

1ST READING 5-12-09
2ND READING 5-19-09
INDEX NO. _____

ORDINANCE NO. 12241

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, BY AMENDING ARTICLE II, ARTICLE V, AND ARTICLE VIII DEFINITIONS, TO CLARIFY USE REGULATIONS FOR CEMETERY, CREMATION, CREMATORY, COLUMBARIUM, FUNERAL HOME, MAUSOLEUM, MORTUARY, AND UNDERTAKING.

WHEREAS, definitions, along with placement and clarification of uses, are needed for funeral home, crematory, columbarium, and mausoleum within the existing regulations; and

WHEREAS, Planning Agency staff, through research of surrounding communities, has determined suitable placement within current zoning regulations; and

WHEREAS, the Chattanooga-Hamilton County Regional Planning Agency has recommended certain changes to Chapter 38 of the City Code relative to cemetery, crematory, columbarian, funeral home, mausoleum, and undertaking uses.

NOW, THEREFORE

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Article II, Definitions, be and hereby is amended to include, in alphabetical order, the following:

Article II - Definitions

CEMETERY: A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination thereof.

CREMATION: The act of reducing a corpse by burning, generally in a crematorium furnace or crematory fire.

CREMATORY: A building or structure containing property installed, certified apparatus, intended for the use in the act of cremation.

COLUMBARIUM: A place for public storage of urns. Columbaria can be either free standing units, part of a mausoleum or another building.

FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and performance of other services in preparation of dead for burial; (b) the storage of caskets, urns and other related supplies; (c) display of deceased and rituals connected thereto; and (d) storage of funeral vehicles. Facilities for cremation may be allowed if zoning district permits.

MAUSOLEUM: A building used for the entombment of human remains above ground.

MORTUARY: See funeral home definition.

UNDERTAKING: See funeral home definition.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Article V, be and is hereby amended as follows:

C-2 Convenience Commercial Zone, Subsection 604(1):

Delete excluding crematoriums and substitute in lieu thereof “and including Cremation/Crematory,” when used in conjunction with such establishments.

UCG Urban General Commercial Zone, Subsection 654(1):

Delete excluding crematoriums and substitute in lieu thereof “and including Cremation/Crematory,” when used in conjunction with such establishments.

M-1 Manufacturing Zone, Subsection 1002:

Add (5) Cremation/Crematory, upon issuance of a special permit from the Board of Zoning Appeals as provided in Article VIII.

R-4 Special Zone, Subsection 401:

Delete Permitted Use (4) Churches, in its entirety and substitute in lieu thereof:

- (4) Churches and including a columbarium and/or mausoleum as an accessory use.

R-4 Special Zone, Subsection 402(3):

Delete excluding crematoriums and substitute in lieu thereof “and including Cremation/Crematory,” when used in conjunction with such establishments.

R-3MD Moderate Density Zone, Subsection 251:

Delete Permitted Use (7) Churches, in its entirety and substitute in lieu thereof:

- (7) Churches and including a columbarium and/or mausoleum as an accessory use.

R-2 Residential Zone, Subsection 201:

Delete Permitted Use (7) Churches, in its entirety and substitute in lieu thereof:

- (7) Churches and including a columbarium and/or mausoleum as an accessory use.

R-1 Residential Zone, Subsection 101:

Delete Permitted Use (6) Churches, in its entirety and substitute in lieu thereof:

- (6) Churches and including a columbarium and/or mausoleum as an accessory use.

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Article VIII, Board of Appeals for Variances and Special Permits, Subsection 107(4), be amended by deleting subsection (4) in its entirety and substituting in lieu thereof, the following:

- (4) For funeral homes, undertaking establishments, and including cremation/crematory, when used in conjunction with such establishments; in the C-2 Convenience Zone and M-1 Manufacturing Zone.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

May 19, 2009.

W. Jack Benson
CHAIRPERSON

APPROVED: x DISAPPROVED: _____

DATE: May 22, 2009

[Signature]
MAYOR

/mms