

4/16/13

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO INCLUDE FUNERAL, CEMETERY, AND CREMATION REGULATIONS FOR DOMESTIC ANIMALS (CONSIDERED AS HOUSEHOLD PETS).

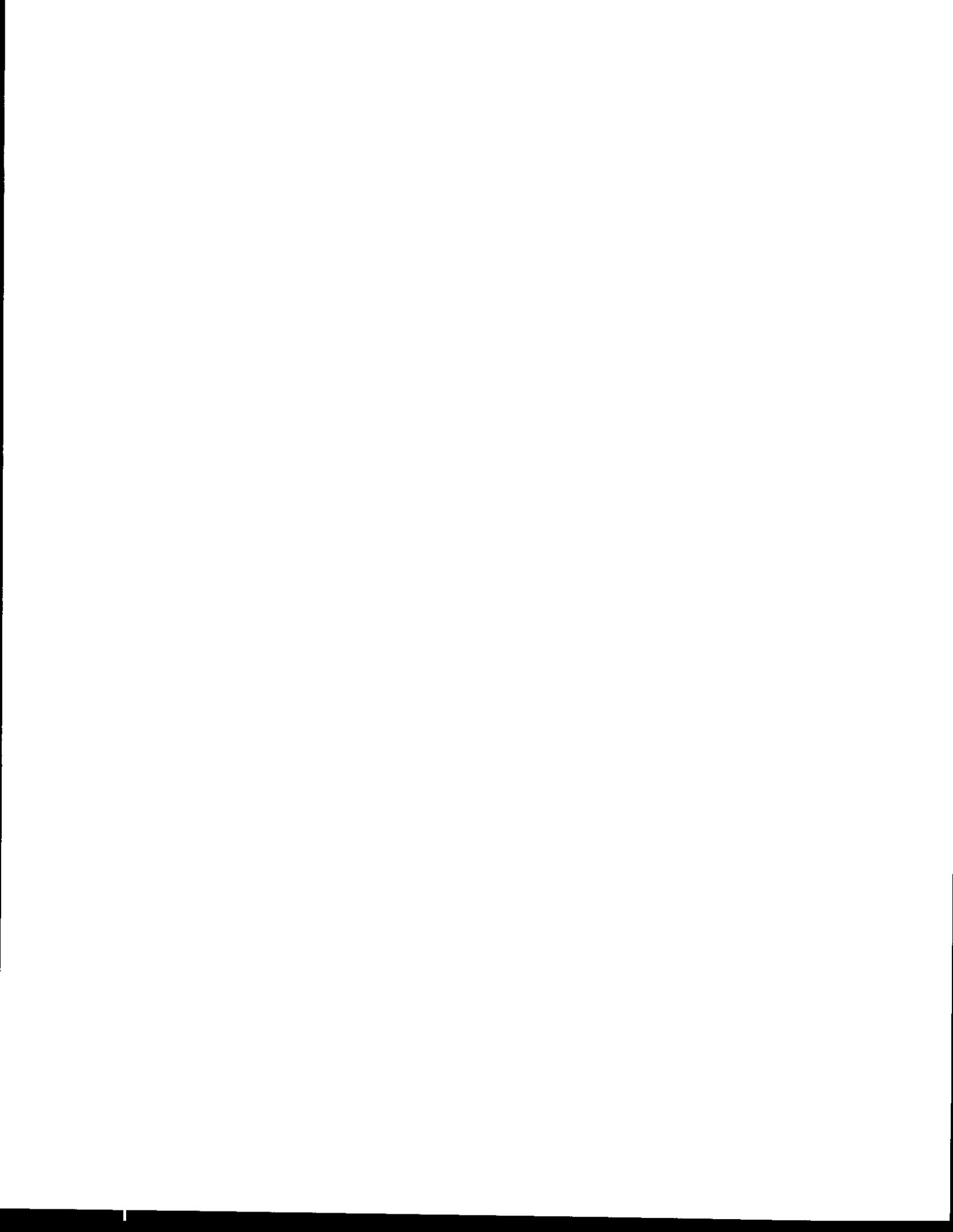
SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-2, Definitions, to be amended to add the following in alphabetical order:

Animal, Domestic: An animal that is tame or domesticated, bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter. Such animal customarily kept by humans for companionship (customarily considered as household pets and often referred to as a small animal), including but not limited to dogs, cats, rabbits, birds, snakes, hamsters, rodents and miniature pot-bellied pigs. This does not include farm/livestock, fowl, exotic or wild animals. See also domestic animal defined within Chattanooga City Code (Chptr. 7, Art.1, Sec.7-2)

