

First Reading: August 20, 2019
Second Reading: August 27, 2019

ORDINANCE NO. 13496

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLES II AND V, SECTIONS 38-2, 38-183(17), 38-305, 38-306, 38-323(5), 38-333(7), AND 38-341(10), RELATING TO OUTDOOR STORAGE AND MINI-WAREHOUSES.

WHEREAS, the M-1 Manufacturing Zone, M-2 Light Manufacturing Zone, M-3 Warehouse and Wholesale Zone, and the M-4 Outdoor Industrial Zone include required landscape screening/buffering requirements when adjacent to any residential use or zone; however, landscape screening/buffering requirements are already addressed in Article IX. Landscape provisions; and

WHEREAS, the M-1 Manufacturing Zone, M-2 Light Industrial Zone, M-3 Warehouse and Wholesale Zone, and the M-4 Outdoor Industrial Zone landscape screening/buffering requirements from any Residential Use or Zone are less restrictive than the landscape screening/buffer requirements contained in Article IX. Landscape Provisions; and

WHEREAS, landscape screening/buffer requirements located in the Zoning Classifications and in the Landscape Provisions of the Chattanooga Zoning Regulations creates confusion and conflicts; and

WHEREAS, the M-1 Manufacturing Zone permits outdoor storage provided a thirty (30) foot “Type A” landscape buffer is provided as a buffer around the outdoor storage areas; and

WHEREAS, the thirty (30) foot “Type A” buffer is not achievable for manufacturing uses especially as they are zoned correctly, typically on smaller lots and otherwise about other manufacturing uses; and

WHEREAS, requiring a landscaped street yard rather than a buffer around the perimeter of outdoor storage areas can soften the appearance of outdoor storage materials from the public right-of-way with shade trees instead of large evergreen trees which can impede safety for visibility; and

WHEREAS, the Chattanooga Zoning Regulations contains vague and non-quantifiable language related to sight obscuring fencing; and

WHEREAS, the Chattanooga Zoning Regulations do not include a definition for outdoor storage and other uses listed in the definition of outdoor storage.

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

SECTION 1. That Chattanooga City Code, Chapter 38, Article II, Section 38-2, Definitions, be amended by adding the following definitions:

Outdoor Storage: The keeping in an unenclosed area, of any goods, material, merchandise, recreational vehicles, motor vehicles, passenger vehicles, and commercial vehicles. Commercial vehicles shall also include earth moving equipment/vehicles such as, and not limited to dump trucks, earth moving equipment, and any vehicle similar in character/use to the above mentioned in the same place for more than 24 hours.

Vehicle, Motor: a self-propelled device licensed as a motor vehicle and used for transportation of people or good over roads.

Vehicle, Passenger: A motor vehicle with no more than two axles and/or four (4) wheels and designed primarily for the transport of persons.

Vehicle, Junk: Any rusted, wrecked, damaged, dismantled, or partially dismantled, inoperative, or abandoned motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition.

Vehicle Sales Area: An open area, other than a right-of-way or public parking area, used for the display, sale, or rental of new or used vehicles in operable condition and where no repair work is done. These areas are considered to be an accessory use to automobile sales (new or used).

Automobile Sales (New or Used): The use of any building, land area, or other premise principally for the display, sale, rental, or lease, of new or used automobiles (but may include light trucks or vans, trailers, or recreational vehicles), and including any vehicle preparation, repair and service facilities, as well as, financing and leasing services as an accessory use.

SECTION 2. That Chattanooga City Code, Chapter 38, Article V, Zoning Regulations, Division 13, C-2 Convenience Commercial Zone, Section 38-183(17), Permitted Uses, be amended by deleting same in its entirety and substituting in lieu thereof the following:

- (17) Mini-warehouses, provided that any areas designated as outdoor storage areas shall be screened subject to the following requirements:
- (1) A solid, opaque, freestanding fence or wall, minimum seven (7') feet in height. Chain link in any form, slat or mesh covered fences are not acceptable.
 - (2) For any property with outdoor storage, there shall be an eight (8') foot minimum width unpaved planting area, in front of the fence, across the front of the subject property where it abuts the right-of-way and exclusive of existing buildings. This planting area in front of the fence shall comply with the Street yard requirements of Article IX. Landscape Provisions.

SECTION 3. That Chattanooga City Code, Chapter 38, Article V, Zoning Regulations, Division 19, M-1 Manufacturing Zone, Section 38-305, Screening from Residential Zone, be amended by deleting same in its entirety.

SECTION 4. That Chattanooga City Code, Chapter 38, Article V, Zoning Regulations, Division 19, M-1 Manufacturing Zone, Section 38-306, Outdoor Storage in the M-1 Manufacturing Zone, be amended by deleting same in its entirety.

SECTION 5. That Chattanooga City Code, Chapter 38, Article V, Zoning Regulations, Division 20, M-2 Light Industrial Zone, Section 38-323(5), General Provisions, be deleted in its entirety.

SECTION 6. That Chattanooga City Code, Chapter 38, Article V, Zoning Regulations, Division 21, M-3 Warehouse and Wholesale Zone, Section 38-333(7), General Provisions, be deleted in its entirety.

SECTION 7. That Chattanooga City Code, Chapter 38, Article V, Zoning Regulations, Division 22, M-4 Outdoor Industrial Zone, Section 38-341(10), Use Regulations, be deleted in its entirety.


SECTION 8. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: August 27, 2019



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem/Alternate Version JB