

First Reading: March 12, 2019
Second Reading: March 19, 2019
Alternate Version

ORDINANCE NO. 13447

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, SECTIONS 38-2, 38-185, 38-187, 38-321 AND ARTICLE VI, DIVISION 2, OTHER SPECIAL EXCEPTIONS RELATIVE TO CREATING A SPECIAL EXCEPTIONS PERMIT FOR CONTRACTOR'S BUSINESSES IN THE C-2 CONVENIENCE COMMERCIAL ZONE.

WHEREAS, the Chattanooga City Council requested RPA staff to develop a special permit tool for contractor's businesses and associated outdoor storage in C-2 zones; and

WHEREAS, it is the intent of the C-2 Convenience Commercial Zone to promote, where need exists, the clustering and development of businesses, offices, and service facilities to serve the demand for goods and services generated both by area residents and by transients traveling to or from other neighborhoods or places of employment; and

WHEREAS, the current C-2 Convenience Commercial Zone limits contractor's offices to no more than five (5) employees and outside storage to no more than twenty (20%) percent of the lot square footage, excluding the area where buildings are located; and

WHEREAS, the City Council desires to create a special permit tool that would allow consideration of a contractor's business of more than five (5) employees and outside storage of more than twenty (20%) percent of the lot area, on a case by case basis, based on similarity with adjacent existing commercial uses and compatibility with adjacent residential uses; and

WHEREAS, the current zoning regulations do not define a contractor business or associated storage in an adequate manner for enforcement; and

WHEREAS, it is intended that this special permit be limited in application to contractor's businesses or building related trades only, and to establish criteria that promotes compatibility of the use with similar existing businesses, and controls for offsite impacts on adjacent residential uses or zones;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That Chattanooga City Code, Chapter 38, Article II, Definitions; Section 38-2, Definitions; use of words and terms by adding the following:

Contractor Business: A contractor's principal office or permanent business office such as building, mechanical, electrical, paint or plumbing contractors related to building construction or maintenance. Limited outdoor storage for equipment and other materials customarily related to the building trade and required for the operation of the on-site contractor business is permitted subject to the special permit requirements noted in (Section 38-531).

Commercial Vehicle: Any motor vehicle licensed by the state as a commercial vehicle.

SECTION 2. That Chattanooga City Code, Chapter 38, Article V, Zone Regulations; Division 13, C-2 Convenience Commercial Zone; Section 38-185, Uses Permitted as Special Exceptions by adding (5) Contractor's business.

SECTION 3. That Chattanooga City Code, Chapter 38, Article V, Zone Regulations; Division 13, C-2 Convenience Commercial Zone; Section 38-187, Prohibited Uses and Structures by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 38-187. Prohibited Uses and Structures

The following prohibitions and screening requirements apply to all uses except for Contractor's business which are regulated by special permit under Section 38-531.

(1) In general, any uses or structures not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" or any use or structure that is otherwise found to be not in keeping with the stated intent of these zoning regulations is prohibited within the C-2 Convenience Commercial Zone.

(2) Any outdoor storage of equipment or merchandise shall be limited to twenty (20%) percent of the lot square footage, excluding the area where buildings are located; such area shall be contained by fence, a minimum of six (6') feet high, and shall not encroach upon the required parking area. Additional parking requirements shall be required for the outdoor use. (Building/Structure Base square footage and outdoor use = Total square footage for Parking Requirement.)

(3) In the case of commercial nurseries, commercial greenhouses, and garden centers, outdoor storage shall be permitted and screened by a sight obscuring fence, a minimum of six (6') feet high. Parking shall be subject to the requirements of the Traffic Engineer.

SECTION 4. That Chattanooga City Code, Chapter 38, Article V, Zone Regulations; Division 20, M-2 Light Industrial Zone; Section 38-321, Uses Regulations, be amended by deleting "subsection (f) Contractor's Office and accessory storage uses" and substituting with "subsection (f) Contractor's Business".