Animal, Farm/Livestock or Fowl: Cattle, calves, horses, mules, swine, sheep, goats, rabbits, roosters, chickens, ducks, geese, turkey, pheasants or other similar birds and animals (often referred to as a large animal). These animals are also considered as farm and/or livestock and maintained for food production, sale, education or recreation. See also livestock and fowl defined within the Chattanooga City Code (Chptr.7, Art.1, Sec.7-2)

Animal, Wild or Exotic: Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is native to a foreign country or of foreign origin or character. Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes. This term specifically includes animals such as, but not limited to elephants, camels, antelope, anteaters, and kangaroo. This definition does not include birds, small rodents or small, nonpoisonous reptiles commonly used for pets or educational/experimental purposes. See also Exotic Animals defined within the Chattanooga City Code (Chptr.7, Art.1, Sec.7-2).

Cemetery, Pet: See Cemetery



Crematory, Pet: The act of burning (incineration) of domestic animals.

Funeral Home, Pet: A building or part thereof used for funeral services of domestic animals (customarily considered as household pets). Such building may contain space and facilities for (a) storage and sale of pet urns/containers, pet caskets and vaults; (b) pet memorials and markers; (c) performance of viewing and/or other services/rituals used in display of animal. Facilities for pet cremation may be allowed by special permit if zoning district permits.

Household Pet: See Animal, Domestic

Livestock: See Animal, Farm/Livestock or Fowl

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 38-2, Definitions, to be amended to delete in its entirety and substitute in lieu thereof the following:

Hospital, Domestic Animal: A facility for the boarding, care and treatment of animals commonly kept by humans for companionship (considered household pets). See definition of Animal, domestic. Excluded specifically are goats, swine, cattle and horses.

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, Section 38-122, Uses permitted as special exceptions by the Board of Appeals, to delete subsection (6) in its entirety and substitute in lieu thereof the following:

- (6) Domestic animal hospitals; Pet Funeral Homes; and Pet Cremation/Crematory when used in conjunction with either facility.



SECTION 4. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-184, Uses permitted as special exceptions by the Board of Appeals, to delete subsection (2) in its entirety and substitute in lieu thereof the following:

- (2) Domestic animal hospitals and veterinary offices; Pet Funeral Homes; and Pet Cremation/Crematory when used in conjunction with either facility.

SECTION 5. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-204, Uses permitted as special exceptions by the Board of Appeals, to delete subsection (2) in its entirety and substitute in lieu thereof the following:

- (2) Domestic animal hospitals; Pet Funeral Homes; and Pet Cremation/Crematory when used in conjunction with either facility.

SECTION 6. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-302, Uses permitted as special exceptions by the Board of Appeals, to delete subsection (5) in its entirety and substitute in lieu thereof the following:

- (5) Cremation/Crematory
 - (a) Facilities for human remains; and
 - (b) Facilities for domestic animal remains

Either facility shall require issuance of a special permit from the Board of Zoning Appeals as provided in Article VIII. Such facility shall not be combined to allow the combination of human and domestic animal remains within the same facility operation.



SECTION 6. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-568, Powers, etc., of board; hearings, to delete subsection (4) in its entirety and substitute in lieu thereof the following:

- (4) For funeral homes; mortuaries; undertaking establishments; pet funeral homes; and including cremation/crematory, when used in conjunction with such establishments; in the R-4 Special Zone, the C-2 Convenience Commercial Zone, and the UGC Urban General Commercial Zone. M-1 Manufacturing Zone for human or domestic animal remains cremation/crematory facility only.

SECTION 7. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

_____, 2013

CHAIRPERSON

APPROVED: ____ DISAPPROVED: ____

DATE: _____, 2013.

