# APPENDIX B

ZONING REGULATIONS

# CHATTANOOGA ZONING ORDINANCE

Chattanooga Zoning Ordinance No. 5149 and Amendments
Re-enacted by Ordinance No. 6958

(This Supplement includes all Amendments and changes approved by the Chattanooga-Hamilton County Regional Planning Commission on December 31, 2002.)

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Ordinance 9492, adopted November 20, 1990, added clarification and interpretation to this Ordinance, resulting in new numbers and corrections. These changes have been incorporated in this printing.

CHATTANOOGA ZONING ORDINANCE
**ORDINANCE NO. 5149 and AMENDMENTS**
Re-enacted by Ordinance No. 6958

AN ORDINANCE Regulating and Restricting the Use of Land and the Use and Location of Buildings and Structures; Regulating and Restricting the Height, Size and Bulk of Buildings and Structures, and Determining the Area of Yards, Courts and Other Places Surrounding Same; Regulating and Restricting the Density of Population; Dividing the City of Chattanooga into Districts For Such Purposes; Adopting Maps of Said City Showing Boundaries and Classification of Such Districts; Providing for Correcting Errors and Granting Variances, and Prescribing Penalties For the Violation of its Provisions.

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WHEREAS, by the provisions of Sections 13-701, et. seq., Tennessee Code Annotated, the City Council of the City of Chattanooga is authorized to establish districts or zones within its corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open space surrounding buildings, and the density of population; and

WHEREAS, the City Council of the City of Chattanooga deems it necessary in order to lessen the congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, to make and promulgate such regulations with reasonable consideration among other things, to the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout said City in accordance with a comprehensive plan;

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

**ARTICLE I.**

This ordinance shall be known and cited as the "Chattanooga Zoning Ordinance".

## ARTICLE II. DEFINITIONS

For the purpose of this Ordinance, words and terms are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

**Accessory Use of Building**: A use of building subordinate to the main building on the lot and used for purposes customarily incidental to those of the main building.

**Addition (to an existing building):** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.[Ordinance No. 9741 - 6/23/92]

**Alley**: A way which affords only secondary means of access to abutting property.

**Antenna**: An apparatus designed for telephonic, radio, television or other communications through the sending or receiving of electromagnetic waves, including but not limited to panel antenna, parabolic, or dish antenna. This definition shall not apply to a ground or building mounted antenna if the height including any post or supporting structure and antenna does not exceed thirty-five (35) feet for a ground mounted antenna, the applicable height restriction for the zone, or twenty feet above a building whichever is less.

[Ordinance No. 10705 – 6/02/98]

**Apartment Houses**: See "Dwelling, Multiple."

**Appeal**: A request for a review by a higher authority of the interpretation of any provision of these regulations or a request for variance.

**Area of Special Flood Hazard**: The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year (see also "High Water Stage").

[Ordinance No. 7712 - 8/12/80]

**Assisted Living Facility**: Any building, establishment, complex which accepts persons for domiciliary care and provides room, board, and non-medical living assistance to the residents. Prescribed medical treatment may be administered subject to the provisions of T.C.A. 68-11-201.

[Ordinance No. 10447 – 7/16/96]

**Attached**: Connected by an enclosure of either continuous walls or supporting columns, roof and floor and structurally integrated into the principal building on site.

[Ordinance No. 8896 - 1/26/88]
[Ordinance No. 10026 - 3/22/94]

**Auto Wrecking Yard**: Any place where three (3) or more vehicles not in running condition, or the parts thereof, are stored in the open. This definition is not intended to include such businesses as auto repair garages, service stations, auto wrecker services of similar uses which store vehicles only on a temporary basis and not for salvage purposes. All outdoor storage areas of such uses shall be totally, visually screened on all sides by a sight-obscuring fence at least six (6) feet in height. Slatting or a covering for chain link fences may be used subject to approval of slat or cover material by the Inspection Department. All front yard areas used for vehicle or parts storage must be set back at least twenty-five (25) feet from any public right-of-way.

[Ordinance No. 9936 - 8/17/93]
[Ordinance No. 10146 - 12/24/94]

**Base Flood**: The flood having a one (1) percent chance of being equaled or exceeded in any given year commonly referred to as the "100-Year Flood". (See also "High Water Stage" and "Area of Special Flood Hazard".)

[Ordinance No. 7712 - 8/12/80]

**Basement:** A story partly underground and having at least one-half (1/2) of its height above grade. A basement shall be counted as a story if the vertical distance from the grade to the ceiling is over five (5) feet or if used for business purposes or for dwelling purposes by other than a janitor or his family.

**Bed and Breakfast:** Any house or other structure used, advertised or held out to the public to be a place where living or sleeping accommodations are supplied for pay to transients and shall contain no more than nine (9) bedrooms for that purpose. Meals, usually breakfast, may be provided for the tenant.

[Ordinance No. 9422 - 7/24/90]

**Boarding House:** Any house, or other structure, used, advertised or held out to the public to be a place where sleeping accommodations are supplied for pay to tenants and shall contain no more than nine (9) bedrooms for that purpose. Meals may or may not be provided to the tenant.

[Ordinance No. 9422 - 7/24/90]

**Buffer:** Reserved area to be maintained as open space except for required screening material. No building or structure shall be placed in the designated buffer area. The buffer area is not to be used for parking, access, or any other purpose related to the use of the property.

[Ordinance No. 9344 - 3/20/90]

**Building:** Any structure used or built for the shelter or enclosure of persons, animals, or chattels.

**Building, Height of**: The vertical distance between the level and the highest point of the roof surface of a flat roof, the deck line of a mansard roof and to a point two thirds (2/3's) the height of a gable, hip or gambrel roof: If the building is set back from the street line, the height may be measured from the average elevation of the finished grade at the front of the building, provided that the distance from the street line to the front of the building is not less than the height of such finished grade above the established curb level.

**Carrier application:** The total number of antennas needed for a single carrier to place their equipment on a communication tower.

[Ordinance No. 10705 – 6/02/98]

**Clinic**: Medical services for outpatients only.

**Commercial Use:** Activity involving the sale of goods or services carried out for profit.

**Communications Tower:** Any structure that is designed and constructed primarily for the purpose of supporting any telecommunication antenna, dish or transmitter, including monopole communication towers and lattice communication towers.

[Ordinance No. 10705 – 6/02/98]

**Communications Tower Height**: The distance measured from the ground level to the highest point on the communication tower excluding antennae.

[Ordinance No. 10705 – 6/02/98]

**Community:** A neighborhood, vicinity, or locality

**Curb Level:** The main level of the established curb in front of the building. Where no such curb has been established, the City Engineer shall establish such curb level.

**Day Care Home:** A home operated by any person who receives therein for pay not more than seven (7) children under 17 years of age, who are not related to such person and whose parents or guardians are not residents of the same home for less than 24 hours supervision and care, without transfer of custody. Also, a home operated by any person who receives therein for pay not more than seven (7) aged persons, who are not related to such person, for less than 24 hours supervision and care.

[Ordinance No. 8694 - 9/2/86]

**Day Care Center**: A place, except schools graded one (1) through twelve (12) and kindergartens operated by any governmental unit or under the supervision of any religious organization, operated by a person, society, agency, corporation, or institution, or any group wherein are received for pay eight (8) or more children under 17 years of age for group care, without transfer of custody for less than 24 hours per day. The term "day care center" shall include, but not be limited to, child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care regardless of name, purpose, or auspices. Also, a place operated by a person, society, agency, corporation, or institution, or any group where are received for pay eight (8) or more aged persons for group care for less than 24 hours per day. This definition is not applicable to any such use operated by any governmental unit.

[Ordinance No. 8694 – 9/2/86]

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Dwelling Unit:** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, cooking, sleeping, and eating.

**Dwelling:** Any building or structure or part thereof used and occupied for human habitation or intended to be so used, including any outhouses or appurtenances belonging thereto or usually enjoyed therewith.

**Dwelling, Single-Family:** A building occupied or intended to be occupied as an abode of one family.

**Dwelling, Single-Family Zero Lot-Line:** A building occupied or intended to be occupied as an abode of one family which is set on one side and/or rear property lines.

[Ordinance No. 7678 – 6/17/80]

**Dwelling, Two-Family (Duplex):** A detached building designed for or occupied exclusively by two families, independently of each other.

**Dwelling, Multiple:** A building or portion thereof used or designed as a residence for three or more families living independently of each other.

**Existing Manufactured Home Park or Subdivision**: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 3, 1980, (the effective date of the flood plain management regulations adopted by the City of Chattanooga).

[Ordinance 9741 – 6/23/92]

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

[Ordinance 9741 – 6/23/92]

**Family:** A group of one or two persons or parents with their direct descendants and adopted and foster children, together with not more than three persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five or less persons living in such housekeeping unit shall be considered a separate family.

[Ordinance No. 9661 – 1/21/92]

**Filling Station:** See "Service Station".

**Flood or Flooding**: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland waters;

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Hazard Zone:** The Flood Hazard Zone includes all areas covered by the Floodway Zone plus all areas of special flood hazard as set forth and identified as such by the Federal Emergency Management Agency in its most recent Floodway Maps and Flood Insurance Rate Maps (FIRM) for the community and all property which is considered to be below the elevation of the "High Water Stage" for the Tennessee River and its tributaries. Changes and additions to the Flood Hazard Zone by Tennessee Valley Authority study are hereby adopted and add to or change the Flood Hazard Zone.

[Ordinance No. 9244 – 9/19/89]
[Ordinance No. 9492 – 11/20/90]

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency had delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

[Ordinance 9741 – 6/23/92]

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood Boundary Floodway Map and the water surface elevation of the base flood.

[Ordinance 9741 – 6/23/92]

**Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

[Ordinance No. 7712 – 8/12/80]

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation at the High Water State or the Base Flood. The Floodway Zone of Ninemile Branch, Black Creek, Ryall Springs Branch, Mackey Branch and Friar Branch is identified by the Federal Emergency Management Agency and shown on its Flood Boundary and Floodway Maps dated September 6, 1989. The Floodway Zone for other streams is identified by lines and the notation 'F/W' on the official Zoning Maps. Changes and additions to the Floodway Zone by Tennessee Valley Authority study are hereby adopted and add to or change the Floodway Zone.

[Ordinance No. 7712 – 8/12/80]

[Ordinance No. 8889 – 12/22/87]
[Ordinance No. 9244 – 9/19/89]

**Frontage:** The width of the property measured along the dedicated street right-of-way except that lot frontage on cul-de-sac turn-arounds or short radius curves may be less than the lot frontage required by this Zoning Ordinance, provided that the lot has the required minimum lot frontage at (1) the rear of the required front yard, or (2) the building setback line as shown on the plat, or (3) in the case of a flag lot, the narrowest part not in that part that extends to the street.

The minimum lot frontage on the dedicated street right-of-way for a residential flag lot shall not be less than twenty-five (25) feet, (except in cases where an existing structure(s) and its required side yard could not be accommodated, then the width shall not be less than fifteen (15) feet) capable of being for ingress and egress.

[Ordinance No. 10460 – 08/20/96]

**Functional Classification of Streets and Roads:** The following shall be the criteria whereby streets and roads are classified:

(1) Principal Arterials: Significant intra-area travel; such as between central business districts and outlying residential areas, between major inner city communities, or between major suburban centers should be served by this system. Principal arterials are not restricted to controlled access routes. For principal arterials, the concept of service to abutting land should be subordinate to the provision of travel service to major traffic movements.

(2) Minor Arterials: Should interconnect with and augment the urban principal arterial system and provide service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials. These facilities place more emphasis on land access than the higher system. Minor arterials, ideally, do not penetrate identifiable neighborhoods.

(3) Collector Streets: Provides both land access and traffic circulation within residential neighborhoods as well as commercial/industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate through the area to the ultimate destination. In the central business district (CBD), and in other areas of like development and traffic density, the collector system may include the street grid which forms a logical entity for traffic circulation.

(4) Local Streets: Compromises all facilities not on one of the higher systems. It serves primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility and through traffic movement usually is deliberately discouraged.

[Ordinance No. 10086 – 8/16/94]

**Garage, Private:** A building or space used as an accessory to or a part of a main building permitted in any residential zone and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

**Garage, Public:** Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.

**Garage, Storage:** Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

**Guest House (Tourist Home):** Any dwelling in which rooms are rented for guests and for lodging of transients and travelers for compensation.

**Habitable Floor:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a Habitable Floor. (This definition shall replace the definition of Lowest Habitable Floor.)

[Ordinance No. 7712 – 8/12/80]

**High Water Stage:** The High Water Stage for the Tennessee River (Nickajack Lake) and its tributaries shall be that elevation determined by the Federal Emergency Management Agency as the 100 year flood elevation as shown on the flood profiles in its Flood Insurance Study for the City of Chattanooga, Tennessee, dated September 6, 1989, and any other applicable profiles as completed by the Tennessee Valley Authority.

[Ordinance No. 9244 – 9/19/89]

**Historic Structure:** Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or:

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- By an approved state program as determined by the Secretary of the Interior, or
- Directly by the Secretary of Interior in states without approved programs.

[Ordinance 9741 – 6/23/92]

**Home Occupation:** An occupation in a dwelling unit, provided that:

(a) No person other than members of the family residing on the premises shall be engaged in such occupation;

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;

(d) There shall be no sales of products or commodities on the premises;

(e) Any home occupation that generates vehicular traffic to the premises as determined by the City Traffic Engineer shall be permitted only by Special Permit from the Board of Zoning Appeals in accordance with provisions of Article VIII, Section 107(18) of this Ordinance.

[Ordinance No. 10204 – 4/18/95]

(f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, nor shall any equipment or process be used which creates visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in the line voltage off the premises. In the case of

a duplex, or apartment building, no use shall be permitted which affects another unit in the same building in the above mentioned ways.

[Ordinance No. 7639 – 3/18/80]

(g) R-3 and R-4 are the only residential zones in which a sign may be located; said sign shall consist of one name plate, non-illuminated, attached to the building entrance and not more than one (1) square foot in area. No sign or advertisement of any type shall be permitted in the R-1, R-2, R-3MD, RT-1, RZ-1, or R-5 residential zones which indicate the presence of a business on the premises. Signs prohibited in these zones include, but are not limited to the following: mailbox signs or nameplates, window signs, signs attached to door facing or other parts of a house or structure, portable signs not affixed to home or structure, awning signs, banners, balloon signs.

[Ordinance No. 9077 – 11/22/88]

**Hospital:** Any institution, place, building or agency where care, accommodations, facilities and equipment are furnished, for one (1) or more non-related persons who need the care of nursing, medical or surgical services.

[Ordinance No. 10447 – 7/16/96]

**Hospital, Small Animal:** A facility for the boarding, care and treatment of animals commonly considered small at maturity and including domestic dogs and cats and other ordinary household pets; but specifically excluding goats, swine, cattle, and horses.

