

ORDINANCE NO. 11535

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7538 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO C-5 NEIGHBORHOOD COMMERCIAL ZONE USES, EXCLUDING THE BUILDING SIZE LIMIT.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Ordinance No. 6958, as amended, known as the Zoning Ordinance, be and the same hereby is amended so as to rezone:

A tract of land located at 7538 East Brainerd Road. Part of an unplatted tract of land located at 7538 East Brainerd Road. To find the point of beginning start on the west line of the 1400 block of Stratton Place Drive some 27 feet southwest of its intersection with the south line of the 7500 block of East Brainerd Road, thence 242.48 feet southwest along said drive, thence 259.36 feet northwest, thence 269.39 feet northeast to the south line of East Brainerd Road, thence southeast along the south line of said road 224.75 feet, thence 47.52 feet southeast to its intersection with Stratton Place Drive, the point of beginning being part of the property described in Deed Book 3369, Page 730, ROHC. Tax Map 158L-F-020 (part).

from R-4 Special Zone to C-2 Convenience Commercial Zone subject to C-5 Neighborhood Commercial Zone uses, excluding the building size limit.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject

to all existing easements being retained.

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

PASSED on Third and Final Reading

March 16, 2004.

S/\_\_\_\_\_  
CHAIRPERSON

APPROVED:  X  DISAPPROVED: \_\_\_\_\_

DATE:  March 25 , 2004

S/\_\_\_\_\_  
MAYOR

Reviewed By: s/\_\_\_\_\_  
*David Eichenthal*

AKS/pm



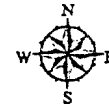
CHATTANOOGA

CASE NO: 2004-0033

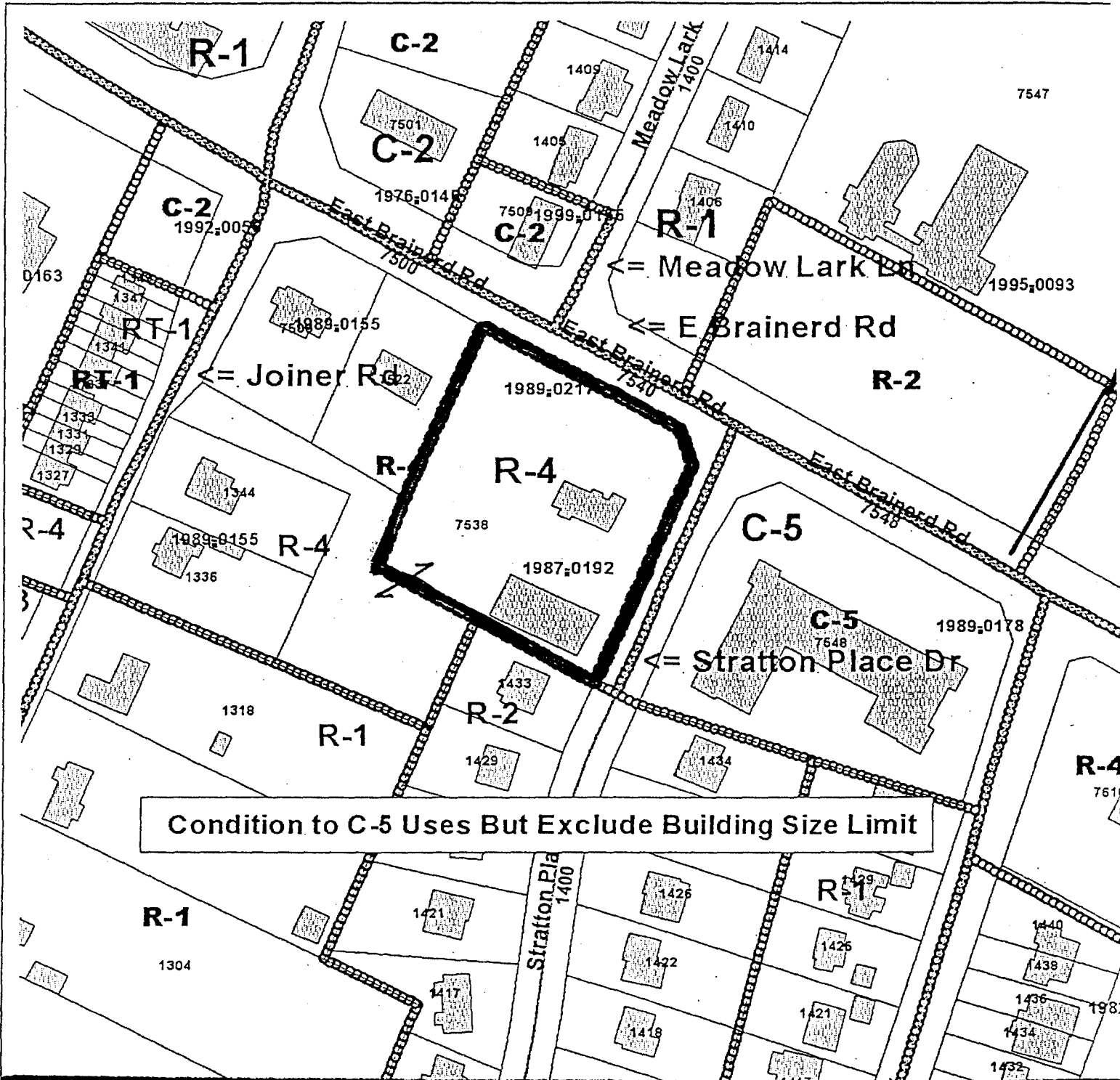
PC MEETING DATE: 2/9/2004

FROM: R-4

TO: C-2

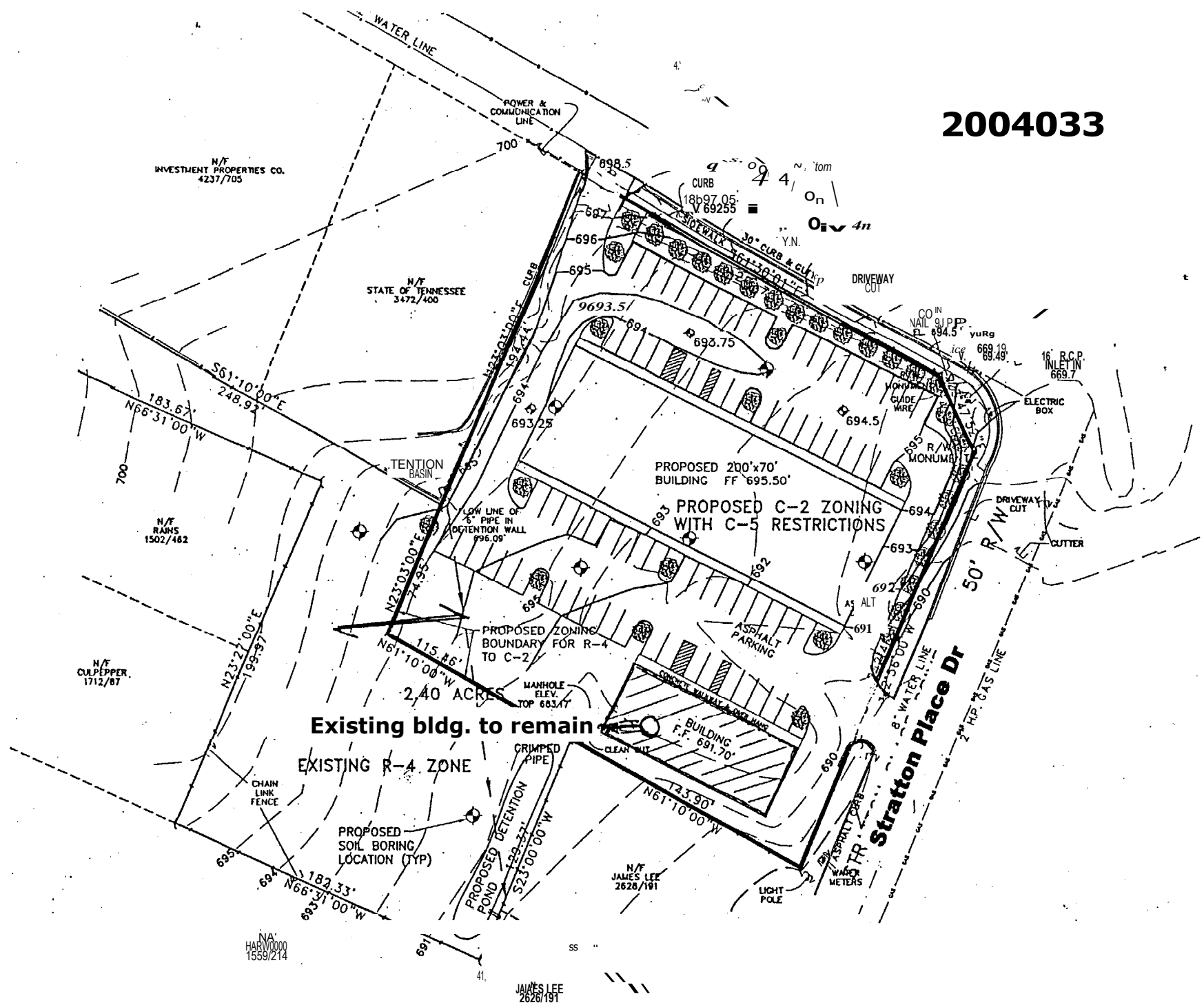


1 in. = 150.0 feet



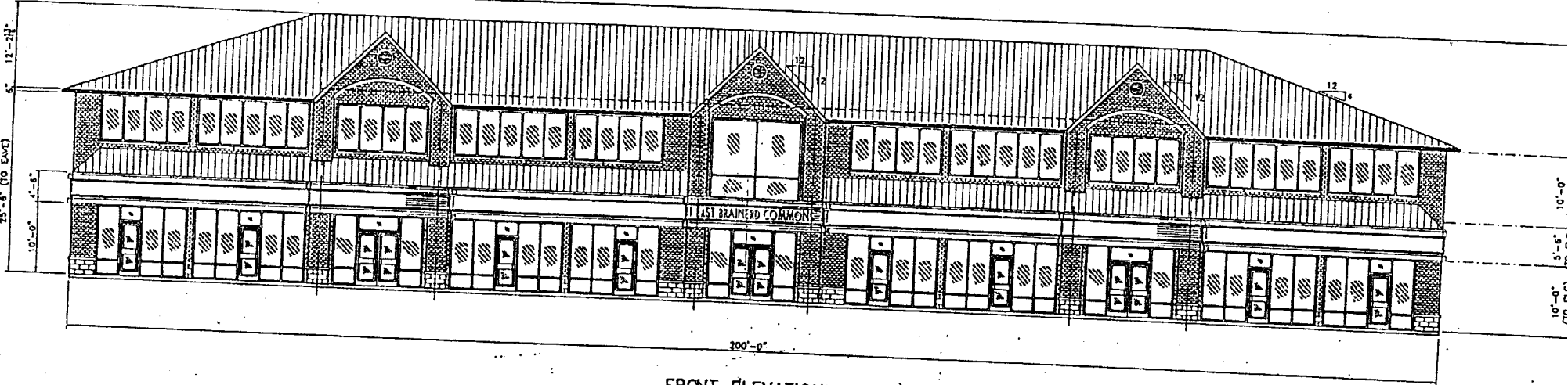
**PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2004-033:** Approve C-2, subject to C-5 uses excluding building size limit.

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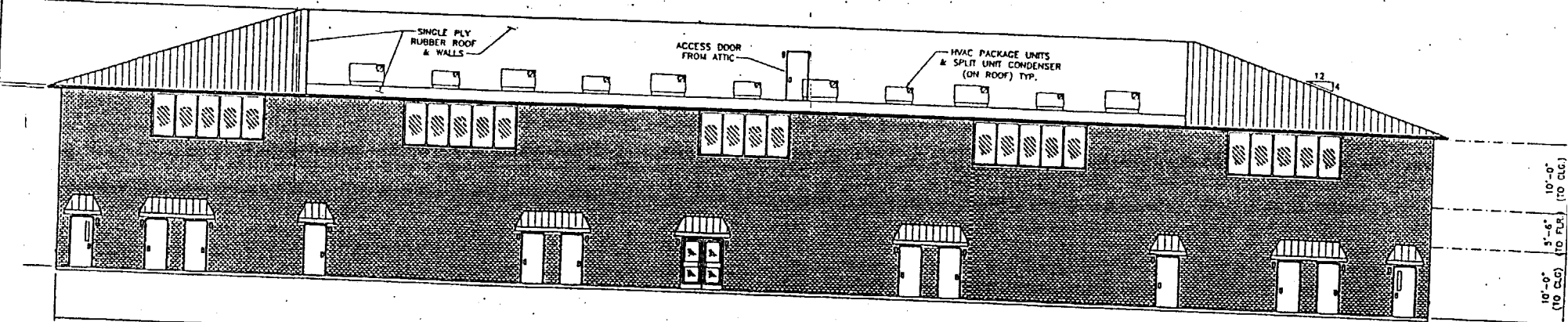


PROPOSED: SITE DEVELOPMENT PLAN

2004-033



FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



BACK ELEVATION  
SCALE: 1/8" = 1'-0"

**c900. C-5 Neighborhood Commercial Zone**

901. Intent:

It is the intent of the C-5 Neighborhood Commercial Zone to promote, protect, and sustain the vitality of a neighborhood by allowing the development and maintenance of small commercial and service enterprises which are both compatible with and complementary to residential properties within the immediate vicinity. Furthermore, it is the intent of the section that all businesses located within a C-5 Neighborhood Commercial Zone shall be for retail sales, services, or otherwise of such nature as to be a benefit or convenience to a majority of neighborhood residents.

902. Location:

Neighborhood Commercial Zones shall be located so as to primarily serve traffic on arterial or collector streets (see definition "Functional Classification of Streets"), and all businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets.

903. Principal Uses Permitted:

The following principal uses and structures may be permitted in any C-5 Neighborhood Commercial Zone subject to the building being limited to a maximum of 5,000 gross square feet of total floor area.