MAYOR

/mms



**A RESOLUTION TO AMEND THE CHATTANOOGA CITY CODE, PART II,
CHAPTER 38 ZONING ORDINANCE TO INCLUDE FUNERAL, CEMETERY AND
CREMATION REGULATIONS FOR DOMESTIC ANIMALS (CONSIDERED AS
HOUSEHOLD PETS)**

WHEREAS, new trends in the domestic animal/small pet industry have created a need to establish a separation between human and domestic animal remains as it relates to funeral, cemetery and cremation within the zoning regulations; and,

WHEREAS, currently, such uses for human remains are allowed by special permit through the Board of Zoning Appeals process; and,

WHEREAS, a similar approach for domestic animals/small pets has been determined by the City of Chattanooga Land Development staff to be appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on March 11, 2013, does hereby recommend to the Chattanooga City Council that the Chattanooga Zoning Ordinance be amended within the following sections:

SECTION 38-2 (Definitions), add in alphabetical order:

Animal, Domestic: An animal that is tame or domesticated, bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter. Such animal customarily kept by humans for companionship (customarily considered as household pets and often referred to as a small animal), including but not limited to dogs, cats, rabbits, birds, snakes, hamsters, rodents and miniature pot-bellied pigs. This does not include farm/livestock, fowl, exotic or wild animals. See also domestic animal defined within Chattanooga City Code (Chptr. 7, Art.1, Sec.7-2)

Animal, Farm/Livestock or Fowl: Cattle, calves, horses, mules, swine, sheep, goats, rabbits, roosters, chickens, ducks, geese, turkey, pheasants or other similar birds and animals (often referred to as a large animal). These animals are also considered as farm and/or livestock and maintained for food production, sale, education or recreation. See also livestock and fowl defined within the Chattanooga City Code (Chptr.7, Art.1, Sec.7-2)

Animal, Wild or Exotic: Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is native to a foreign country or of foreign origin or character. Any wild animal not customarily confined or cultivated by



man for domestic or commercial purposes. This term specifically includes animals such as, but not limited to elephants, camels, antelope, anteaters, and kangaroo. This definition does not include birds, small rodents or small, nonpoisonous reptiles commonly used for pets or educational/experimental purposes. See also Exotic Animals defined within the Chattanooga City Code (Chptr.7, Art.1, Sec.7-2).

Cemetery, Pet: See Cemetery

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Household Pet: See Animal, Domestic

Livestock: See Animal, Farm/Livestock or Fowl

SECTION 38-2 (Definitions), Delete "Hospitals, Small Animal" in its entirety and substitute in lieu thereof the following:

Hospital, Domestic Animal: A facility for the boarding, care and treatment of animals commonly kept by humans for companionship (considered household pets). See definition of Animal, domestic. Excluded specifically are goats, swine, cattle and horses.

SECTION 38-122 (R-4 Special Zone, Uses permitted as special exceptions by the Board of Appeals), Delete subsection (6) in its entirety and substitute in lieu thereof the following:

(6) Domestic animal hospitals; Pet Funeral Homes; and Pet Cremation/Crematory when used in conjunction with either facility.

SECTION 38-184 (C-2 Convenience Commercial Zone, Uses permitted as special exceptions by the Board of Appeals), Delete subsection (2) in its entirety and substitute in lieu thereof the following:

(2) Domestic animal hospitals and veterinary offices; Pet Funeral Homes; and Pet Cremation/Crematory when used in conjunction with either facility.



SECTION 38-204 (UGC Urban General Commercial Zone, Uses permitted as special exceptions by the Board of Appeals), Delete subsection (2) in its entirety and substitute in lieu thereof the following:

(2) Domestic animal hospitals; Pet Funeral Homes; and Pet Cremation/Crematory when used in conjunction with either facility.

SECTION 38-302 (M-1 Manufacturing Zone, Uses permitted as special exception by Board of Appeals), Delete subsection (5) in its entirety and substitute in lieu thereof the following:

(5) Cremation/Crematory

(a) Facilities for human remains

(b) Facilities for domestic animal remains

Either facility shall require issuance of a special permit from the Board of Zoning Appeals as provided in Article VIII. Such facility shall not be combined to allow the combination of human and domestic animal remains within the same facility operation.

SECTION 38-568 (Board of Appeals for Variances and Special Permits, Powers, etc., of board; hearings), Delete subsection (4) in its entirety and substitute in lieu thereof the following:

(4) For funeral homes; mortuaries; undertaking establishments; pet funeral homes; and including cremation/crematory, when used in conjunction with such establishments; in the R-4 Special Zone, the C-2 Convenience Commercial Zone, and the UGC Urban General Commercial Zone. M-1 Manufacturing Zone for human or domestic animal remains cremation/crematory facility only.