**Hotel:** A building or other structure, kept, used, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten (10) or more rooms are furnished for the accommodations of such guests, and having or not having one (1) or more dining rooms, restaurants or cafes where meals or lunches are served to transient or permanent guests, such sleep accommodations and dining rooms, restaurants or cafes, if existing, being conducted in the same building or buildings in connection therewith.

**Houseparent or Guardian:** Persons who provide care for the residents of Residential Homes for the Handicapped and/or Aged Persons, Assisted Living Facilities, and Medically Assisted Living Facilities.

(Ordinance No. 10447 – 7/16/96)

**Junkyard:** A junkyard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and metals, paper, rags, rubber tires and bottles. A junkyard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

**Lattice Communication Tower:** A self supporting support multi-leg structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

[Ordinance No. 10705 – 6/02/98]

**Liquor:** Beverages exceeding 5% alcohol.

**Liquor Store:** Retail store selling package liquor.

**Loading Space**: A space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve feet (12') by thirty-five feet (35') and a minimum vertical clearance of fourteen feet (14').

**Lodger:** An occupant of a lodging or rooming house other than the owner or caretaker or his immediate family.

**Lodging House:** Any house or other structure used, advertised or held out to the public to be a place where sleeping accommodations are supplied for pay and shall contain no more than nine (9) bedrooms for that purpose. Meals may not be provided.

[Ordinance No. 9422 - 7/24/90]

**Lot:** A piece of land occupied or intended for occupancy by a building(s) or structure(s), together with any accessory building(s) or structure(s); including the open space and yards required by this Ordinance.

[Ordinance No. 10393 – 3/19/96]

**Lot, Flag:** An interior lot located generally to the rear of another lot, but with a narrow portion of the lot extending to the public street. The narrow portion of the lot that extends to the street shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area. The minimum lot area of a flag lot exclusive of the narrow portion of the lot used for ingress and egress shall be one (1) acre in size. No part of the narrow portion of the lot shall be less than twenty-five (25) feet in width, except in cases where an existing structure(s) and its required side yard cannot be accommodated, then the width shall not be less than fifteen (15) feet in width. The narrow (flag pole) portion of the lot shall not be considered in determining required yard setbacks. The front yard requirements (setbacks) shall apply to all yards of a flag lot.

[Ordinance No. 9344 - 3/20/90]
[Ordinance No. 9737 - 6/23/92]
[Ordinance No. 9740 - 6/23/92]
[Ordinance No. 9777 - 8/14/92]
[Ordinance No. 10327 – 11/14/95]
[Ordinance No. 11484 - 11/18/03]

**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection.

**Lot, Depth:** The depth of a lot for the purpose of this Ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Through:** An interior lot having frontage on two streets, other than a corner lot.

**Lot, Width:** The length of the line marking the rear of the required front yard, or the front of the building measured parallel to the street, and extending to the side lot lines. In zones where no front yard is required, the lot width shall be the same as the street frontage.

**Lot Lines:** The lines bounding the lot.

(a) Lot Line, Front: The front lot line of an interior lot is the line separating the lot from the street or easement of principal access. The front lot line of a corner lot shall be the lot line of least length abutting the street or streets, except that any street lot line may be elected to be the front lot line (front yard) for the purposes of this Ordinance, provided it is so designated on the application for a building permit.

(b) Lot Line, Rear: The rear lot line is the boundary line or lines opposite, most distant, and more or less parallel to the front lot line. The rear lot line or lines of an irregular lot shall be determined by the Director of Codes Administration or assignee thereof. For purposes of setback, measurements from the established rear lot line shall be to the closest point of the building.

(c) Lot Line, Side: A side lot line is any boundary line not a front lot line, or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

[Ordinance No. 9737 – 6/23/92]

**Manufactured Home:** A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air condition, and electrical systems contained therein. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For building permit purposes there shall be affixed to a factory manufactured home the appropriate State Of Tennessee certification label before same shall be considered to meet standards required for issuance of a building permit.

[Ordinance No. 9661 – 1/21/92]

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

[Ordinance No. 8760 – 3/3/87]

**Mean Sea Level:** The average height of the sea for all stages of the tide.

[Ordinance No. 7712 – 8/12/80]

**Medically Assisted Living Facility:** A group home facility, not otherwise regulated or defined by this Ordinance or otherwise exempt from local regulations, where living assistance (including prescribed medical treatment) is given to the residents.

[Ordinance No. 10447 – 7/16/96]

**Modular Unit: (Sectional or relocatable home):** A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a single structure without carriage or hitch. The term is intended to apply to major assemblies and may not include prefabricated sub-elements which are to be incorporated into a structure at the site. Such units are designed as stationary construction for placement upon permanent foundation, to be connected to utilities and may consist of one or more components.

**Monopole Communication Tower:** A communication facility which consists of monopolar structure, erected on the ground to support communication antennas and connected appurtenances.

[Ordinance No. 10705 – 6/02/98]

**Motel:** A building or group of buildings used or intended to be used for overnight occupancy by transient motorists. The primary distinction between a motel and a hotel is that the motel has parking space adjacent or reasonably close to each sleeping unit.

**Motor Camp:** See Trailer Camp.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 3, 1980, (the effective date of flood plain management regulations adopted by the City of Chattanooga).

[Ordinance No. 9741 – 6/23/92]

**Non-Conforming Use:** A use that does not conform with the regulations of the use zone in which it is situated.

**Nursing Home:** Any institution, place, building or agency where care is provided for one (1) or more non-related persons who are not acutely ill, but who do require skilled nursing care and related medical services beyond the basic provisions of food, shelter and laundry.

[Ordinance No. 10447 – 7/16/96]

**Office Building:** A building used primarily for conducting the affairs of a business, profession, service, industry, or government or like activity.

**Open Air Market:** A retail market or sale operated outdoors or beneath unenclosed shelters and doing business on a continuing basis, or for as many as six (6) days during a sixty (60) day period, where inexpensive and/or secondhand items and/or food- stuffs are offered for sale, and including all fruit or vegetable markets, flea markets, rummage sales, garage or attic sales and similar undertakings when operated in such a manner as to fall within the limits of this definition.

**Park, Ornamental:** All municipal, state, federal, and private parks designed for passive recreational uses, including, for example, but not limited to Fountain Square, Memorial Place, the Downtown Park, and the Patten Parkway Park.

**Park, Recreational:** All municipal, state, federal, and private parks which are primarily designed for active recreational uses.

**Parking Lot:** An area or plot of land used for the storage or parking of vehicles, including all necessary additional space needed for vehicular access or maneuvering thereto or therefrom.

**Parking Space:** Dimensions for parking spaces shall be determined by the City Traffic Engineer. Handicapped Parking as required by T.C.A. and the Chattanooga Building Code shall meet the current ADA standards. A copy of the ADA standards is available in the office of the Clerk of the City Council. All signs and pavement markings for handicapped parking shall conform to City Traffic Engineering Drawing No. A5-H7. The enforcement of the parking requirements shall be the duty of the City Traffic Engineer.

[Ordinance No. 8113 - 2/23/83]

[Ordinance No. 10060 - 6/21/94]
[Ordinance No. 10109 - 9/20/94]
[Ordinance No. 10162 - 1/17/95]

**Planned Unit Development- Institutional:** An Institutional Planned Unit Development is a completely planned institutional zone, professionally designed as a unit, and approved by the Chattanooga City Council, on a site of not less than five (5) acres, in an R-4 Zone.

**Planned Unit Development- Residential:** Planned Unit Development-Residential: A Planned Unit Development is a completely planned residential development, professionally designed as a unit, and approved by the Chattanooga City Council on a site of not less than two (2) acres in zones which allow P.U.D. residential development, except for A-1 Urban Agricultural Zone. The A-1 Urban Agricultural Zone shall be at least twenty (20) acres.

[Ordinance No. 7626 - 2/19/80; Ord. No. 11597, §1, 08-17-04]

**Professional Office:** Professional offices shall include the following uses: medical and dental offices, attorney offices, engineering, architectural and planning offices, accountant offices, and any office use which in the judgment of the Board of Appeals is similar in character, type and effect to the above uses.

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

**Publicly-owned Building**: Any building, structure, facility, or complex used by the general public, whether constructed by any state, county or municipal government agency.

**Quarry:** An open excavation for obtaining building stone, slate, limestone or other mineral substances. The process of removal can include blasting, crushing, screening, sizing and conveying of the material. The material derived is usually sold on a commercial basis.

[Ordinance No. 10811 – 12/15/98]

**Recreational Vehicle:** A vehicle which is:

(a) built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) designed to be self-propelled or permanently towable by a light duty truck; and
(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

[Ordinance No. 9741 - 6/23/92]

**Residential Home for Handicapped and/or Aged Persons:**
A home represented and held out to the general public as a home which accepts handicapped and/or aged persons for permanent, domiciliary care, and which provides room, board, and personal services (excluding nursing services). This facility may include up to two (2) additional persons (plus their dependents) acting as house parents or guardians, who need not be related to each other or to any of the handicapped or aged persons residing in the facility. The term "handicapped" includes "physically handicapped" persons and "mentally handicapped" and "mentally retarded" persons who have been formally diagnosed by a licensed psychologist with competency in clinical psychology as suffering from psychiatric illness, and is receiving treatment or care for mental illness; but the term "handicapped" does not include persons who are mentally ill, and who, because of such mental illness pose a likelihood of serious harm (as defined in T.C.A. 33-604) or who have been convicted of serious criminal conduct related to such mental illness. The term "aged" usually means those persons who are sixty (60) years or older.

[Ordinance No. 9373 - 5/15/90]

**Sale, Yard (also referred to as a Garage, Rummage and Estate Sale):** A sale, occurring no more than two (2) days in a 120 day period, of used household or personal items.

**Sale, Benefit**: A sale of seasonal goods conducted by a nonprofit organization (such as a church or charity) to help support its programs.

**Service Station:** A building or lot where gasoline, oil and grease are supplied and dispensed to the motor vehicle trade, or where battery, tires, and other similar services are rendered.

**Setback:** The distance between the building or structure and any lot line.

**Sieving Plant:** A plant where a device with meshes or perforation is used to separate finer particles of a mixture of (as of ashes, flour, or sand) various sizes from coarser particles.

[Ordinance No. 10811 – 12/15/98]

**Sign:** Any structure, part thereof, or device attached thereto or painted or represented thereon, used, as, or in the nature of, any place, product or service, which is located upon any land, or any

buildings, or otherwise displayed. Provided, however, the following shall not be included within the meaning of this definition:

(a) The flat emblem, or other insignia of a nation, government unit; educational, charitable or religious group which designated only the use of occupancy of a building and is wholly attached to said building.
(b) Directional or other official signs or notices that are required or authorized by law.
(c) Temporary signs identifying construction or paving sites, which are removed from the property as soon as the activity is completed.

[Ordinance No. 10338 – 11/21/95]

**Sign, Information:**

(a) A non-illuminated professional or announcement sign, not exceeding one (1) square foot in area and attached wholly to building, or
(b) A single sign pertaining only to the rent, lease or sale of property upon which displayed, or
(c) A church bulletin board, or
(d) A sign for customer convenience such as "park here", "enter", "delivery in rear", not exceeding two (2) square feet in area.

**Sign, Off-Premise:** A sign which directs attention to a person, place, product or service elsewhere than on the premises upon which said sign is located.

**Sign, On-Premise:** A sign which directs attention to a person, place, product or service on the premises upon which said sign is located.

**Social Service Agency:** Establishments providing assistance and aid to those persons requiring counseling for psychological problems, employment, leaning disabilities, and physical disabilities.

**Stable, Private:** A stable with capacity of not more than one (1) horse for each thirty-five hundred (3500) square feet of lot area where such stable is located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire, or sale.

**Start of Construction:** Either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

[Ordinance No. 8760 - 3/3/87]

**Stockyard:** A yard in which transient cattle, sheep, swine, or horses are kept temporarily for slaughter, market, or shipping.

[Ordinance No. 10811-12/15/98]

**Story:** That portion of a building included between the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. In computing the height of building, the height of basement shall not be included if below grade.

**Structure, Temporary:** A structure erected for special events or activities and used for a maximum of 30 days or less upon approval by the Director of Codes Administration, to include tents or other code complying prefabricated structures.

[Ordinance No. 8527 - 9/10/85]

**Structural Alterations:** Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Story, Half:** A story under a gabled, hipped or gambrel roof the wall plates of which, on at least two (2) opposite exterior walls, are not more than three (3) feet above the finished floor of such story.

**Streets:** Those rights-of-way dedicated to the public and accepted by the public authorities, and includes highways and roads, and provides primary access to the abutting properties.

**Street Line:** The line between the street and abutting property.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the land, or attached to something having a permanent location on the land.

**Studio:** A studio includes, in addition to other usual meanings, the processing, finishing, framing, and incidental handling of portrait, photographic and other artistic work generated by or from the premises or by persons employed in or reporting to the premises.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

[Ordinance No. 9741 - 6/23/92]

**Substantial Improvement:** For a building built prior to the enactment of these regulations, any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the building either:

(a) Before the improvement or repair is started, or

(b) If the building has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the buildings. The term does not, however, include either:

(a) Any project for improvement of a building to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or,

(b) Any alteration of a building listed on the National Register of Historical Places or a State Inventory of Historic Places.

**Substantially Improved Existing Manufactured Home Parks or Subdivisions:** Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement began.

[Ordinance No. 9741 - 6/23/92]

**Tank Farm:** An open-air facility for the bulk storage of greater than 500 gallons of material in liquid, powder or pellet form primarily for the purpose of wholesale distribution.

**Tourist Home:** See Guest House.

**Townhouse:** A townhouse is a single-family dwelling attached by fireproof common walls to other similar type units; each unit having an open space for light, air, and access in the front and rear. There shall be not less than two (2) nor more than ten (10) such units connected together.

[Ordinance 8147 - 6/14/83]

**Travel Trailer:** Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy for a period not to exceed thirty (30) days, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

**Travel Trailer Camp:** Any plot of land upon which two (2) or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such camps may not remain in the same trailer camp more than ninety (90) days.

**Used Car Lot:** Any parcel of land used for the storage, display, and sale of new and used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.

**Variance:** A grant of relief to a person from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

**Vehicle:** Any conveyance used in transporting passengers or things by land, water, or air.

**Warehouse (mini or self-storage):** A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

**Yard:** An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except by trees, plants, shrubberies, walls, fences, ornaments, utility poles and wires, dog houses, outdoor furniture, swimming pool, accessory buildings, gas pumps, pump islands, signs (where permitted), tanks and similar things merely necessary to the main building or the permitted use thereof.

**Yard, Front:** An open space across the full width of the lot, extending from the closest point of the building, (including porches, porticos, entry landings and similar structures greater than five (5) feet in width), to the front line of the lot. [See (62)(a) Lot Line, Front].