SECTION 5. That Chattanooga City Code, Chapter 38, Article VI, Height and Area Exceptions and Other Special Exceptions; Division 2, Other Special Exceptions, be amended by adding the following new section as follows:

1. Intent: the purpose of the contractor business special permit is to consider the location of contractor related uses and storage within a C-2 zone on a case by case basis, giving consideration to the similarity of the proposed use with adjacent uses, potential off-site impacts, and conformity with adopted plan recommendations.
2. Application and Procedure for a Special Exception Permit:
 - (a) The applicant shall apply to the City Council through the Chattanooga-Hamilton County Regional Planning Commission, following the same procedures used for a rezoning request, including a public hearing before the Chattanooga-Hamilton County Regional Planning Commission, a recommendation by the Planning Commission to the City Council, and a public hearing by the City Council.
 - (b) The applicant for this permit shall submit a site plan to the Chattanooga-Hamilton County Regional Planning Agency with a minimum scale of one (1") inch equals one hundred (100') feet (1" = 100') which shall include: Location, square footage, and use of existing and proposed buildings and structures including height of structures, proposed location for any outdoor storage areas and how they will be screened, employee parking areas, storage of fleet vehicles, dumpsters, distances from nearby residential zone, proposed access and landscape buffers/screens, and adjacent land uses.
 - (c) The application will also include a description of the business operating hours (including number of shifts), the number of employees working each shift, whether or not any outdoor equipment will be utilized and associated noise generated by such equipment, and the number of shipments entering and leaving the site (including whether such shipments occur during working hours or evenings/weekends). Any potential hazardous or combustible materials that would be stored on-site that could pose a safety risk to adjacent properties.
 - (d) The City Council may issue a Special Exceptions Permit with or without special conditions that must be met by the applicant. City Council reserves the right to limit the operating hours, number of employees, and use of outdoor equipment, and any other restrictions to ensure compatibility of the business with surrounding properties.

3. Review Criteria:

Consideration for approval of a special permit for a Contractor's Business shall be based on the all of the following criteria:

- (a) Potential impact of the proposed use on an any adjacent residential or non-commercial properties based on operating hours, noise, traffic, light, fumes, hazards, etc.
- (b) Similarity of the proposed use with existing businesses in the area such as contractor's offices, warehousing, storage, etc.
- (c) Conformity of the proposed use with adopted plans and impacts on transportation facilities.

4. Outdoor Storage standards. As a general rule, all equipment and materials shall be stored inside a permanent enclosed building or structure, with the exception of limited outdoor storage noted below:

- (a) Outdoor storage of material and equipment is associated directly with and accessory to the on-site principal contractor business (input materials, equipment or outgoing product) use.
- (b) Outdoor storage areas occupy no more than forty (40%) percent of the property area, excluding the area where buildings are located or the principal building, whichever is less.
- (c) Outdoor storage areas are not permitted between the building and the primary street, or within any required yard setbacks.
- (d) Outdoor storage areas shall be screened from all adjoining properties and public rights-of-way. Exceptions to the screening for situations where the abutting property uses are similar in character to the proposed use, may be considered on a case by case basis by City Council as part of the special permit review. Such requests must be requested in advance by the applicant as part of the special permit application.
- (e) Outdoor storage areas shall be screened from all adjoining properties and public rights-of-way to a minimum height of six (6') feet with one of the following:
 - (1) A site obscuring wood or vinyl fence (chain link and/or slat fences are not acceptable).
 - (2) An evergreen hedge which blocks the vision.
 - (3) A masonry wall.
 - (4) Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section. The above screening requirements do not apply to the storage of commercial vehicles.
- (f) Outdoor storage areas must comply with all zoning setbacks.
- (g) Any materials stored outside must be kept free of collecting water or other debris that would attract rodents or mosquitoes.


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

Passed on second and final reading: March 19, 2019



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

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