Respectfully submitted,

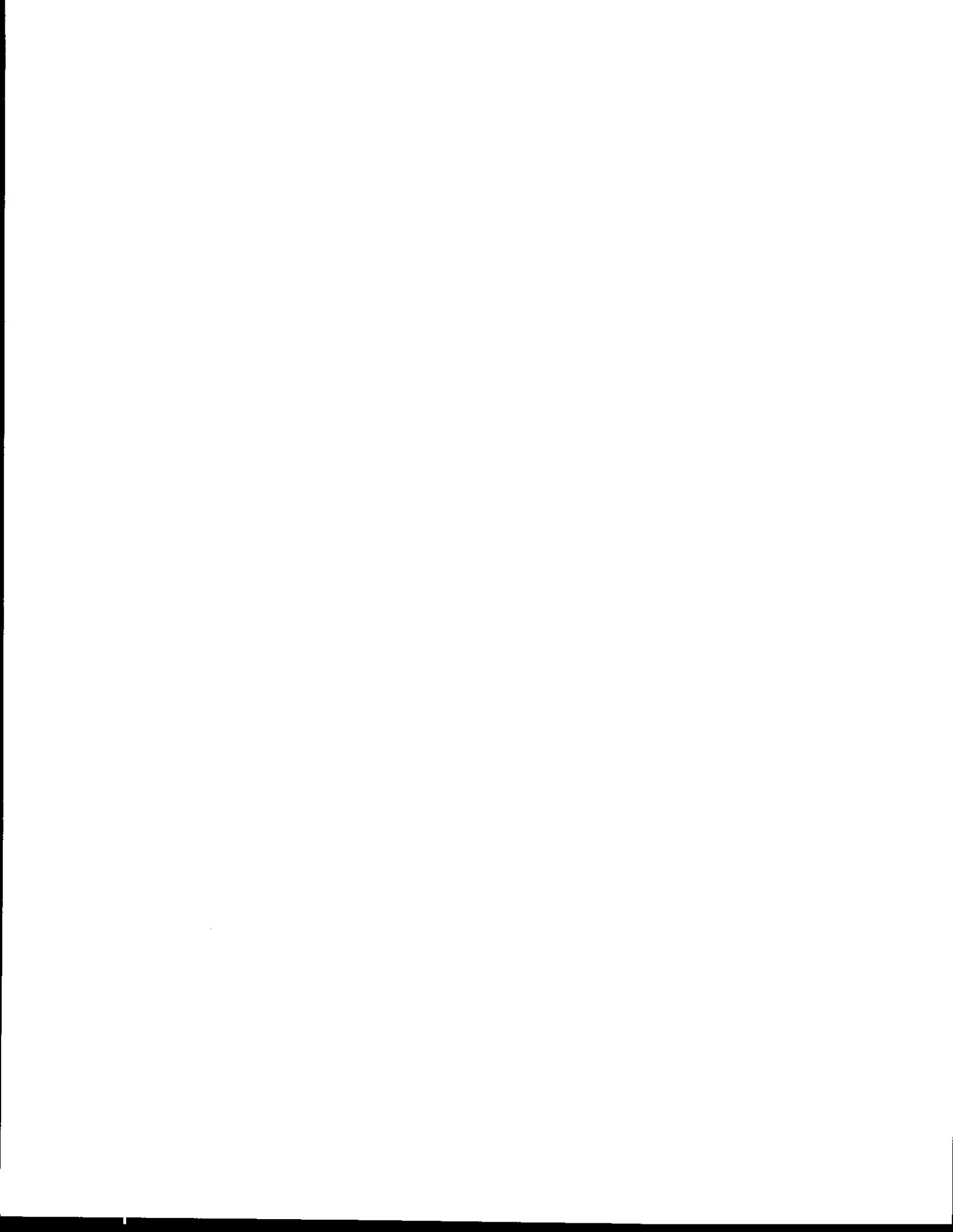


John Bridger, Secretary

Date of Adoption: March 11, 2013

JB:GH:PD:sh

PetCemetery.doc



NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2013-006 City of Chattanooga/RPA. Amberley Trail, Colonial Parkway, Ellington Way, Fenchcroft Lane, Haven Crest Drive, Igou Gap Road, King Court Lane, Morris Glen Court, Morris Hill Road, Pebble Creek Road, Pine Needles Trail, and Ray Jo Circle, from Temporary Zone to Permanent Zone per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 11A” of Ordinance Nos. 12299 and 12557, subject to certain conditions.