[Ordinance No. 9737 - 6/23/92]

**Yard, Side:** An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot where no rear yard is required.

**Yard, Rear:** A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

## ARTICLE III. ZONES AND BOUNDARIES

100. In order to regulate and limit the height and size of buildings; to regulate and limit intensity of the use of lot areas; to regulate and determine the areas of open space within the surrounding buildings; to classify, regulate, and restrict the location of trades and industries; and the location of buildings, designed for specified industrial, business, residential, and other uses, the City of Chattanooga, Tennessee, is hereby divided into zones known as:

| | | Ord. No. | Date |
|---|---|---|---|
| R–1 | Residential Zone | 7677 | 06-17-80 |
| RT-1 | Residential Townhouse Zone | 7677 | 06-17-80 |
| RZ-1 | Zero Lot Line Residential Zone | 7678 | 06-17-80 |
| R-2 | Residential Zone | 7678 | 06-17-80 |
| R-3 | Residential Zone | 7678 | 06-17-80 |
| R-3MD | Moderate Density Zone | 7727 | 09-16-80 |
| R-4 | Special Zone | 6837 | 01-07-75 |
| R-5 | Residential Zone | 6837 | 01-07-75 |
| O-1 | Office Zone | 7593 | 12-18-79 |
| ~~C-1~~ | ~~Highway Commercial Zone~~ | ~~7593~~ | ~~12-18-79*~~ |
| C-2 | Convenience Commercial Zone | 7593 | 12-18-79 |
| C-3 | Central Business Zone | 7462 | 01-09-79 |
| C-4 | Planned Commercial Central Zone | 7462 | 01-09-79 |
| C-5 | Neighborhood Commercial Zone | 7462 | 01-09-79 |
| ~~C-6~~ | ~~Commercial Zone~~ | ~~8098~~ | ~~01-25-80*~~ |
| M-1 | Manufacturing Zone | 6717 | 01-29-74 |
| M-2 | Light Industrial Zone | 6717 | 01-29-74 |
| M-3 | Warehouse and Wholesale Zone | 6717 | 01-29-74 |
| F/W | Floodway Zone | 7712 | 08-12-80 |
| F/H | Flood Hazard Zone | 7712 | 08-12-80 |
| R-T/Z | Residential Townhouse/Zero Lot Line Zone | 10184 (10461) | 03-21-95 |
| C-7 | Northshore Commercial/Mixed Use Zone | 10717 (10750) | 04-13-98 |
| M-4 | Outdoor Industrial Use Zone | 10811 | 12-15-98 |
| A-1 | Urban Agricultural Zone | 11107 | 12-12-00 |

* Deleted per Ord. No. #11364 - 01/24/03

101. The boundaries of the zones are shown upon the map accompanying this Ordinance and made a part thereof, and entitled "Zoning Map of Chattanooga, Tennessee". The Zoning Map and all notations, references, and other information shown thereon are a part of this Ordinance, and as much a part as if such information set forth on the map were all fully described and set out herein. This Zoning Map properly attested is on file in the office of the City Building Inspector. For purposes of this ordinance and any location restrictions set forth herein, unless otherwise specified to the contrary, all measurements shall be made from the property line of any property desiring a particular use to the nearest property lines of any properties within a distance restriction.

[Ordinance No. 10764 – 09-22-98]

102. In the creation by the Ordinance of the respective Zones, the City Council has given due and careful consideration to the peculiar suitability of each and every such zone for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the City.

103. The boundaries of such zones are shown upon the map adopted by this Ordinance or amendment thereto, are hereby adopted and approved and the regulations of this Ordinance governing the uses of land and buildings, the height of buildings, building site areas, and the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown on said map.

104. Where uncertainty exists as to boundaries of any zone shown on said map, the following rules shall apply:

(1) Where such zone boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be such boundaries;

(2) In unsubdivided property where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

(3) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

105. Urban Overly Zone.

Intent: As downtown Chattanooga and its surrounding neighborhoods have a different development pattern than the rest of the city, the Urban Overlay Zone has been created to maintain the physical layout of this older urban area. This layout generally includes sidewalks, public transit routes, available on-street parking, and smaller lots. This Urban Overlay Zone, as defined by the attached map and legal description, is generally bounded by Missionary Ridge on the east, North Chattanooga to the north, the base of Lookout Mountain to the west and the state line to the south. An overlay zone is a tool to deal with special requirements and is placed over the existing zoning to alter some of the regulations. The overlay does not change the permitted uses, yard, landscaping, and height and access requirements present in the underlying zone

The Urban Overlay Zone contains that area described herein:

BEGINNING at the intersection of the southeast corner of Tax Map 154-015, being The Chickamauga National Military Park, and the Tennessee Georgia State Line, thence following the east line of said parcel northeastwardly and northwestwardly to its intersection with the west line of the 4000 block of Jo Conn Guild Trail, thence some 40 feet east to the east line of said Trail, thence northeastwardly and northwestwardly along said east line to the southwest corner of Tax Map 155O-B-007, thence following the west line of parcel 007 to the southwest corner of Tax Map 155J-C-051, thence along the west line of parcel 051 to its north corner thence northeast to the southeast corner of Tax Map 155J-C-038, thence along the south line of parcel 038 to its southwest corner, thence along the west line of parcel 038 to the southwest corner of Tax Map 155J-C-039, thence northeast along the west line of parcel 039 to the northeast corner of Tax Map 155J-C-037, thence northwest to the southeast corner of Tax Map 155J-C-036, thence northeast along the east line of parcel 036 to its northeast corner, thence northwest to the southwest corner of Tax Map 155J-C-009, thence northeast along its west line to the northwest corner of parcel 009 and the south line of the 1800 block of Old Wauhatchie Pike, thence northwest across said pike to the southeast corner of Tax Map 155J-B-004, thence northeast along the east line of parcel 004 to the southeast corner of Tax Map 155J-B-001, thence to the northeast corner of parcel 001 and the south line of the 1900 block of Cummings Highway, thence northeast across said highway to the southwest corner of Tax Map 155G-A-0-14, thence northwest to the north line of Interstate 24 and the south line of the Tennessee River, then following the meanderings of said river northeastwardly to the northeast corner of Tax Map 145O-A-001, thence northwest along the north line of parcel 001 to its northwest corner and the east line of the Tennessee River, thence following the meanderings of the Tennessee River northwestwardly and northeastwardly to the center line of the Unit Block of Highway 27, thence northwestwardly along the center line of said highway to the center line Highway 27 at Whitehall North Bound Off Ramp, thence northeastwardly along said center line to its intersection with the center line of the 900 block of East Frontage Road, thence northeastwardly along said center line to its intersection with the City of Chattanooga/City of Red Bank City Limits Line, thence following said line northeastwardly and southeastwardly to the southeast corner of Tax Map 126E-B-019, thence southwardly to the center line of the 500 block of West Oxford Road, thence continuing southeast along said road to its intersection with the center line of the 1600 block of White Oak Road, thence northeast along the center line of White Oak

Road to its intersection with the center line of Auburndale Avenue, thence continuing southeast along White Oak Road to its intersection with the center line of the 700 block of Dallas Road, thence northeast along the center line of Dallas Road to its intersection with the center line of the 1000 block of East Dallas Road, thence southeast along the center line East Dallas Road to its intersection with the 1200 block of Duane Road, thence continuing northeast along the center line of the 1200 block of East Dallas Road to its intersection with the center line of the 1800 block of Hixson Pike, thence southeast along the center line of Hixson Pike to its intersection with the center line of the 1300 block of Shady Circle, thence northeast along the center line of Shady Circle to its intersection with the center line of the 1600 block of Shady Circle, thence southeast along the center line of said circle to its intersection with the center line of the 1500 block of Sunset Road, thence southeastwardly and southwestwardly along said road to its intersection with the 1400 block of Riverview Road, thence southwest along Riverview Road to its intersection with the center line of the 1300 block of Falmouth Road, thence continuing southwestwardly along the center line of said road to its intersection with the center line of the 1200 block of Hixson Pike, thence southwest along the center line of said pike to its intersection with the southwest line of the 1300 block of Dorchester Road, thence southeastwardly to the northeast corner of Tax Map 136G-A-001, thence southwest along the north line of parcel 001 to its northwest corner, thence southeast along the west line of said parcel to the southeast corner of Tax Map 136H-M-022, thence southwest along the south line of parcel 022 to the northeast corner of Tax Map 136H-J-038.01, thence southeast along the east line of said parcel to the north line of Tax Map 136H-J-015.10, thence southwest along the north line of parcel 015.10 to the southwest corner of Tax Map 136H-J-015.04, thence northwest to the northeast corner of Tax Map 136H-J-015.14, thence southwest along the north line of said parcel to the northwest corner of said parcel, thence northeast to the northeast corner of Tax Map 135E-N-021, thence northwest along the north line of parcel 021, thence south to the south line of the 200 block of Dickerson Avenue, thence southwestwardly and northwestwardly to its intersection with the east line of the Unit Block of Georgian Avenue, thence southwest along the east line of Georgia Avenue to the south line of the Tennessee River, thence northeast along the south line of said river to the northeast corner of Tax Map 136P-A-001, thence southeast along the east line of parcel 001 to the north line of the 1000 block of Riverside Drive, thence southeast across said drive to the northeast corner of Tax Map 136P-D-001, thence southeast to the south line of the Southern Railway Right-of-way, thence following the south line of said railway right-of-way southeastwardly and northeastwardly to the

south line of the 2100 block of Sims Street, thence southeast along the south line of Sims Street to the northeast corner of Tax Map 128P-G-001, thence southwest along the east line of parcel 001 to its southeast corner, thence southeast to the northeast corner of Tax Map 128P-G-002, thence southeast along the east line of parcel 002 to the north line of the 2300 block of Allin Street, thence southeast to the intersection of the center line of the 2300 block of Allin Street with the center line of the 2300 block of Searle Street, thence southeast along the center line of Searle Street to its intersection with the center line of an unnamed right-of-way, thence southeast along said right-of-way to its intersection with the center line of the 3200 block of Wheeler Avenue, thence southwestwardly along said avenue to its intersection with the center line of the 2400 block of Elmendorf Street, thence southeast to the center line of the 3100 block of North Chamberlain Avenue, thence southwest along the center line of said avenue to its intersection with the center line of an unnamed right-of-way, thence southeast along said right-of-way to its intersection with the center line of the 3100 block of Noa Street, thence southeast across said right-of-way to the northwest corner of Tax Map 128P-N-022 thence southeast following the north property lines of Tax Maps 128P-N-022, 128P-N-017 and 128P-N-013 to the west line of the 3100 block of Campbell Street, thence southeastwardly to the center line of Campbell Street, thence following the center line of said street southwestwardly and to its intersection with the 700 block of North Crest Road, thence following southeastwardly and southwestwardly along the center line of said road, thence across said road to the northeast corner of 137H-G-006, thence following the west property lines of Tax Maps 137H-G-006 and 137I-A-042 to the north line of Tax Map 137I-B-008, thence southeast to the west line of the 500 block of North Crest Road, thence southwest across North Crest Road to its intersection with the east line of the 2000 block of Marshall Street, thence southwest along the east line of said street to its intersection with the south line of the 1900 block of Marshall Street, thence southeast along the south line of said street to the northeast corner of Tax Map 137P-A-006, thence following the western property lines of Tax Maps 137P-A-004.01, 137P-A-006, 137P-A-007, 137P-A-007.01, 137P-A-009 thru 137P-A-023, 146D-M-001 thru 146D-M-008, 146E-K-001, 146E-K-002.01, 146E-K-002.02, 146E-K-003 thru 146E-K-011, 146E-K-013, 146E-K-015 thru 146E-K-017, and 146L-J-001 thru 146L-J-005 to the northwest line of the unit block of Shallowford Road, thence southwest to the northwest corner of Tax Map 146L-H-003, thence southeast to the northwest corner of Tax Map 146L-H-005, thence following the western property lines of Tax Maps 146L-L-005 thru 146L-L-010 and 146L-L-012 thru 146L-L-017 southwestwardly and southeastwardly to intersection of the east

line of the 2900 block of Birds Mill Road with the west line of the unit block of North Crest Road, thence continuing southwest along North Crest Road to the northeast corner of Tax Map 146M-D-002, thence northwest along the north line of said parcel to its northwest corner, thence following the western property lines of Tax Maps 146M-D-002 thru 146M-D-009, 146M-D-010.02, 146M-D-011 thru 146M-D-014, 156D-C-002, 156D-C-003, 156D-C-007 thru 156D-C-011, and 156D-C-013 thru 156D-C-019 southwestwardly to the west line of South Crest Road, thence southwest along the west line of said road to the northwest corner of Tax Map 156F-P-009, thence following the western property lines of Tax Maps 156F-P-001 thru 156F-P-009, 156K-H-001, 156K-H-002, 156K-H-003.01, 156K-H-004.01, 156K-H-005 thru 156K-H-007.01, 156K-H-010 thru 156K-H-012, 156K-H-013.01, 156K-H-014.01, 156K-H-015, and 156K-H-016 southwestwardly to the east line of the 2100 block of Old Ringgold Road, thence southwest across said road to the northeast corner of Tax Map 156K-G-011, thence following the eastern property lines of Tax Maps 156K-G-011 thru 13 southwestwardly to the southwest corner of Tax Map 156N-D-001.02, thence southeast along the south line of parcel 001.02 to the northwest corner of 156N-D-002, thence following the eastern property lines of Tax Maps 156N-D-008 thru 156N D 015.01 to the east line of the 2900 block of Westside Drive, thence southeast along said drive to the north corner of Tax Map 168C-C-001, thence southwest following the eastern property lines of Tax Maps 168C C 001, 168C C 001.01, and 168C C 014 thru 168C C 022, thence northeast along the south line of Tax Map 168C-C-014 to the east line of the 3100 block of Westside Drive, thence southwest across said drive to the northeast corner of Tax Map 168C-B-016, thence following the western property lines of Tax Maps 168C-B-016 thru 019 southwestwardly to the northwest corner of Tax Map 168C-B-020, thence southeast to the west line of the 500 block of West Shadowlawn Drive, thence southeast across said drive to the northwest corner of Tax Map 168J-T-014.01, thence southeast to the northwest corner of Tax Map 168J-T-014, thence southwest following the western property lines of Tax Maps 168J-T-014 thru 168J-T-018, 168J-T-020 thru 168J-T-027, and 168J-T-029 to the north line of Tax Map 168J-T-001, thence southeast along the north line of parcel 001 to the northwest corner of Tax Map 168J-T-032, thence southwest following the western property lines of Tax Maps 168J-T-032, 168J-T-034, 168O-N-001 thru 168O-N-005, 168O-N-016 and 168O-N-017, thence southeast to the Tennessee/Georgia State Line, thence following said line southeast to the southeast corner of Tax Map 154-015, being The Chickamauga National Military Park, the point of BEGINNING.

