final reading: May 17, 2016


CHAIRPERSON

APPROVED: DISAPPROVED:


MAYOR