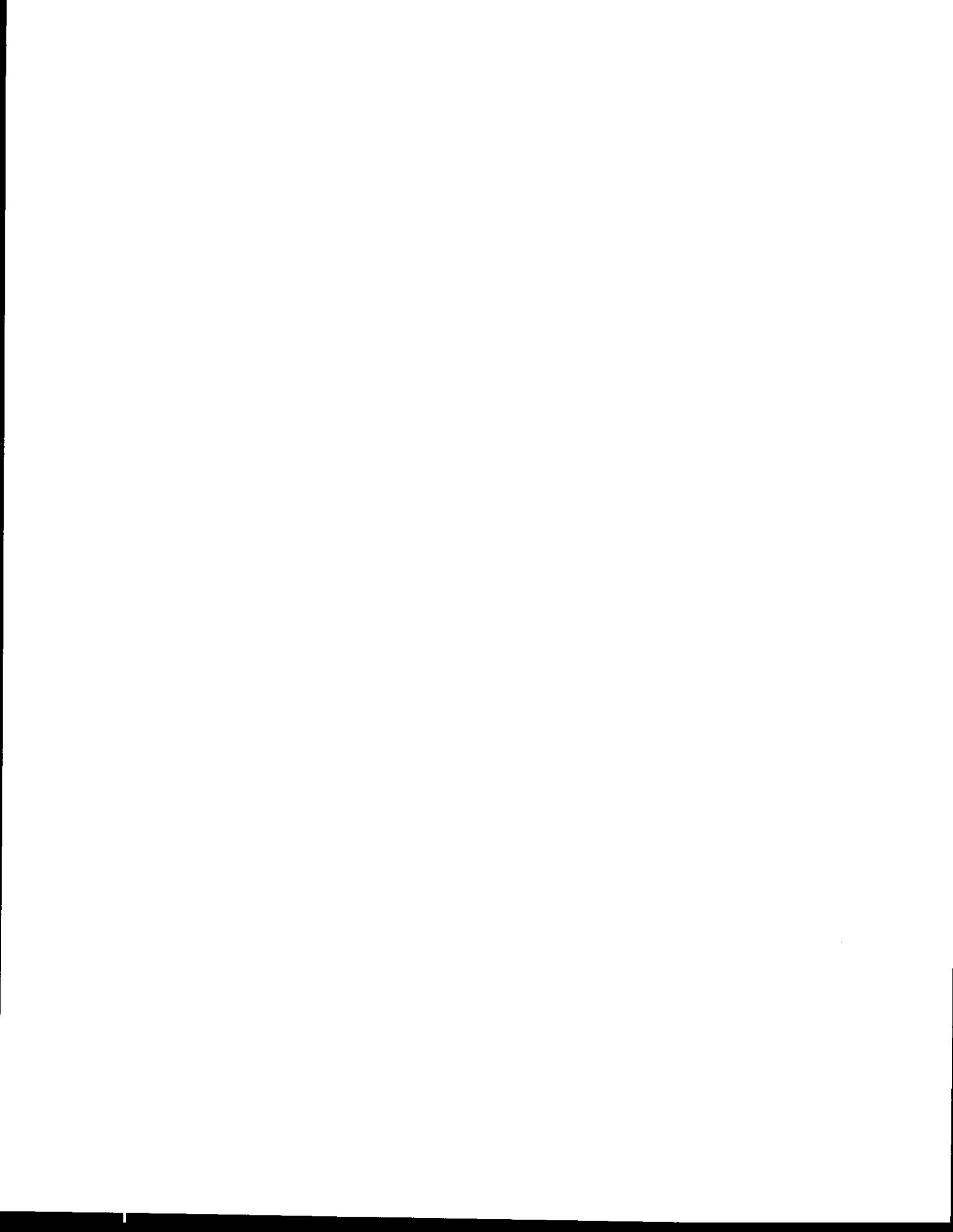
2013-037 Rohdie Group, LLC/Willie Mae Sweeney. 6839 McCutcheon Road, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2013-033 Richard Davis, Broker/First Citizens Bank & Trust. 7331 Shallowford Road, from R-4 Special Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Amending Section 38-2, Definitions for Animal, Domestic; Animal, Farm/Livestock or Fowl; Animal, Wild or Exotic; Cemetary, Pet; Crematory, Pet; Household Pet; Livestock; Hospital, Domestic Animal; and Mobile food unit.
- (b) Amending Sections 38-122, 38-184, 38-204, and 38-302, Uses permitted as special exceptions by the Board of Appeals; and



(c) Amending Section 38-568, Powers, etc., of board; hearings.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

April 16, 2013

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2013.

Carol K. O'Neal, CMC
Clerk to the City Council