(Ord. No. 11458, 09-16-03)

## ARTICLE IV. GENERAL REGULATIONS

100. Except as hereinafter provided.

101. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the zone in which it is located. See also Article VII.

102. No building or other structure shall hereafter be erected or altered:
   (1) To have greater height;
   (2) To accommodate or house a greater number of families or lodgers;
   (3) To have narrower or smaller rear yards, front yards, side yards or other open spaces.

[Ordinance No. 11459, §1, 09-16-03]

103. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yard or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except that lot(s) may be created that do not meet the minimum requirements established by this Ordinance when they are the result of the resubdivision of lot(s) of record and the newly created lot(s) are as large or larger than the previous lot(s).

[Ordinance No. 6938 - 9/2/75]
[Ordinance No. 11459, §1, 09-16-03]

104. Within each zone, the regulations set by this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land.

[Ordinance No. 11459, §1, 09-16-03]

105. Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a street. Every non-residential building and/or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a street or a permanent recorded easement which conforms to the City of Chattanooga Subdivision Regulations for easements.

[Ordinance No. 11112-1/16/01]
[Ordinance No. 10908 – 09/21/99]
[Ordinance No. 11459, §1, 09-16-03]

106. There shall be no more than one (1) principal building per lot used for residential purposes in the R-1, R-2, R-5, and A-1 zones.

[Ordinance No. 8311 - 5/22/84]
[Ordinance No. 11107 – 12/12/00]
[Ordinance No. 11459, §1, 09-16-03]

107. Any required screening must be in place prior to any building construction.

[Ordinance No. 9344 - 3/20/90]
[Ordinance No. 11459, §1, 09-16-03]

108. For purposes of enforcement the building official has the discretion to interpret the intent of any zoning condition imposed by the governing body of the City.

[Ordinance No. 9344 - 3/20/90]
[Ordinance No. 11067 – 09/19/00]
[Ordinance No. 11459, §1, 09-16-03]

109. Setbacks from alleys, for buildings, or structures, shall be the same as the zone side and rear yard requirements.

[Ordinance No. 9815 - 12/15/92]

[Ordinance No. 11459, §1, 09-16-03]

110. When it has been determined that an error in zoning has occurred which was caused by a mistake by the staff of any governmental agency, the Director of Codes Administration may have the authority to issue temporary building or other permits subject to the following conditions:

(1) The applicant shall furnish a Bond in an amount satisfactory to the Director of Codes Administration; and

(2) The applicant shall sign a document to be prepared by the Director of Codes Administration which states that the applicant will be able to proceed with the building, for which review has been approved; and

(3) That the document shall contain a statement that the applicant shall be permitted to proceed with any building or other construction at their own peril; and

(4) That the applicant agrees to remove any improvements to the site at the applicant's expense within a time specified by the Director of Codes Administration in order to fully comply with the requirements of the Zoning Ordinance.

[Ordinance No. 11067 – 09/19/00]

[Ordinance No. 11459, §1, 09-16-03]

111. Owners of private property used by the public shall install and maintain signs, signals, markings or other devices intended to regulate, warn or guide traffic in accordance with the standards as specified in the Manual on Uniform Traffic Control Devices. Businesses having fewer than twenty-five (25) parking spaces shall be exempt from the provisions of this section. The enforcement of these standards shall be the responsibility of the City Traffic Engineer.

[Ordinance No. 11403, 03/18/03] [Ordinance No. 11459, §1, 09-16-03]

## ARTICLE V. ZONE REGULATIONS

### 100. R-1 Residential Zone

101. Permitted Uses:

(1) Single-family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.

[Ordinance No. 9661 - 01/21/92]

(2) Schools.

[Ordinance No. 6837 - 1/7/75]

(3) Parks, play grounds and community-owned not-for-profit buildings.

(4) Golf courses, except driving ranges, miniature courses and other similar commercial operations.

(5) Fire stations and other publicly-owned buildings.

(6) Churches.

(7) Home occupations.

(8) Kindergartens operated by governmental units or religious organizations.

(9) Day care homes.

(10) Accessory uses and buildings customarily incidental and subordinate to the above.

102. 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 under the terms of Article VIII of this Ordinance.

(2) Kindergartens:

Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this Ordinance.

[Ordinance No. 6098 - 10/14/69]
[Ordinance No. 7639 - 3/18/80]

(3) Assisted Living Facilities:

The Board of Appeals may issue a Special Permit for an Assisted Living Facility under the terms specified in Article VIII of this Ordinance, provided that the facility shall contain no more than eight (8) residents. This facility may include two (2) additional persons (plus their dependants) acting as houseparents or guardians, who need not be related to the persons residing in the house.

[Ordinance 10447 – 07/16/96]

(4) Communication Towers:

The Board of Appeals for Variances and Special Permits may issue a Special Permit for Communications Towers on publicly owned property under the terms specified in Article VIII.

[Ordinance No. 10705 – 06/02/98]
[Ordinance No. 11082 – 10/17/00]

103. Uses Permitted as Special Exceptions by the City Council:

The following uses may be permitted as special exceptions by the City Council, subject to the requirements and restrictions as specified in Article VI:

(1) Cemeteries:

The City Council may permit the development of cemeteries (excluding crematoriums, embalming facilities or other such preparatory functions) within any R-1 Residential Zone, as a special exception under terms specified in Article VI, of the Ordinance.

[Ordinance No. 6994 - 12/16/75]

(2) Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis:

The City Council may issue a Special Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article VI, of this Ordinance, provided that the Home shall not contain more than (8) handicapped and/or aged persons.

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

(3) Planned Unit Development:

Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any R-1 Residential Zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be two (2) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units, except that such use or uses shall require a Special Permit under the terms of Article V of this Ordinance.

[Ordinance No. 6075 - 7/15/69; Ord. No. 11597, §1, 08-17-04]

104. Height and Area Regulations:

(1) No building shall exceed two and one-half stories or 35 feet in height except that a building may exceed these height regulations provided that for every one (1) foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines.

(2) There shall be a front yard of not less than 25 feet.

(3) There shall be a side yard on each side of the building of not less than 10 feet. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 9739 - 6/23/92]

(4) There shall be a rear yard of not less than 25 feet.

(5) Minimum Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Health Department and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic

tanks. The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.
[Ordinance No. 8527 - 9/10/85]

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

## 110. R-1 Open Space Subdivision Design Option

111. Statement of Intent:

It is the intent of this section to provide an alternative standard for development of single-family residential neighborhoods in the R-1 Residential Zone. This development standard is designed to encourage open space design combined with a traditional or connected street network. In addition to a subdivision plat, all developments proposed under these standards require site plan review in order to determine their appropriateness in each instance. These standards are considered minimum standards and do not prevent the development from exceeding these requirements in terms of open space, landscaping, and lot and frontage standards.

112. Site Design Principles:

(1) Development should be encouraged where adequate services are available.

(2) Site design and intensity should be sensitive to environmental constraints resulting from the existing land features and strive to preserve and maintain deciduous woodlands, floodplains, wetlands and steep slopes from clearing, grading, filling or unwarranted construction.

(3) The development should provide open space that is reasonably contiguous, and whose configuration does not fragment the open space into remnant parcels which are not usable for social activity and recreation. Where applicable, the open space should be connected to similar facilities off site.

(4) The development should provide quality public spaces such as streets, sidewalks, parks and squares where citizens come to know each other and promote collective security.

(5) House lots should be grouped closely together in order to reduce road lengths and to preserve open space.

(6) Roads should be designed as networks, with interconnecting links and with minimal use of cul-de-sacs or dead ends. Road systems should be designed to connect with adjacent development or provide for the possible connection to abutting property if development occurs. In a like manner, trails and sidewalks should interconnect with existing or proposed facilities.

(7) Access should be provided from individual house lots to open space areas to the maximum extent possible.

113. Site Design Process:

The site designer should design the open space subdivision utilizing the following suggested process. First, the site should be examined for special features and natural characteristics or resources. This entails mapping environmental elements of the site including the slopes, floodplains, sinkholes, utility recharge areas, historic features, streams, watercourses, and deciduous woodlands. Second, the designer should locate open spaces, meadows, shoreline borders and special scenic vistas and add these features to the site elements previously mapped. Third, select house sites which in large measure avoid the identified limitations and take advantage of the site's special characteristics. Fourth, based on these house site locations, configure the road alignments and pedestrian connections. Finally, add lot lines based on the required road frontage and lot square footage standards.

114. Permitted Uses:

All uses permitted in the R-1 Residential Zone as specified by Article V, Section 101 (1-10) and Section 102 (1-2).

115. Height and Area Regulations:

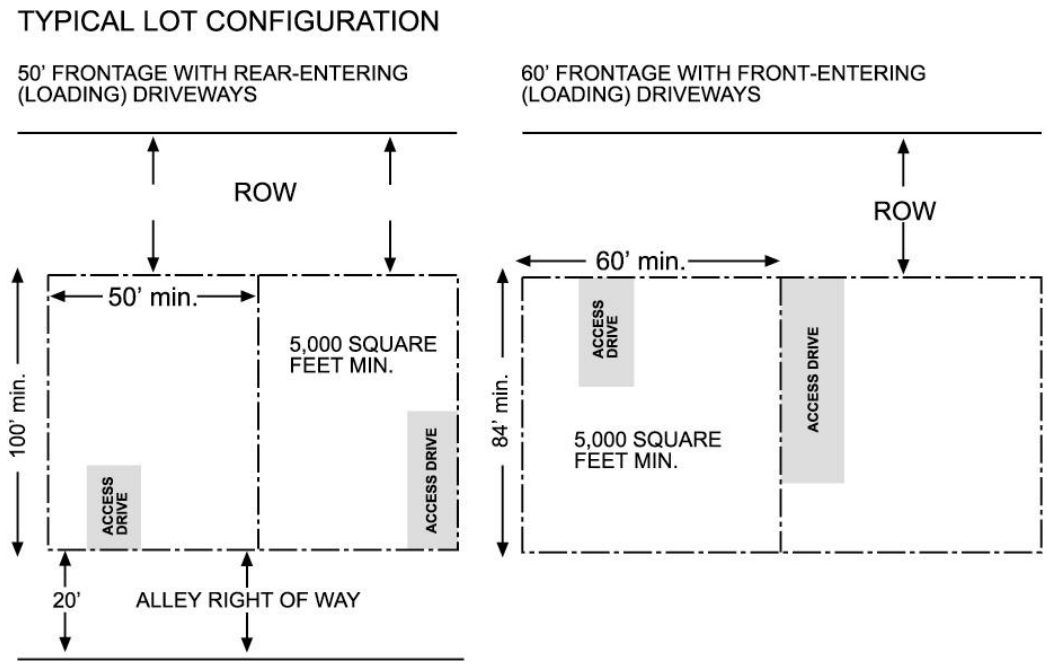
(1) The minimum development site area for a project developed under these standards is ten (10) acres.

(2) All property developed under these standards must be served by public sanitary sewers.

(3) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these height regulations provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.

(4) The minimum building site area shall be five thousand (5,000) square feet.

(5) The minimum lot frontage with front-entering (loading) driveways and garages is sixty (60) feet. For rear loading driveways and garages, the minimum lot frontage is fifty (50) feet.




(6) There shall be a front yard of not less than fifteen (15) feet except that a permanently unenclosed porch, portico, entry landing or similar structure may extend into the required front yard setback area no more than five (5) feet.

(7) There shall be a side yard on each side of the building of not less than ten (10) feet except that a bay window, entry landing, portico or chimney may extend into the required side yard no more than five (5) feet.

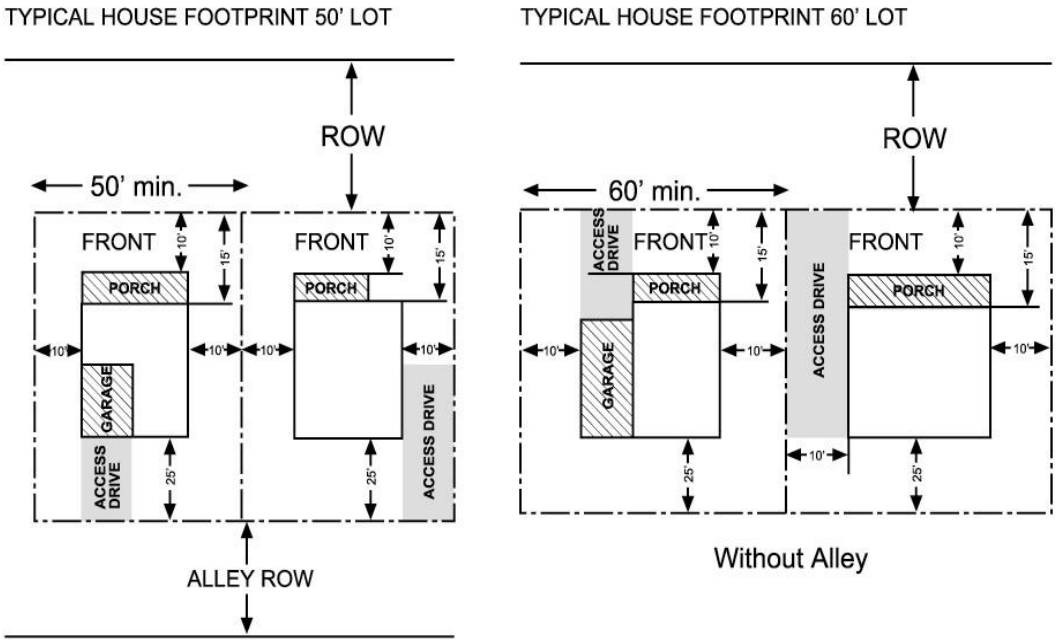
As an alternative to the ten (10) foot side yard requirement, a five (5) foot side yard may be utilized under the condition that no permitted element of the building structure other than the allowable eaves overhang is permitted in the five (5) foot yard setback, including but not limited to hearing, ventilation and air

conditioning systems (HVAC), porches, decks, porticoes, entry landings or similar structures. For corner lot side yard requirements, see Article VI, Section 108.

(8) There shall be a rear yard of not less than twenty-five (25) feet for lots with front-entering driveways, except that permanently unenclosed porch, portico, entry landing or similar structure five (5) feet in width may extend into the required rear yard no more than five (5) feet. For lots with rear entering driveways and using alleys for access, there shall be a rear yard of not less than eighteen (18) feet except that a permanently unenclosed porch, portico, entry landing or similar structure five (5) feet in width may extend into the required rear yard no more than five (5) feet.

(9) For residential structures with front-entering (loading) driveways and garages, the garage door must be set back from the front fact of the structure eight (8) feet or more. [See Typical House Configuration shown in Exhibit 2 attached hereto and incorporated herein.]

