

First Reading: September 12, 2017
Second Reading: September 19, 2017

ORDINANCE NO. 13219

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE III,
DIVISION 5, AVIATION OVERLAY DISTRICT AND CROSS-
REFERENCE PROVISION AND REGULATIONS.

WHEREAS, the City of Chattanooga adopted the “Airport Zoning Ordinance” known as Chapter 8, Aviation; and

WHEREAS, Chapter 8, Aviation adopted regulations establishing height limitations and use restrictions for properties located within the established area adjacent to the airport, identified as airport approach zones, airports transition zones, and airport turning zones; and

WHEREAS, the boundaries of the areas identified as airport approach zones, airport transition zones, and airport turning zones were designated as such on a map dated January 1950; and

WHEREAS, the regulations and restrictions in Chapter 8, Aviation, have been updated and amended to reflect changes and updates to Federal Aviation Administration (FAA) rules and regulations or to advancements in air-traffic or airplane technology and equipment; and

WHEREAS, Chapter 8, Aviation, was amended to include a revised and updated map showing the area that is subject to FAA height restrictions, titled “FAA Aviation Overlay District”, and a map showing the "Airport Use District," which describes where airport uses are allowed for property, and the "Direct Airport Property," which describes the area that makes up the Chattanooga Metropolitan Airport as of today; and

WHEREAS, certain Articles and Divisions of Chapter 38, Zoning Ordinance needs to be amended so as to provide in Chapter 38, Zoning Ordinance applicable cross references to provisions and regulations in Chapter 8, Aviation.

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 amended so as to amend Article III, by adding a new Division 5 as follows:

DIVISION 5. Aviation/Airport District Overlay Zone

Sec. 38-14. FAA AVIATION OVERLAY DISTRICT

Sec. 38-15. Additional Requirements for Properties within FAA Aviation Overlay District.

Property within the FAA Aviation Overlay District, as defined in Chapter 8 of the Chattanooga City Code and shown on the AOD Map, attached as Appendix A to Chapter 8, shall be subject to additional requirements described in Chapter 8 in addition to those requirements set forth in this Chapter 38. (Add Link to FAA AOD Map)

Sec. 38-16. AIRPORT USE DISTRICT OVERLAY

Sec. 38-17. Uses allowed within Airport Use District.

Property within the Airport Use District, as defined in Chattanooga City Code Chapter 8 and shown on the Airport Use District Map, attached as Appendix B to Chattanooga City Code Chapter 8, which is owned by the Chattanooga Metropolitan Airport Authority, shall be governed by the permitted uses and requirements described in Chattanooga City Code Chapter 8, and the zones described in Chapter 38 shall not apply. For all property owners of land within the Airport Use District, other than the Chattanooga Metropolitan Airport Authority, the zones and requirements described in Chapter 38 shall apply and the Airport Use District, as described in Chattanooga City Code Chapter 8, shall have no effect.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-563(3), by amending this section as follows:

Amend Article VIII. BOARD OF APPEALS FOR VARIANCE AND SPECIAL PERMITS, Section 38-563. Jurisdiction of the board be deleting in its entirety Sec. 38-563 (3) and replaced with the following:

- (3) To hear and decide appeals from property owners on actions or decisions by an administrative official in the administration or enforcement of the zoning ordinance or Chattanooga City Code Chapter 8, Section 8-11(a).

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-563, by amending this section as follows:

Amend Article VIII. BOARD OF APPEALS FOR VARIANCE AND SPECIAL PERMITS, Section 38-563. Jurisdiction of the board by inserting a new subsection as follows:

- (7) To review Special Permits described in Chattanooga City Code Chapter 8 to determine that the provisions of Chattanooga City Code Chapter 8, Section 8-12 are met.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-592, by amending this section as follows:

Amend Article IX. LANDSCAPE PROVISIONS, Sec. 38-592 General Provisions (1) Applicability by adding a new item to subsection (1) as follows:

- (c) Not Applicable to Direct Airport Property. The requirements of this Article IX shall not apply to any land located within the "Direct Airport Property," as defined in Chattanooga City Code Chapter 8 and shown on the Airport Use District Map, attached as Appendix B to Chattanooga City Code Chapter 8. The landscaping requirements in Sec. 8-16 of Chattanooga City Code Chapter 8 shall apply to the Direct Airport Property and shall supersede the requirements described in this Article IX.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

Passed on second and final reading: September 19, 2017



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

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