- (1) Grocery stores, provided that no gasoline pumps and/or car washes shall be permitted as either a principal use or an accessory use, drug stores, bakeries, meat and fish markets, hardware, stationery stores, shoe stores, florists, and music stores.

[Ordinance No. 10880 — 7/27/99]

- (2) Barber shops, beauty shops, cleaning and laundry establishments (including coin operations), shoe repair shops, repair establishments for household articles and appliances.

- (3) Offices, studios, medical and dental clinics, banking facilities.

[Ordinance No. 8397- 11/2/78]

- (4) Dwellings, excluding factory manufactured homes constructed as a self-contained unit and mounted on a single chassis, when these dwelling units are located within the same building as the principal permitted use.

[Ordinance No. 10879 — 07/27/99]

904. Uses Permitted as Special Exceptions by the Board of Appeals:

The following uses and structures with their customary accessory buildings may be permitted as special exceptions by the Board of Appeals, subject to the requirements and restrictions as specified in Article VIII:

- (1) Day care centers:

Such uses shall require a Special Permit from the Board of Appeals under the terms of Article VIII of this ordinance.

- (2) Communications Towers:

The Board of Appeals for Variances and Special Permits may issue a Special Permit for communications towers under the terms specified in Article VIII.

[Ordinance No. 11253 - 3/19/02]

- (3) Restaurants with fewer than fifty (50) seats and no drive-thru or drive-in trade or curb service.

Article V, C-5 Neighborhood Commercial Zone

The Board of Appeals for Variances and Special Permits may issue a Special Permit for restaurants under the terms specified in Article VIII.

(Ord.No. 11471, §1, 10-21-03)

905. Permitted Accessory Uses and Structures:

The following accessory uses and structures may be permitted in any approved C-5 Neighborhood Commercial Zone:

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained) to have an adverse effect on the character of area surrounding the zone.

906. Prohibited Uses and Structures:

The following uses and structures are found to be not in keeping with the intent of the Neighborhood Commercial Zone and are therefore specifically prohibited within any approved C-5 Neighborhood Commercial Zone:

- (1) Outdoor sales, service or display, except for outdoor seating at restaurants as permitted in Article V, Section 904(3);  
(Ord.No. 11474, §2, 10-21-03)
- (2) The playing of music or making of announcements directly or through mechanical or electronic devices in a manner audible at any residential lot line;
- (3) The sale or consumption of beer, wine, and similar alcoholic beverages on the premises;  
(Ord.No. 11474, §2, 10-21-03)
- (4) Adult-oriented establishments;
- (5) Theaters, skating rinks, dance halls, billiard rooms, or other businesses, or uses devoted primarily to entertainment;
- (6) Liquor stores;
- (7) New and used vehicular repair facilities;
- (8) On-premise signs with flashing, strobe or blinking lights or lights which vary in color or intensity which are visible from outside the building.
- (9) In general, any use or structure not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" above.

907. Minimum Yard Requirements; Maintenance of Visibility at Access Points; Relation of Yards to Turnout and Merging Lanes:

- (1) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way and along any property line abutting developed residential property or an established residential zone.

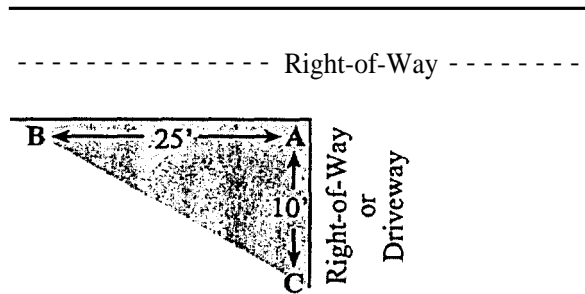
Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.

- (2) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the heights of three (3) feet and

eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

- Point A At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.
- Point B Beginning at Point A, proceeding along the boundary line of the public right-of-way toward the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.
- Point C Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C.

Example:



[Ordinance No. 9077 - 11/22/88]

- (3) Along collector and arterial public streets, turn-out lanes and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic and traffic separation devices may be required at such entrances and exits and along merging lanes. Whether required or provided voluntarily, such turn-out merging lanes may be included as part of the required setback adjacent to the public collector or arterial street. Disagreement regarding required turnout or merging lanes can be appealed to the Board of Appeals.

908. Maximum Height of Structures:

No structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. Communications towers shall be subject to the setback requirements set forth in Article VIII.

[Ordinance No. 11253 - 3/19/02]

- 909. For off-street parking requirements see Article V, Section 1700, et seq. (Ord. No. 11459, §2, 09-16-03)



Article V, C-6 Commercial Zone

**920. C-6 Commercial Zone deleted per Res. No. #**