TYPICAL LOT CONFIGURATION




(10) Sidewalks are to be constructed on both sides of any new rights-of-way which are shown on the required subdivision plat/site development plan or along any existing streets which provide direct access to houses built under the terms and standards of these regulations. These sidewalks are to be built to standards as specified in the jurisdictional Subdivision Regulations.

[Ordinance 10641 – 11/18/97]

(11) Street trees are to be incorporated along all public streets on lots developed under these provisions at a maximum planting interval of twenty-five (25) feet or located according to a Street Tree Plan approved by the Municipal Forester of the City of Chattanooga. These trees should have an expected mature height of at least thirty-five (35) feet and are to be installed at a minimum height of twelve (12) feet. All plantings must be trees. Plants which are commonly identified as a

shrub are not acceptable. In planting the street trees, it is preferable to plant any required tree behind the outside edge of the sidewalk if the planting strip between the sidewalk and the curb is less than six (6) feet wide.

[Ordinance No. 10824 – 02/09/99]

(12) Detached accessory buildings are permitted subject to Article VI, Section 102 of the Chattanooga Zoning Ordinance.

(13) A minimum of thirty percent (30%) of the gross site area must be set aside as open space (as shown on the site plan). This open space set aside is in addition to areas which are in a designated Floodway zone. Fragmentation of open space should be minimized and therefore no parcel of open space should be less than one (1) acre in size, except for areas specifically designed as village greens, ball fields, buffers, and trail links. The open space should be immediately accessible to the maximum number of house lots on adjacent parcels or through pedestrian linkages to these open areas. The open space shall remain undivided and may be owned and managed by a homeowners' association, the City of Chattanooga, or a recognized land trust or conservancy. The ownership will be specified on the Subdivision Plat.

(14) Where required, public or private alley rights-of-way or easements shall be a minimum of twenty (20) feet in width. These alleys are to be built according to specifications of the City Engineer.

(15) Rights-of-way shall be designed to maximize the connections between streets. The use of cul-de-sacs should be minimized and are only allowed where there are topographic or environmental constraints on the land. Future connections to abutting land will be required as deemed necessary or where future development is anticipated.

116. Site Plan Requirements and Review Process:

The developer utilizing an Open Space Subdivision Option shall adhere to the following steps in processing a design: first, the developer shall review the Conceptual Layout Plan and the Existing Site Conditions Map with the Regional Planning Agency; second, based on approved design, the developer shall submit a preliminary plat for review and consideration by the Planning Commission; third, following approval by the Planning Commission, the developer shall submit a final subdivision plat and a final site plan for review and approval by the staff and the Planning Commission; and fourth, the approved subdivision plat and final site plan is recorded in the Registrar's Office of Hamilton County.

(1) Existing Site Conditions Map and Conceptual Layout Plan Review Process

The developer shall review the proposed site development plan with the Regional Planning Agency staff prior to the submittal of the Preliminary Plat. The purpose of this review is to evaluate existing site characteristics and to review the proposed design of the subdivision. At this mandatory review meeting, the developer is required to furnish the Regional Agency staff with an existing conditions map and a scaled conceptual layout plan of the proposed development. Although not mandatory, an on-site visit should be held in conjunction with this initial site design review. The Regional Planning Agency review staff shall consist of a representative of the Operations Office, the Planning Design Center and the Comprehensive Planning Division. The conceptual layout plan and the existing Site Conditions Map shall be submitted to the Operations Office of the Regional Planning Agency. As required, staff members of other public agencies

will be consulted prior to conceptual layout plan approval. The submittal of this plan shall not be construed to be submission of a subdivision plat.

A. Existing Site Conditions Map

The following are the required elements which must be portrayed on the Existing Site Conditions Map:

1. Minimum scale of one inch equals fifty feet (1" = 50'), with Graphic Scale and North Arrow;
2. Topographic features depicted at a maximum five (5) foot contour interval;
3. Historic features (i.e. structures or sites listed or eligible for inclusion on the National Register of Historic Places, State recognized historic structures or sites);
4. Areas of flood hazard, including designated Flood Hazard District and Floodways;
5. Generalized type and location of existing vegetation;
6. Existing utility easements; and
7. Property lines.

B. Conceptual Layout Plan

The following are required elements which must be portrayed on the Conceptual Layout Plan:

1. Minimum scale: One inch equals fifty feet (1" = 50');
2. Depict vehicular access including proposed rights-of-ways, alleys, common drives and easements;
3. Depict any pedestrian circulation, easements or trails other than those sidewalks required by these regulations;
4. Depict or list the lots which are permitted to have front parking access;
5. Depict common open space(s) and by note on the final plat, show proposed ownership of the common open space;
6. Depict recreation facilities or other similar community design features, such as gazebos.
7. Depict Street and landscaping design features.
8. Depict the lot layout showing the proposed lot scheme. This layout is designed to display the general lot configuration and does not require surveyed dimensional data.

(2) Subdivision Plat/Development Plan Review Process

Based on evaluation and approval by the Regional Planning Agency review staff, the developer must submit a preliminary plat for review. The preliminary plat must conform to the requirements of the jurisdictional subdivision regulations and the design and layout of the approved Conceptual Layout Plan. After submission to and approval of the Preliminary Plat by the Chattanooga-Hamilton County Regional Planning Commission, the Final Plat must be submitted, reviewed and approved by the Regional Planning Agency staff.

In addition, the site developer shall prepare a scaled final site plan for attachment to the Final Plat. If the desired design elements can be depicted on the Final Subdivision Plat, a separate site plan is not required. If a separate document is attached to the subdivision plat as an addendum, its format will conform to subdivision plat standards and it will be referenced on the subdivision plat as an addendum or attachment.

A. Final Site Plan

The Final Site Plan shall depict the final subdivision design and include the following elements:

1. Minimum scale: One inch equals fifty feet (1" = 50');
2. Proposed building and accessory structures;
3. Required landscaping, including streetscape details;
4. Location of open space, public parks and recreation facilities;
5. Street and alley layout;
6. Pedestrian circulation system; and
7. Additional details and design features which are required by ordinance or as required by the Planning Agency review staff.

(3) Recordation of the Final Plat and Site Plan

Following review and approval by the Chattanooga-Hamilton County Regional Planning Commission, the Final Plat and Site Plan shall be recorded by the developer.

[Ordinance 10641 – 11/18/97]

## 120. RT-1 Residential Townhouse Zone

121. Statement of Intent:

It is the intent of this section to provide regulations for the development of townhouses (also called rowhouses and "attached" homes) in a manner which is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can, along with the underlying property, be individually sold and owned on a "fee simple" basis, although said units may also be sold as condominiums. It is further intended as a policy that any townhouse development of more than 8 units should be located within 500' of a major arterial or collector as shown on the General Plan most recently adopted by the Planning Commission.

[Ordinance No. 9538 - 4/16/91]

122. Permitted Uses:

(1) Townhouse dwellings, excluding factory manufactured homes constructed as single self-contained unit and mounted on a single chassis, provided that such townhouse dwellings shall meet all structural standards set forth in the Standard Building Code adopted by the City of Chattanooga for townhouse construction.

[Ordinance No. 9538 - 4/16/91]
[Ordinance No. 9661 - 1/21/92]

(2) Parks, playgrounds, schools, churches, and community-owned not-for-profit buildings which are complimentary to the immediate neighborhood.

(3) Golf courses except driving ranges, miniature courses and other similar commercial operations.

(4) Accessory uses and buildings.

(5) Home occupations.

[Ordinance No. 8312 - 5/22/84]

(6) Kindergartens operated by governmental units or religious organizations.

123. 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) Kindergartens:

Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this Ordinance.

[Ordinance No. 8397 - 11/27/84]

(2) Day care centers:

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

[Ordinance No. 8397 - 11/27/84]

(3) Communication Towers:

The Board of Appeals for Variances and Special Permits may issue a Special Permit for Communications Towers on publicly owned property under the terms specified in Article VIII.

[Ordinance No. 10705 – 06/02/98]
[Ordinance No. 11082 – 10/17/00]

124. Height and Area Regulations:

(1) No building shall exceed thirty-five (35) feet in height, except that a building may exceed those height regulations provided that for every one (1) foot of additional height over thirty five (35) feet, the building shall be set back one (1) additional foot from all non-zero lot line property lines.

(2) A minimum building site area for each townhouse unit shall be one thousand three hundred fifty (1350) square feet.

[Ordinance No. 9538 - 4/16/91]

(3) The minimum building site width for each unit shall be eighteen (18) feet.

[Ordinance No. 9538 - 4/16/91]

(4) All buildings must be set back at least forty feet from any exterior dedicated public street. The setback may be reduced to 25 feet if landscaping is provided along the exterior street(s). Front setback from any interior street shall be 25 feet, or 10 feet if rear parking and loading is provided.

[Ordinance 10507 – 11/19/96]

(5) Townhouse buildings (a continuous row of townhouse units) shall be separated by not less than forty (40) feet except fifteen (15) feet from end-to-end.

[Ordinance No. 8527 - 9/10/85]

(6) No building shall be located less than twenty-five (25) feet from any boundary of the RT-1 Residential Townhouse Zone, except on side yards where an RT-1 zone abuts the RZ-1, R-4, R-3 or any industrial and commercial zone, the minimum side yard requirement is fifteen (15) feet.

(7) Except as provided above, there are no minimum front, side, or rear yard setback requirements.

(8) Frontage on a dedicated public street of the individual units shall be required only when the underlying properties are individually sold as lots along with the units on a fee simple basis.

[Ordinance No. 9538 - 4/16/91]
[Ordinance No. 9721 - 5/19/92]

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

126. Provision for Special Access and Utility Easements:

Due to the special nature of residential townhouses and other types of "attached" housing allowed by these regulations, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing of the structures even though such easements and provisions might not normally be specified in the Chattanooga Subdivision Ordinance. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units of the existing development, or for off-street parking of vehicles, and for any other reasonable design criteria deemed appropriate by the Planning Commission or the Chattanooga City Council.

## 150. RZ-1 Zero Lot Line Residential Zone

151. Statement of Intent:

It is the intent of this section to provide regulations for the development of single-family zero lot-line dwellings (also called patio homes) in a manner which is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can be individually sold and owned on a fee simple basis.

152. Permitted Uses:

(1) Single-family zero lot line dwellings, excluding manufactured homes constructed as a single self-contained unit and mounted on a single chassis.

[Ordinance No. 9661 - 1/21/92]

(2) Parks, playgrounds, schools, churches and community-owned not-for-profit buildings which are complimentary to the immediate neighborhood.

(3) Golf courses, except driving ranges, miniature courses and other similar commercial operations.

(4) Accessory uses and buildings.

(5) Home occupations.

[Ordinance No. 8312 - 5/22/84]

(6) Kindergartens operated by governmental units or religious organizations.

153. 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) Kindergartens:
Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this Ordinance.

(2) Day care centers:
Such uses shall require a Special Permit from the Board of Appeals under the terms of Article VIII of this Ordinance.

[Ordinance No. 8397 - 11/27/84]

154. Height, Area and Building Regulations:

(1) No building shall exceed thirty-five (35) feet in height, except that a building may exceed those height regulations provided that for every one foot of additional height over thirty-five (35) feet, the building shall be set back one additional foot from all exterior property lines of the RZ-1 Zone.

(2) A minimum building site area for zero lot-line and patio homes shall be two-thousand-six-hundred and twenty-five (2,625) square feet.

(3) The minimum lot width shall be thirty-five (35) feet.

(4) All buildings must be set back at least twenty-five feet from any dedicated public streets.

(5) Side yard setback for zero lot line units must be from zero (0) to one and one-half (1.5) feet or a minimum of ten (10) feet from the adjacent property line if buildings are to be separated over a tenth of a foot. The eave overhang is the only permitted element of the building structure allowed in the one and one-half

(1.5) foot setback. The opposite side yard must be at least ten (10) feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).

[Ordinance No. 10560 – 4/22/97]

(6) The opposite side yard setback of not less than ten (10) feet must be kept perpetually free of permanent obstructions (such as an accessory building).

(7) The wall on the zero-foot setback must be constructed of maintenance free, solid masonry and no portion can project over any property line. For the purpose of this regulation, acceptable building materials shall include brick, block or siding of a ceramic, glass or cementitious nature including prefabricated boards or stucco but not including vinyl, foam or cellulose fiber based siding.

[Ordinance No. 11435, 07-15-03]

(8) Similar zero-line exceptions can be made for the rear yard but not for both the side and rear yards of the same lot.

(9) No building shall be located less than twenty-five (25) feet from any boundary of the RZ-1 Residential Zone, except on side yards where an RZ-1 Residential Zone abuts the RT-1, R-4, R-3 or any industrial or commercial zone, the minimum side yard requirement is fifteen (15) feet.

(10) To assure security within a development, no windows, doors, or other openings are permitted on the zero-lot line of structures except that the use of translucent glass block shall be permitted to allow natural light to enter the building without significantly compromising privacy.

[Ordinance No. 11435, 07-15-03]

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

156. Provision for Special Access and Utility Easements:
Due to the special nature of these housing types, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Chattanooga Subdivision Ordinance. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.

## 160. R-T/Z Residential Townhouse/Zero Lot Line Zone

161. Statement of Intent:

It is the intent of this section to provide regulations for the development of townhouses (also called rowhouses and attached homes), single-family zero lotline dwellings (also called patio homes), and/or mixed use moderate density residential development in a manner which is attractive, provides for efficient use of land, and is compatible with surrounding development. It is further intended that these regulations provide for standards which will foster compatibility between R-T/Z development and lower density, standard single-family uses. It is also intended that R-T/Z development be sold in "fee simple" to encourage owner occupancy. For purposes of the R-T/Z zone, the term "exterior street" refers to any public, dedicated and accepted street existing prior to the R-T/Z development, the term "interior street' refers to any street built as part of the R-T/Z development, both sides of which are zoned R-T/Z.

162. Permitted Uses:

(1) Single-family detached dwellings (excluding factory manufactured homes constructed as a single, self-contained unit and mounted on a single chassis).
(2) Townhouses.
(3) Zero lot line single-family detached dwellings (excluding factory manufactured homes constructed as a single, self-contained unit and mounted on a single chassis).
(4) Parks, playgrounds, schools, churches, and community-owned not-for-profit buildings which are complimentary to the immediate neighborhood.
(5) Golf courses except driving ranges, miniature courses and other similar commercial operations.
(6) Accessory uses and buildings.
(7) Home occupations.
(8) Kindergartens, operated by governmental units or religious organizations.

163. 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) Kindergartens:
Kindergartens not operated by governmental units or by religious organizations shall require a Special Permit under the terms of Article VIII of this Ordinance.
(2) Day care centers:
Such uses shall require a Special Permit from the Board of Appeals under the terms of Article VIII of this Ordinance.
(3) Communication Towers:
The Board of Appeals for Variances and Special Permits may issue a Special Permit for Communications Towers on publicly owned property under the terms specified in Article VIII.

