

First Reading: March 5, 2019
Second Reading: March 12, 2019

ORDINANCE NO. 13444

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 3, SECTION 3-94(a), SETBACK REQUIREMENTS FOR DETACHED SIGNS; AMENDING SECTION 3-96, TRAFFIC DIRECTIONAL SIGNS; AMENDING SECTION 5-88(a), CONSUMPTION OF ALCOHOLIC BEVERAGES AND BEER IN PARKLET CAFÉS OPEN CONTAINERS OF ALCOHOLIC BEVERAGES AND BEER IN PARKLET CAFÉS; AND AMENDING SECTION 32-44, TEMPORARY USE PERMIT.

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 3, Section 3-94(a), be amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 3-94. Setback requirements for detached signs.

a. No detached sign may be closer than ten (10') feet to any street or right-of-way; no detached sign with a sign area larger than forty (40') square feet may be closer than fifteen (15') feet to any street or right-of-way; and no detached sign which is larger than one hundred (100') square feet may be closer than twenty (20') feet to any street or right-of-way. Notwithstanding the foregoing set-back limitations, any projecting sign which is attached to a building whose building line adjoins a public sidewalk or public right-of-way may extend out over the public sidewalk or right-of-way, but not over any public street and not in excess of the distance otherwise permitted hereunder. Notwithstanding the foregoing, any owner from whose property any sign may project over any public right-of-way shall, prior to erecting or installing such sign, obtain a temporary use permit from the Transportation Department.

SECTION 2. That Chattanooga City Code, Part II, Chapter 3, Section 3-96, be amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 3-96. Traffic directional signs.

The number, height and set-back limitations in §§ 3-92, 3-93 and 3-94 above shall not apply to on-premise entrance, exit or other directional traffic signs at any premises, provided that no such directional sign shall exceed thirty (30") inches in height nor more than six (6') square

feet in sign area, and further provided that no such signs shall contain any words other than customary motor vehicle or pedestrian traffic directional instructions. On premises with land area in excess of seven (7) acres which have two (2) or more occupants, signs marking a one-way entrance to the premises, including the name(s) of the occupant(s) of the premises, shall not exceed fifty (50') square feet in sign area nor exceed nine (9') feet in overall height but shall be located no closer than ten (10') feet from the closest edge of the pavement of any public right-of-way but in no event on a public right-of-way. In no event shall there be permitted more than two (2) traffic directional signs per entrance or exit to the premises. On premises which are within six hundred sixty (660') feet of a controlled access facility, which have a detached sign which is taller than fifty (50') feet and which are not adjacent to a public right-of-way, one (1) such traffic directional sign shall be permitted not in excess of forty (40') square feet in sign area and not in excess of twelve (12') feet in overall height; any such sign shall be located no closer than ten (10') feet from the closest curb or edge of any public street but in no event on any public right-of-way, and any such sign may be placed on an access easement to such premises, provided that this sentence shall not apply to premises which are permitted more than one (1) detached sign.

Notwithstanding any other provision in this Chapter to the contrary, off-premise traffic directional signs may be erected on the city right-of-way by a qualifying non-profit entity any licensed K-12 or educational use pursuant to a temporary use permit granted by the Transportation Department. The location and number of such off-premise traffic directional signs shall be approved by the Transportation Department. For the purposes of this paragraph, a qualifying non-profit entity shall mean a not-for-profit entity which does not charge an admission fee or membership fees or dues or any licensed K-12 educational use and which is not abutting on or visible from a through street designated in § 24-501 of this Code or a one-way street designated in § 24-504 of this Code. No such off-premise traffic directional sign shall be located more than six-tenths (0.6) of one (1) mile from the premises of the non-profit entity, and no such sign shall exceed three (3) square feet in sign area. The Transportation Department shall review the placement of any non-profit or any licensed K-12 educational directional sign under this section and direct the placement of a business directional sign on a through street public right-of-way in any location which shall in its judgment protect safety of motorists after considering visibility and sight conditions of any minor streets where a business may be located.

SECTION 3. That Chattanooga City Code, Part II, Chapter 5, Section 5-88(a), be amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 5-88. Consumption of alcoholic beverages and beer in parklet cafés open containers of alcoholic beverages and beer in parklet cafés.

a. A parklet café shall mean an expansion of a restaurant or bar (the, "establishment") creating an outdoor dining and/or drinking area on part of the public street right-of-way that immediately adjoins the premises for the purpose of consuming food or beverage prepared at the establishment adjacent thereto. A parklet café must obtain a temporary use permit from the Transportation Department.

SECTION 4. That Chattanooga City Code, Part II, Chapter 32, Section 32-44, be amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 32-44. Temporary Use Permit.

It shall be unlawful for any person to place an obstruction on or over any City right-of-way, property, or dedicated right-of-way on any recorded plat unless such person has obtained a temporary use permit from the City. Applications for such permits shall be made to the Transportation Department along with a non-refundable application fee of One Hundred Ten Dollars (\$110.00).


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: March 12, 2019



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

RDR/mem