

First Reading: July 9, 2019
Second Reading: July 16, 2019

ORDINANCE NO. 13482

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, ZONING REGULATIONS, DIVISION 28, A-1 URBAN AGRICULTURAL ZONE, SECTION 38-453, PERMITTED USES AND ADDING NEW SECTION 38-460 REGARDING APPLICABILITY.

WHEREAS, the Division 28 A-1 Urban Agricultural Zone of the Chattanooga Zoning Regulations contains provisions for the opportunity for agricultural land and related uses within the City Limits; and

WHEREAS, the A-1 Urban Agricultural Zone provides regulations and provisions with regulating the number of acres required, fencing, and barn placement for livestock and fowl within the City Limits; and

WHEREAS, the current distance requirements for fencing of the pasture area is twenty-five (25') feet from any property line; and

WHEREAS, the current distance requirements for the placement of new barns or buildings that house livestock and fowl is twenty-five (25') feet from any property line; and

WHEREAS, the intent of this amendment is to modify the distance requirements from property lines with regard to fencing, new barn or buildings that house livestock and fowl.

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

SECTION 1. That Chattanooga City Code, Chapter 38, Article V, Zoning Regulations, Division 28, A-1 Urban Agricultural Zone, Section 453(1), Permitted Uses, be amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 38-453. - Permitted uses.

(1) Agricultural uses such as the growing of crops, dairying, grazing, the raising and maintaining of poultry and livestock, horticulture, viticulture, floriculture, forest and woods. Also permissible as an agricultural use are such uses as riding academies, livery or boarding stables, and other similar enterprises and uses. It shall be unlawful for any person to own, keep or maintain any livestock or fowl on land that does not satisfy each of the following conditions:

(a) Livestock shall be kept only in areas that satisfy all of the following conditions:

- (i) Each cow, equine, swine or other large livestock shall have a minimum pasture area of one (1) acre. Each goat, sheep, emu, ostrich or other small livestock shall have minimum pasture area of one-fourth (1/4) acre. Livestock pasture areas must be securely fenced at all times so as to securely contain said livestock within the pasture area. Said fencing shall comply with the requirements set forth in T.C.A. §§ 44-8-102 through -105. No pasture area shall be closer than one hundred fifty (150') feet from any residential structure, excluding the shared property line where the adjacent property already maintains livestock.
- (ii) Livestock animals must be provided with adequate shelter to protect them from the elements.
- (iii) The shelter and fenced pasture area shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odor.
- (iv) No new barn or building that houses livestock animals shall be erected or maintained within one hundred fifty (150') feet of any property line or residence.

- (v) All food and feed kept for feeding livestock shall be kept and stored in rat-proof and rat-free containers, compartments or rooms unless kept in a rat-proof building. Any new building or container used for feeding livestock or for the storage of feed shall be located at least one hundred fifty (150') feet from any residential structure and at least one hundred fifty (150') feet from any property line.
 - (vi) Existing barns that were noted on the Applicant's site plan approved by Council are excluded from the set-back requirements prescribed by sub-sections (iv) and (v) within this zone.
- (b) Fowl shall be kept only in areas that satisfy all of the following conditions:
- (i) No more than twenty (20) fowl shall be kept or maintained per acre.
 - (ii) Such animals must be provided adequate shelter to protect them from the elements and must be contained in a secure fenced enclosure at all times so as to securely contain said fowl within the enclosure area. No pasture area shall be closer than one hundred fifty (150') feet from any residential structure, excluding the shared property line where the adjacent property already maintains livestock.
 - (iii) Such animals must be confined at all times in a secure enclosure that is not less than eighteen (18") inches in height. The enclosure must be well ventilated and well drained so there is no accumulation of odor or moisture.
 - (iv) The enclosure shall have a minimum of ten (10') square feet of floor area for each fowl.
 - (v) The enclosure shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odor.
 - (vi) No new enclosure shall be erected or maintained within one hundred fifty (150') feet of any property line or residence.
 - (vii) All food and feed kept for feeding fowl shall be kept and stored in rat-proof and rat-free containers, compartments or rooms unless kept in a rat-proof building. Any new building or container used for feeding fowl or for the storage of feed shall be located at least one hundred fifty (150') feet from any residential building and at least one hundred fifty (150') feet from any property line other than property zone A-1.

- (viii) Existing barns that were noted on the Applicant's site plan approved by Council are excluded from the set-back requirements prescribed by subsections (vi) and (vii) within this zone.

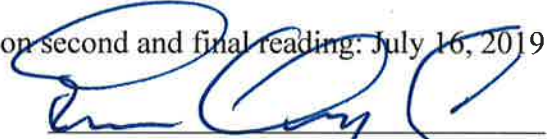
SECTION 2. That Chattanooga City Code, Chapter 38, Article V, Zoning Regulations, Division 28, A-1 Urban Agricultural Zone, be amended by adding the following Section 38-460, Applicability:

Sec. 38-460. - Applicability.

All structures, fencing and enclosures on property within the A-1 Urban Agricultural Zone existing since the adoption of Ordinance No. 13227 on October 10, 2017, that comply with Section 38-453 as of the date of passage of this Ordinance shall be grandfathered as existing uses. All new structures, fencing and enclosures on property within the A-1 Urban Agricultural Zone must comply with the requirements set forth in this Ordinance as of its effective date. Additionally, if there is any change in ownership of any property within the A-1 Urban Agricultural Zone after the effective date of this Ordinance, the new owner(s) must comply with the requirements set forth in this Ordinance.


SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: July 16, 2019



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

PAN/MJF/VLM/mem/v7