[Ordinance No. 10705 – 06/02/98]
[Ordinance No. 11082 – 10/17/00]

164. Height, Area and Building Regulations:

(1) Maximum density shall not exceed eight (8) units per acre for attached or detached dwelling units.

(2) Minimum lot width for zero lot line or single-family detached units shall be 35 feet. Minimum lot width for townhouse units shall be 24 feet.

(3) All buildings except detached single-family houses must be set back at least 40 feet from any exterior dedicated public street. The setback may be reduced to 25 feet if Type C Landscaping or equivalent (refer to Landscaping Provisions) is provided along the exterior street(s). Detached single-family houses must be set back at least 25 feet from any exterior dedicated public street.

(4) No building shall be located less than twenty-five (25) feet from any boundary of the R-T/Z zone, except on side yards where an R-T/Z zone abuts R-3, R-4, O-1, or any commercial or industrial zone.

(5) Front setback from any interior street shall be fifteen (15) feet or ten (10) feet if rear parking and loading is provided.

[Ordinance No. 10461 – 08/20/96]

(6) Side yard setback for zero lot line units must be from zero (0) to one and one-half (1.5) feet, or a minimum of ten (10) feet from the adjacent property line if buildings are to be separated over a tenth of a foot. The eave overhang is the only permitted element of the building structure allowed in the one and one-half (1.5) feet setback. The opposite side yard must be at least ten (10) feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).

[Ordinance No. 10560 – 04/22/97]

(7) To assure security within a development, no windows, doors, or other openings are permitted on the zero-lot line of structures except that the use of translucent glass block shall be permitted to allow natural light to enter the building without significantly compromising privacy.

[Ordinance No. 11435, 07-15-03]

(8) Detached single-family houses and two unit townhouses shall be separated by not less than forty (40) feet, except ten (10) feet from side to side.

(9) Three or more unit town homes shall be separated by not less than forty (40) feet except fifteen (15) feet end to end or end to the side of other permitted housing types.

(10) Maximum height of buildings shall be thirty-five (35) feet or two and one-half stories.

(11) Sidewalks, if provided, are to be built according to jurisdictional standards.

(12) All property lines abutting R-1 zoned property must have Type C landscaping or equivalent (refer to Landscaping Provisions).

(13) Townhouse development which fronts on exterior public streets must have front yards which are at least 65% grass/landscaping with any driveway and/or sidewalk to be composed of concrete or pavers. Landscaping along all property lines fronting exterior streets must be provided subject to review and approval of a site-specific landscape plan.

(14) A site sketch plan shall be submitted with the rezoning application and shall show the following:

a. Site access and preliminary street layout.

b. Type of off-street parking.

c. Preliminary lot design.

d. Range of lot sizes.
e. Number of lots.
f. Acreage.
g. Open space/recreation areas if provided.
h. All buffer, landscape and screen areas including site specific landscape design.

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

166. Provision for Special Access and Utility Easements:

Due to the special nature of these housing types, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Chattanooga Subdivision Ordinance. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.

[Ordinance No. 10705 – 6/02/98]

## 200. R-2 Residential Zone

201. Permitted Uses:

(1) Single-family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.
[Ordinance No. 9661 - 1/21/92]

(2) Two family dwellings.

(3) Schools.

(4) Parks, playgrounds, and community-owned not-for-profit buildings.

(5) Golf courses, except driving ranges, miniature courses and other similar commercial operations.

(6) Fire stations and other publicly-owned buildings.

(7) Churches.

(8) Accessory uses and buildings.

(9) Home occupations.
[Ordinance No. 7639 - 3/18/80]

(10) Day care homes.
[Ordinance No. 6837 - 1/7/75]

(11) Kindergartens operated by governmental units or by religious organizations.

202. 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 under the terms of Article VIII of this Ordinance.

(2) Kindergartens:
Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this Ordinance.
[Ordinance No. 6098 - 10/14/69]

(3) Assisted Living Facilities:

The Board of Appeals may issue a Special Permit for an Assisted Living Facility under the terms specified in Article VIII of this Ordinance, provided that the Facility shall contain no more than eight (8) residents. This facility may include two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to the persons residing in the home.
[Ordinance No. 10447 – 07/16/96]

(4) Communication Towers:

The Board of Appeals for Variances and Special Permits may issue a Special Permit for Communications Towers on publicly owned property under the terms specified in Article VIII.
[Ordinance No. 10705 – 6/02/98]
[Ordinance No. 11082 – 10/17/00]

203. Uses Permitted as Special Exceptions by the City Council:

The following uses may be permitted as special exceptions by the City Council, subject to the requirements and restrictions as specified in Article VI:

(1) Cemeteries:

The City Council may permit the development of cemeteries (excluding crematoriums, embalming facilities or other such preparatory functions) within any R-2 Residential Zone as a special exception under the terms specified in Article VI of this Ordinance.

[Ordinance No. 6994 - 12/16/75]

(2) Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis:

The City Council may issue a Special Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article VI of this Ordinance, provided that the Home shall not contain more than eight (8) handicapped and/or aged persons.

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

(3) Planned Unit Development:

Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any R-2 Residential Zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be two (2) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two family units, except that such use or uses shall require a Special Permit under the terms of Article V of this Ordinance.

[Ordinance No. 6075 - 7/15/69]

[Ordinance No. 6590 - 7/27/73; Ord. No. 11597, §1, 08-17-04]

204. Height and Area Regulations:

(1) No buildings shall exceed two and one-half stories or 35 feet in height, except that a building may exceed these requirements provided that for every foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines.

(2) Minimum Lot Area

- 25,000 square feet for single-family lots on individual wells and septic tanks;
- 7,500 square feet for single-family lots on sanitary sewers;
- 9,500 square feet for two-family dwelling units on sewers. The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.
- For those lots where septic tanks are used, all residential lots shall be large enough to construct the original subsurface sewage disposal system and to provide an area for 100% duplication of that system; and
  (1) The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal.

(2) The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities.

(3) The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.

- Residential lot area shall be in addition to any other lot area for other permitted uses;
- All other uses shall have a minimum lot area of 10,000 square feet.

[Ordinance No. 11267 – 4/16/02]

(2) Minimum Frontage
Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.
[Ordinance No. 8527 - 9/10/85]

(3) There shall be a front yard of not less than 25 feet.

(4) There shall be a side yard on each side of the building of not less than 10 feet. For corner lot side yard requirements, see Article VI, Section 108.
[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 9739 - 6/23/92]

(5) There shall be a rear yard of not less than 25 feet.

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

## 250. R-3MD Moderate Density Zone

251. Permitted Uses:

(1) Single-family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.

[Ordinance No. 9661 - 1/21/92]

(2) Two-family, three-family, and four-family dwellings.
(3) Schools.
(4) Parks, playgrounds, and community-owned not-for-profit buildings.
(5) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
(6) Fire stations and other publicly-owned buildings.
(7) Churches.
(8) Accessory uses and buildings.
(9) Home occupations.
(10) Day care homes.
(11) Kindergartens operated by governmental units or by religious organizations.

252. 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 under the terms of Article VIII of this Ordinance.

(2) Kindergartens:
Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this Ordinance.

(3) Communications Towers:
The Board of Appeals for Variances and Special Permits may issue a Special Permit for Communications Towers on publicly owned property under the terms specified in Article VIII.

[Ordinance No. 10705 – 06/02/98]
[Ordinance No. 11082 – 10/17/00]

253. Uses Permitted as Special Exceptions by the City Council:

The following uses may be permitted as special exceptions by the City Council, subject to the requirements and restrictions as specified in Article VI:

(1) Cemeteries:
The City Council may permit the development of cemeteries (excluding crematoriums, embalming facilities, or other such preparatory functions) within any R-3 Moderate Density Zone as a special exception under the terms specified in Article VI of this Ordinance.

[Ordinance No. 7727 - 9/16/87]

254. Height and Area Regulations:

(1) No buildings shall exceed 35 feet in height except that a building may exceed these requirements provided that for every foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines.

[Ordinance No. 9492 - 11/20/90]

(2) Minimum Lot Area and Frontage

| | Minimum Area on Sewers | Public Water Supply & Septic Tanks |
|---|---|---|
| Single-family Dwellings | 7,500 sq. feet | 13,000 sq. feet |
| Two-family Dwellings | 9,500 sq. feet | 18,000 sq. feet |
| Three-family Dwellings | 11,500 sq. feet | 25,000 sq. feet |
| Four-family Dwellings | 13,500 sq. feet | 30,000 sq. feet |

The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc. The minimum frontage shall be 60 feet.

[Ordinance No. 8527 - 9/10/85]

(3) There shall be a front yard of not less than 25 feet.

(4) There shall be a side yard on each side of the building of not less than 10 feet. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 9739 - 6/23/92]

(5) There shall be a rear yard of not less than 25 feet.

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

## 300. R-3 Residential Zone

301. Permitted Uses:

(1) Single-family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis, except as provided for in Section 302(6).

[Ordinance No. 6837 - 1/7/75]
[Ordinance No. 9661 - 1/21/92]

(2) Two-family dwellings.
(3) Boarding Houses, Lodging Houses and Bed and Breakfast.

[Ordinance No. 9422 - 7/24/90]

(4) Multiple family dwellings.
(5) Schools.
(6) Parks, playgrounds and community-owned not-for-profit buildings.
(7) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
(8) Fire stations, and other publicly-owned buildings.
(9) Churches.
(10) Home Occupations.
(11) Accessory uses and buildings.
(12) Day care homes.
(13) Kindergartens operated by government units or by religious organizations.

302. 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 under the terms of Article VIII of this Ordinance.

(2) Kindergartens:
Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this Ordinance.

[Ordinance No. 6098 - 10/14/69]

(3) Assisted Living Facilities:
The Board of Appeals may issue a Special Permit for an Assisted Living Facility under the terms specified in Article VIII of this Ordinance.

(4) Medically Assisted Living Facilities:
The Board of Appeals may issue a Special Permit for a Medically Assisted Living Facility under the terms specified in Article VIII of this Ordinance.

[Ordinance No. 10447 – 7/16/96]

(5) Communication 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. 10705 – 06/02/98]

(6) Manufactured Home Parks:
Manufactured Home Parks may be permitted as special exceptions in any R-3 Zone, except that such use shall require a Special Permit under the terms of Article VIII, and further provided that:

(a) The applicant presents plans and specifications for the proposed park to the Board of Appeals in a form suitable for making the determinations required therein.

(b) The proposed site shall contain not less than 20 acres total, and 2400 square feet per manufactured home.

(c) Connections to a public or private sewage disposal system satisfactory to the City-County Health Department or the City Plumbing Inspector are provided for each manufactured home space.

(d) Connections to a public water supply system are provided for each manufactured home space.

(e) The demand for school, fire and police protection, and other public services and utilities created by the proposed park will not exceed the capacity of the agencies involved to provide such services.

(f) A greenbelt planting strip, not less than 20 feet in width, is located around the perimeter of the park except in those parts of the perimeter where such planting would create a traffic hazard by impairing visibility. Such greenbelt shall be composed of one (1) row of deciduous and/or evergreen trees, spaced not more than 40 feet apart and which grow to a height of six (6) feet or more after two (2) full growing seasons.

303. Uses Permitted as Special Exceptions by the City Council:
The following uses may be permitted as special exceptions by the City Council, subject to the requirements and restrictions as specified in Article VI:

(1) Planned Unit Development:
Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any R-3 Residential Zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be two (2) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units, except that such use or uses shall require a Special Permit under the terms of Article V of this Ordinance.

[Ord. No. 11597, §1, 08-17-04]

(2) Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis:
The City Council may issue a Special Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article VI of this Ordinance.

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

304. Height and Area Regulations:

(1) No building shall exceed two and one-half stories or 35 feet in height, except that a building may exceed these height requirements provided that for every one (1) foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines.

(2) Minimum Lot Area

- 25,000 square feet for single-family lots on individual wells and septic tanks;
- 7,500 square feet for single-family lots on sanitary sewers;
- 7,500 square feet for the first unit of a multi-family lot with an additional 2,000 square feet of lot area for each additional unit;
- 7,500 square feet for the first two (2) lodgers or boarders of boarding houses, dormitories, fraternity and sorority houses with an additional 500 square feet of lot area for each additional lodger or boarder;

  For those lots where septic tanks are used, all residential lots shall be large enough to construct the original subsurface sewage disposal system and to provide an area for 100% duplication of that system; and

  (1) The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal.

  (2) The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities.

  (3) The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.
- Residential lot area shall be in addition to any other lot area for other permitted uses;
- All other uses shall have a minimum lot area of 10,000 square feet.

[Ordinance No. 11267 – 4/16/02]

(3) Minimum Frontage

Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

[Ordinance No. 8527 - 9/10/85]

(4) There shall be a front yard of not less than 25 feet.

(5) There shall be a side yard on each side of the building of not less than 6 feet. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 9739 - 6/23/92]

(6) There shall be a rear yard of not less than 25 feet.

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

## 400. R-4 Special Zone

401. Permitted Uses:

(1) Single-family, two-family, and multiple-family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.

[Ordinance No. 6837 - 1/7/75]
[Ordinance No. 9661 - 1/23/92]

(2) Lodging Houses, Boarding Houses and Bed and Breakfast.

[Ordinance No. 9422 - 7/24/90]

(3) Colleges, schools and libraries.
(4) Churches.
(5) Dormitories.
(6) Professional, medical or dental offices and clinics.
(7) Laboratories and research centers not objectionable because of odor, dust, noise, or vibration.
(8) Offices.
(9) Studios.
(10) Parks and Playgrounds.
(11) Home occupations.
(12) Banks and bank branches.

[Ordinance No. 6844 - 2/4/75]

(13) Accessory uses and buildings.
(14) Day care homes.
(15) Kindergartens operated by governmental units or by religious organizations.
(16) Drug stores or restaurants in office buildings of four (4) or more stories.
(17) Museums and art galleries with retail sales as an accessory on-site use, except that such accessory use shall require a Special Permit under the terms of Article VIII.
(18) Identification signs for commercial uses, subject to the same regulations which govern size, appearance, location, etc., for signs identifying on premise office uses.

[Ordinance No. 11215 - 11/27/01]

(19) Radio, television and motion picture production studios, excluding transmission towers.

[Ordinance No. 11254 - 03/19/02]

(20) Parking lots and garages as an accessory to a permitted use when located on the same lot or an adjacent lot.

402. 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) Fraternal, professional or hobby clubs
(2) Hospitals and nursing homes
(3) Funeral homes, mortuaries, and undertaking establishments (excluding crematoriums)

[Ordinance No. 10491 – 10/15/96]

(4) Day care centers

(5) Kindergartens not operated by governmental units or by religious organizations

[Ordinance No. 6098 - 10/14/69]

(6) Small animal hospitals

[Ordinance No. 6931 - 8/19/75]

(7) Radio, television and motion picture studios transmission towers shall require a Special Permit under the terms of Article VIII.

[Ordinance No. 11254 - 03/19/02]

(8) Drug and alcohol, penal or correctional halfway houses or rehabilitation centers and uses similar in character

[Ordinance No. 8410 - 1/8/85]

[Ordinance No. 9354 - 4/17/90]

[Ordinance No. 9701 - 04/21/92]

(9) Gift shops

[Ordinance No. 9701 - 04/21/92]

(10) Beauty shops, barber shops, and hair salons

[Ordinance No. 11003 – 04/24/2000]

(11) Assisted Living Facilities

(12) Medically Assisted Living Facilities

[Ordinance No. 10447 – 07/16/96]

(13) Communication 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 - 03/19/02]

(14) Social Service Agency

403. Uses Permitted as Special Exceptions by the City Council:

The following uses may be permitted as special exceptions by the City Council, subject to the requirements and restrictions as specified in Article VI:

(1) Institutional Planned Unit Development:

Flexibility in the arrangements of institutional and related uses may be permitted by the City Council as special exceptions in individual yard requirements to provide for college and university owned facilities, offices, professional and medical buildings, and other institutional structures, except that such use or uses shall require a Special Permit under the terms of Article V of this Ordinance.

[Ordinance No. 6313 – 7/13/71]

(2) Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis:

The City Council may issue a Special Permit for a Residential Home for the Handicapped and/or Aged Persons under the terms specified in Article VI of this Ordinance.

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

404. Height and Area Regulations:

(1) No building shall exceed two and one-half stories or 35 feet in height, except that a building may exceed these requirements provided that for every foot of

additional height over 35 feet, the building shall be set back one (1) additional foot from all property lines.

(2) Minimum Lot Area

[Ordinance No. 8527 - 9/10/87]

- 25,000 square feet for single-family lots on individual wells and septic tanks;
- 7,500 square feet for single-family lots on sanitary sewers;
- 7,500 square feet for the first unit of a multi-family lot with an additional 2,000 square feet of lot area for each additional unit;
- 7,500 square feet for the first two (2) lodgers or boarders of boarding houses, dormitories, fraternity and sorority houses with an additional 500 square feet of lot area for each additional lodger or boarder;
- All residential lots shall be large enough to construct the original subsurface sewage disposal system and to provide an area for 100% duplication of that system; and
  1) The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal.
  2) The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities.
  3) The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.
- Residential lot area shall be in addition to any other lot area for other permitted uses;

[Ordinance No. 11267 – 4/16/02]

(3) Minimum Frontage

- Minimum lot frontage residential shall be 60 feet on sewers and 75 feet on septic tanks.

[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 11267 – 4/16/02]
[Ordinance No. 11551 - 05/18/04]

(4) There shall be a front yard of not less than 25 feet.

(5) There shall be a side yard on each side of the building of not less than 6 feet except for attached fee-simple offices there shall be no interior side yard requirement. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 9739 - 6/23/92]
[Ordinance No. 11551 - 05/18/04]

(6) There shall be a rear yard of not less than 25 feet.

[Ordinance No. 8527 - 9/10/85]

(7) Communications towers shall be subject to the setback requirements set forth in Article VIII.

[Ordinance No. 11253 - 03/19/02]

(8) Deleted by Ordinance No. 11551 - 05/18/04.

**Editor's note--**Section 404(8) dealt with interior side yard requirements for attached fee simple offices.

405. For off-street parking requirements see Article V, Section 1700, et seq.

(Ord. No. 11459, §2, 09-16-03)

## 410. R-5 Residential Zone

411. Permitted Uses:

(1) Single family dwellings, including manufactured homes and modular homes.
[Ordinance No. 6837 - 1/7/75]

(2) Two family dwellings.

(3) Schools.

(4) Parks, playgrounds, and community-owned not-for-profit buildings.

(5) Golf courses, except driving ranges, miniature courses, and other similar commercial operations.

(6) Fire stations and other publicly-owned buildings.

(7) Churches.

(8) Accessory uses and buildings.

(9) Home Occupations.
[Ordinance No. 7636 - 3/18/80]

(10) Day care homes.

(11) Kindergartens operated by governmental units or religious organizations.

412. 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 under the terms of Article VIII of this Ordinance.

(2) Kindergartens:
Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this Ordinance

(3) 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. 10705 – 06/02/98]

413. Height and Area Regulations:

(1) No buildings shall exceed two and one-half stories or 35 feet in height, except that a building may exceed these requirements provided that for every foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines.

(2) Minimum Lot Area and Frontage
The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Health Department and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic

tanks. The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.

[Ordinance No. 8527 - 9/10/85]

(3) There shall be a front yard of not less than 25 feet.

(4) There shall be a side yard on each side of the building of not less than 10 feet. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 9739 - 6/23/92]

(5) There shall be a rear yard of not less than 25 feet.

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

415. General Provisions:

(1) All manufactured homes shall be tied down in a manner meeting safety and performance requirements of any governmental regulations covering tie-down and anchoring devices, as specified by the Building Inspector.

(2) All accessory buildings to the principal building (whether attached or detached) shall be subject to the same permit procedures and other regulations pertaining to dwelling units.

## 420. O-1 Office Zone

421. Permitted Uses:

(1) Offices.
(2) Colleges, schools, and libraries.
(3) Churches.
(4) Professional, medical or dental offices and clinics.
(5) Laboratories and research centers not objectionable because of odor, dust, noise or vibration.
(6) Fire stations and other publicly-owned buildings.
(7) Accessory uses and buildings.
(8) Signs incident to the permitted uses, except that only one (1) sign shall be permitted for each structure, which sign shall be set back 10 feet from any property line. The sign shall not exceed 48 square feet in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed 25 foot-candles at the face of the sign. No flashing or intermittent lights will be permitted.
(9) Parks.

[Ordinance No. 7593 - 12/18/79]

(10) Radio, television and motion picture production studios and other broadcasting facilities, excluding transmission towers.
(11) Identification signs for commercial uses, subject to the same regulations which govern size, appearance, location, etc., for signs identifying on premise office uses.

[Ordinance No. 11215 - 11/27/01]

422. 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.

[Ordinance No. 8397 - 11/27/84]

(2) Fraternal, professional or hobby organizations and clubs:
Such uses shall require a Special Permit under the terms of Article VIII.
(3) Transmission towers:
Such uses shall require a Special Permit under the terms of Article VIII.
(4) Commercial parking lots in conjunction with permitted uses:
Such uses shall require a Special Permit under the terms of Article VIII.

[Ordinance No. 9492 - 11/20/90]

(5) 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. 10705 – 06/02/98]

423. Height and Area Regulations:

(1) No building shall exceed two and one-half stories or 35 feet in height except that a building may exceed these requirements provided that for every foot of additional height over 35 feet, the building shall be set back one (1) additional foot from all property lines.

(2) There is no minimum building site area.

(3) The minimum frontage shall be 60 feet.

(4) There shall be a front yard of not less than 25 feet.

[Ordinance No. 7787 - 1/20/81]

(5) There shall be a side yard not less than 10 feet when a permitted use adjoins a residential zone. For corner lot side yard requirements, see Article VI, Section 108.

[Ordinance No. 9739 - 6/23/92]

(6) There shall be a rear yard of not less than 25 feet when permitted use adjoins a residential zone.

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

[Ordinance No. 8527 - 9/10/85]

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

## 500. C-1Highway Commercial Zone deleted per Ord. No. #11364 - 01/24/03

## 600. C-2 Convenience Commercial Zone

601. Intent:

It is the intent of the C-2 Convenience Commercial Zone to promote, where need exists, the clustering and development of businesses, offices, and service facilities to serve the demand for goods and services generated both by area residents and by transients traveling to or from other neighborhoods or places of employment.

602. Location:

C-2 Convenience 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.

603. Principal Uses Permitted:

The following principal uses and structures may be permitted in any C-2 Convenience Commercial Zone:

[Ordinance No. 10024 - 3/22/94]
[Ordinance No. 10205 – 04/18/95]

(1) Retail Sales and Service Establishments
(2) Bakeries, delicatessens, meat and fish markets whose products are sold only at retail and on the premises,
(3) Banks, savings and loan institutions, finance companies and credit unions
(4) Bowling alleys, billiard rooms, theaters, or other indoor amusement establishments,
(5) Vehicular repair facilities, washes, new and used dealerships and repair facilities, provided that the area being used for outside storage of any vehicles must be screened by a sight-obscuring fence a minimum of eight feet (8 ft.) high. This does not include sales display areas at automobile dealerships.

[Ordinance No. 8896 - 1/26/88]
[Ordinance No. 9344 - 3/20/90]

(6) Office buildings,
(7) Restaurants and other establishments serving prepared food and beverages,
(8) Hospitals,
(9) Commercial signs and billboards,
(10) Schools, churches, and other public and semi-public buildings,
(11) Provided that not more than five (5) persons are employed therein, the following uses may be permitted:
-Plumbing shops
-Electrical shops
-Radio and TV shops
-Appliance repair shops
-Small print shops
-Photocopying services
-Similar workshop type uses

[Ordinance No. 9343 - 3/20/90]

(12) In general, all stores, shops, or services similar in character, type and effect to the above unless otherwise controlled or provided by law.
[Ordinance No. 9077 - 11/22/88]

(13) Dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis
[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 9661 - 1/21/92]

(14) Wholesaling with accessory warehousing and related office space provided that said use shall not exceed 5,000 sq. ft. in total usable floor area.
[Ordinance No. 8616 - 4/1/86]

(15) Motels and Hotels

(16) Furniture and Appliance Sales

(17) Mini-warehouses, provided that said use does not allow outdoor storage, subject to provision of a natural sign obscuring, landscaped screen on all sides, including in the front, in accordance with the planting standards of Article V, Section 1024(7)a of the Chattanooga Zoning Ordinance, except where a property line abuts an M-1, M-2 or M-3 zone.
[Ordinance No. 10205- 04/18/95]

604. 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) Funeral homes, mortuaries, and undertaking establishments (excluding crematoriums),

(2) Small animal hospitals and veterinary offices,

(3) Open-air markets,

(4) Miniature golf courses and similar outdoor amusement facilities,

(5) Adult-oriented establishments,

(6) Day care centers,

(7) Kennels, boarding, grooming, training and similar uses for small animals,
[Ordinance No. 10326 – 11/14/95]

(8) 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 - 03/19/02]

(9) Travel Trailer Camps and other camping facilities subject to the requirements and restrictions specified in Article VIII, Section 107(15).

(10) Display and Sale of Manufactured Homes under the terms specified in Article VIII, Section 107(20).

605. Uses Permitted as Special Exceptions by the City Council:

The following uses may be permitted as special exceptions by the City Council as authorized by T.C.A. 57-3-208 and Chattanooga City Code, Part II, Sections 5-101 through 5-126.

(1) Liquor stores,

(2) Wineries, including vineyards, processing, bottling and sales facilities.
[Ordinance No. 7686 - 6/24/80]
[Ordinance No. 9077 - 11/22/88]
[Ordinance No. 10023 - 3/22/94]

606. Permitted Accessory Uses and Structures:

The following accessory uses and structures may be permitted in any approved C-2 Convenience Commercial Zone:

Uses and structures which are customarily 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 areas surrounding the zone.

607. Prohibited Uses and Structures:

(A) In general, any uses or structures not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" or any use or structure that is otherwise found to be not in keeping with the stated intent of these zoning regulations is prohibited within the C-2 Convenience Commercial Zone.

(B) Any outdoor storage of equipment or merchandise shall be limited to 20% of the lot square footage, excluding the area where buildings are located; such area shall be contained by fence, a minimum of six (6) feet high, and shall not encroach upon the required parking area. Additional parking requirements shall be required for the outdoor use. (Building/Structure Base square footage and outdoor use = Total square footage for Parking Requirement.)

[Ordinance No. 9492 - 11/20/90]
[Ordinance No. 9518 - 2/12/91]
[Ordinance No. 9815 - 12/15/92]

In the case of nurseries, florist greenhouses and garden centers, outdoor storage shall be permitted and screened by a sight obscuring fence, a minimum of six (6) feet high. Parking shall be subject to the requirements of the Traffic Engineer.

608. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relations 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.
Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where permitted use adjoins any Residential Zone.

[Ordinance No 8527 - 9/10/85]

(2) The minimum lot area for dwellings shall be seven-thousand-five-hundred (7,500) square feet, plus two-thousand (2,000) square feet for each dwelling unit over one (1). This minimum lot area shall be in addition to the area required for the commercial use and its parking and loading area.

(3) 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.

(4) 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

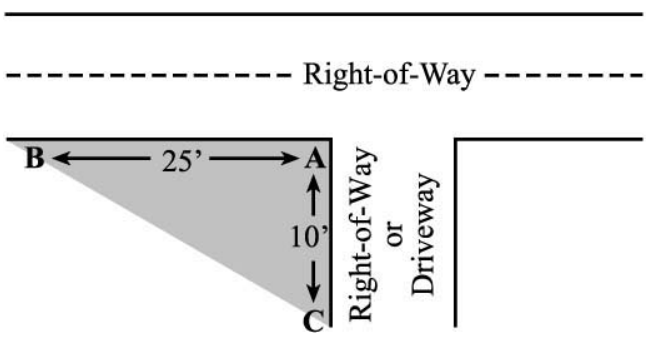
eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

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]

(5) Along major 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 such merging lanes. Whether required by the Traffic Engineer or provided voluntarily, such turn-out and merging lanes may be included as part of the required setback adjacent to the public collector or arterial street. Any disagreement regarding requirements for turn-out and merging lanes may be appealed to the Board of Appeals.

609. Maximum Height of Structure:

No building or structure except radio, television, telephone and microwave towers (See Article VIII, Section 107) shall exceed two and one-half stories or 35 feet in height, except that a building or structure may exceed these height requirements provided that for every one (1) foot of additional height over 35 feet the building or structures shall be set back one (1) additional foot from all property lines. Communications towers shall be subject to the setback requirements set forth in Article VIII.

[Ordinance No. 9791 - 9/15/92]
[Ordinance No. 9999 - 1/25/94]
[Ordinance No. 11253 - 3/19/02]

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

## 700. C-3 Central Business Zone

701. Intent:

It is the intent of the C-3 Central Business Zone to promote and sustain the development of a maximum efficient density and diversity of commercial, governmental, and service enterprises to serve as a center for the business and cultural interests of the greater Chattanooga area.

702. Principal Uses Permitted:

The following uses and structures shall be permitted in the C-3 Central Business Zone:

(1) Any commercial use;
(2) Governmental agencies and buildings;
(3) Offices;

[Ordinance No. 9492 – 11/20/90]

(4) Dwelling units, multifamily units and townhouses only, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.

In general, any lawful use except as otherwise limited or prohibited in these regulations.

[Ordinance No. 9492 - 11/20/90]

[Ordinance No. 9661 - 01/21/92]

703. 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. Communications towers shall be subject to the setback requirements set forth in Article VIII:

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

(1) Adult-oriented establishments as defined and restricted in Article VIII of these regulations.
(2) Day care centers.

[Ordinance No. 8397 - 11/27/80]

(3) Monopole communication towers, providing the applicant can demonstrate that it is impractical to locate the antenna on existing structures, and subject to the other terms specified in Article VIII.

[Ordinance No. 10705 – 6/02//98]

704. Uses Permitted as Special Exceptions by the City Council:

The following uses may be permitted as special exceptions by the City Council as authorized by T.C.A. 57-3-208 and Chattanooga City Code, Part II, Sections 5-101 through 5-126.

(1) Liquor stores,
(2) Wineries, including vineyards, processing, bottling and sales facilities.

[Ordinance No. 7686 – 6/24/80]
[Ordinance No. 9077 - 11/22/88]
[Ordinance No. 10023 - 3/22/94]

705. Permitted Accessory Uses and Structures:

The following accessory uses and structures may be permitted in any approved C-3 Central Business Zone:

Uses and structures which are customarily 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 areas surrounding the zone.

A permitted accessory use or structure to a dwelling unit is a one or two story detached garage or other building smaller in size and scale than the principal building and may contain habitable space.

[Ordinance No. 11184- 10/02/2001]

706. Prohibited Uses and Structures:

The following uses and structures are found to be not in keeping with the intent of the C-3 Central Business Zone and are therefore specifically prohibited within any approved C-3 Central Business Zone:

(1) Cemeteries,

(2) Blast furnaces
Boiler works
Coal screening and sieving plants
Contractor plants and storage yards
Forge plants
Foundries
Junk yard
Machine shops
Ore reduction
Planing mills
Rock crushers
Sawmills
Smelting
Stockyard
Stone mills
Quarries
Chemical and allied products manufacture
Coal screening and sieving plants
Commercial excavation of construction materials
Distillation of bones and/or fat rendering
Dumping and disposal of garbage, sewage, or refuse
Fabricated metal products manufacture

[Ordinance No. 9492 - 11/20/90]

Ferrous and non-ferrous metal foundries
Ferrous and non-ferrous metal rolling and finishing mills
Mining and related activities
Ore reduction; including rock, sand and gravel
Paper and allied products manufacture
Plastic, synthetic resins, synthetic rubbers and other man-made fiber production
Refining of petroleum and/or its products

Slaughterhouses
Tank farms for petroleum and related products

(3) Factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.

707. Access to Sites and Buildings:

Vehicular access to sites and buildings within the C-3 Central Business Zone may be permitted from any public street or alleyway after review and approval by the Traffic Engineer. Pedestrian access may be permitted at any location at the discretion of the property holder.

708. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relation of Yards to Turnout and Merging Lane:

(1) There are no minimum front yard requirements except that service station buildings shall have a front yard of not less than thirty (30) feet.
A side yard of not less than ten (10) feet shall be provided where a permitted use adjoins a residential zone.
There shall be a rear yard of not less than twenty-five (25) feet where the permitted use adjoins a residential zone or an M-1 Zone.
Other than as provided above, no additional 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 feature in any way create potential hazards to pedestrians. For the purpose of this section, the building commission shall request the review and approval by the traffic engineer of any plan for construction before the issuance of a building permit.

(3) Along major 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 along such merging lanes. Whether required by the traffic engineer or provided voluntarily, such turn-out and merging lanes may be included as part of any required yard adjacent to the public major street or collector. Disagreements concerning required turn-out and merging lanes may be appealed to the Board of Appeals.

709. Minimum Height of Structure:

In no case shall the height of any building or structure except radio, television, telephone and microwave towers (see Article VIII, Section 107), exceed the shortest distance from such structure to the nearest boundary of any Residential or R-4 Zone.

[Ordinance No. 9492 - 11/20/90]
[Ordinance No. 9999 - 1/25/94]

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

## 800. C-4 Planned Commerce Center Zone

801. Definition:

Planned Commerce Center -- A development intended to serve the diverse needs of an entire community or region which is generally planned and constructed as a unit and providing a variety of goods and services in stores and offices conveniently arranged with respect to one another and to off-street parking facilities provided with safe access to and from appropriate public streets.

802. Intent:

It is the intent of this section to promote flexibility and diversity in the development and maintenance of planned commerce centers which are complementary and appropriate to the surrounding neighborhood and in keeping with the General Plan of the community, and subject to such other conditions and safeguards as may be established to assure, insofar as possible, that the development will protect and enhance the value of surrounding property in addition to fulfilling a public need of the community or region.

803. Location:

C-4 Planned Commerce Center Zones shall be permitted only where adequate frontage is available for ingress and egress utilizing arterial streets (see definition "Functional Classification of Streets").

804. Principal Uses Permitted:

The following principal uses and structures may be permitted in any C-4 Planned Commerce Center Zone:

(l) Department stores; supermarkets; drug stores; bakeries; meat markets; delicatessens; hardware; paint; and wallpaper stores; camera shops; florist shops; gift shops; hobby shops; stationery stores; apparel stores; shoe stores; variety stores; jewelry stores; stores for sale of gardening supplies and equipment; radio and TV stores; music stores; pet stores subject to all health and humane regulations of the government;

(2) Eating and drinking establishments;

(3) Barber shops; beauty shops; cleaning and laundry services without major processing on the premises and establishments with coin-operated equipment for laundry and dry cleaning; shoe repair shops; repair establishments for household articles and appliances; and service stations.

[Ordinance No. 10025 - 3/22/94]

(4) Offices, studios, medical and dental clinics, banking facilities;

(5) Hotels, motels; and other transient accommodations;

(6) Multifamily dwellings and townhouses, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis; provided, however, that all permanent residential uses shall be located on upper floors or otherwise separated from areas of principal commercial activity; that separate and exclusive pedestrian entrances and exits for permanent residents shall be provided other than those (or in addition to those) used for access to the principal commercial area, and provided that separate and exclusive parking areas for use by permanent residents shall be maintained as outlined in Section 813 of this Article V.

[Ordinance No. 9661 - 1/21/92]

(7) Home Occupations.

(8) Theaters, bowling alleys, and other indoor entertainment and cultural facilities.

(9) Warehousing and wholesaling operations, provided that such uses shall be ancillary to permitted retail sales and service operations within the Planned Commerce Center and provided that space devoted to such warehousing and wholesaling uses shall not comprise more than twenty-five (25) percent of total space within the center.

(10) In general, all stores or shops for the conduct of a retail business are permitted unless otherwise prohibited by these regulations or other laws and ordinances.

(11) Vehicular repair facilities, washes, new and used dealerships and repair facilities, provided that the area being used for outside storage of any vehicles must be screened by a sight-obscuring fence a minimum of eight (8 ft.) high. This does not include sales display areas at automobile dealerships.

805. 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.

[Ordinance No. 8397 11/27/84]

(2) Miniature golf courses and similar outdoor amusement facilities:

Such shall require a Special Permit from the Board of Appeals as specified in Article VIII of these regulations.

[Ordinance No. 8945 - 5/17/88]

[Ordinance No. 10705 – 06/02/98]

(3) 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 - 03/19/02]

806. Uses Permitted as Special Exceptions by the City Council:

The following uses may be permitted as special exceptions by the City Council as authorized by T.C.A. 57-3-208 and Chattanooga City Code, Part II, Sections 5-101 through 5-126.

(1) Liquor stores, subject to the approval of the City Council for each proposed liquor store as authorized by T.C.A. 57-3-208 and Sections 5-67 through 5-111, Part II, Chattanooga City Code.

[Ordinance No. - 7686 6/24/80]

807. Permitted Accessory Uses and Structures:

The following accessory uses and structures may be permitted in any approved C-4 Planned Commerce Center 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 character of the planned commerce center, or likely (as located, constructed, operated, or maintained) to have an adverse effect on the character of areas surrounding the shopping center. It is specifically provided that garbage and trash, unless kept in principal buildings, shall be kept in accessory structures, and that neither the containers nor loose garbage or trash shall be visible from residential areas, from portions of the

premises customarily open to customer parking or customer, pedestrian or automotive traffic, or from public ways.

808. Prohibited Uses and Structures:

The following uses and structures are specifically prohibited in any C-4 Planned Commerce Center Zone:

(l) The production or manufacture of goods other than those intended for sale at retail on the premises.

(2) In general, any use or structure not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" above.

809. Special Sign Limitations:

Signs not relating to identification of premises and occupants, or to products sold or services rendered on the premises are prohibited.

810. Minimum Zone Dimensions:

The zone shall be of such size, shape, and location as to enable development of well-organized commercial and residential facilities with proper access, ingress, egress, off-street parking and loading space, and other requirements.

811. Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relations of Yards to Turnout and Merging Lanes:

(l) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way.

Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where permitted use adjoins any Residential Zone.

[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 9492 - 11/20/90]

(2) 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.

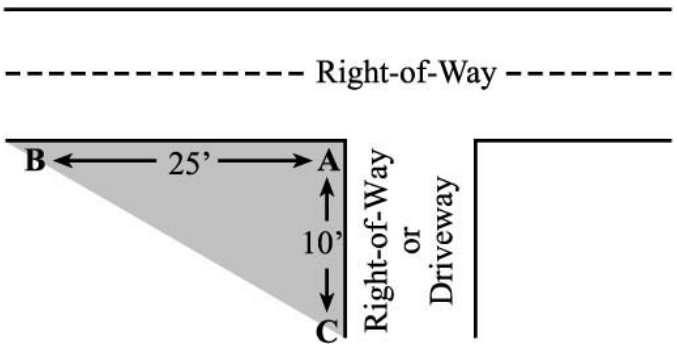
(3) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards 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]

(4) Along major 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 such merging lanes. Whether required by the traffic engineer or provided voluntarily, such turn-out and merging lanes may be appealed to the Board of Appeals.

812. Maximum Height of Structure:

No building or structure except radio, television, telephone and microwave towers (See Article VIII, Section 107), shall exceed two and one-half stories or 35 feet in height, except that a building or structure may exceed these height requirements provided that for every one (1) foot of additional height over 35 feet the building or structures shall be set back one (1) additional foot from all property lines. Communications towers shall be subject to the setback requirements set forth in Article VIII.

[Ordinance No. 9791 - 9/15/92]
[Ordinance No. 9999 - 2/25/94]
[Ordinance No. 10705 – 06/02/98]
[Ordinance No. 11253 - 3/19/02]

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

## 900. 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.

(l) 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.

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. 11474, §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:

(l) 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

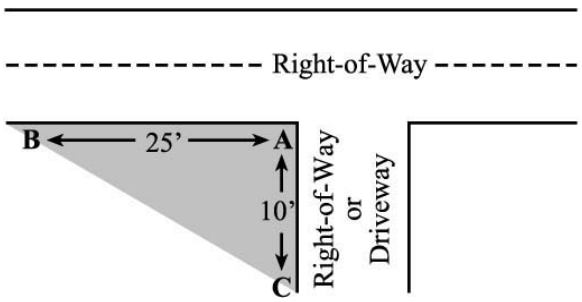
eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

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 l/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)

**920. C-6 Commercial Zone deleted per Ord. No. #11364 - 01/24/03**

**950. C-7 North Shore Commercial/Mixed Use Zone**

951. Intent:

The North Shore Commercial Mixed Use Zone is intended to promote development that is consistent with the North Shore Area Plan. The plan envisions development that:

(1) Maximizes the riverfront as a public resource and a catalyst for private development;
(2) Balances developed areas with land preservation;
(3) Accommodates a mixture of uses;
(4) Creates an appealing pedestrian environment;
(5) Preserves and enhances the architectural character and scale of the Frazier Avenue commercial Zone; and
(6) Promotes a distinctive image and identity for North Shore.

952. Goals:

(1) Promote a mix of uses within the North Shore Commercial Zone;
(2) Allow greater latitude in design than what is provided for by existing zoning requirements;
(3) Encourage investment in the Zone;
(4) Bring most daily activities within walking distance, giving the elderly and the young increased independence of movement;
(5) Reduce the number and length of automobile trips, minimizing traffic congestion, road construction and air pollution;
(6) Establish building densities that support the use of transit;
(7) Provide quality public spaces such as streets, sidewalks, parks and squares;
(8) Provide a full range of housing types and workplaces that will integrate age and economic class;
(9) Maximize use of all existing resources including land, buildings and infrastructure;
(10) Maintain the physical continuity of the street edge created by buildings.

953. General Standards:

The North Shore Commercial Mixed Use Zone Review Committee created by the City Council shall review site and design proposals within the designated Zone. The Review Committee shall be guided by all adopted plans and policies including the North Shore Development Plan and the Downtown Plan and by the following general standards and considerations.

The proposed development shall:

(1) Be consistent with the North Shore Development Plan and the Downtown Plan;
(2) Be in keeping with the general purpose and intent of the zoning ordinance;
(3) Be compatible with the character of the Zone where it is proposed, and with the size and location of the buildings in the vicinity;
(4) Not negatively impact or injure the value of adjacent properties by noise, lights, traffic or otherwise detract from the immediate environment; and
(5) Not be of such a nature so as to pose a potential hazard to the proposed use or create an undesirable environment.

954. Review Committee**:**

(1) Membership: The North Shore Commercial Mixed-Use Zone Review Committee shall be appointed by the Mayor with the approval of a majority of the Council to review development within designated overlay zones in the North Shore area. The Review Committee shall be composed of permanent staff and other rotating members set forth as follows:

(a) Staff (Permanent Members)

1. Regional Planning Agency Executive Director (or designee)
2. Urban Design Consultant (or designee)

(b) Other (Rotating Members)

1. Architect (recommended by AIA Chattanooga)
2. Landscape Architect/Architect
3. Contractor/Developer/Realtor
4. Four (4) property owners, residents, or business owners from the Zone (recommended by the Zone City Council representatives).

(c) Ex-Officio Members: The following will be called on to serve as non-voting members in cases requiring their technical and professional expertise.

1. Urban Forester (or designee)
2. Director of Codes Administration (or designee)
3. Traffic Engineer (or designee)
4. Historic Preservation Planner (or designee

(2) Membership Terms:

(a) Staff members have no term limits

(b) Other members serve 3-year terms, staggered. (Initial terms will be one (1), two (2) and three (3) years as determined by the appointing body.)

(c) The chairman shall be elected by the Review Committee members.

(3) Meeting Format:

(a) A majority of staff and rotating members must be present to constitute a quorum.

(b) Majority vote required for approval.

(c) Meetings shall be held once a month (if cases are pending) at a day and time to be determined by the Review Committee.

(d) No person who has a potential conflict of interest shall serve on any case where a potential conflict is known to exist.

(4) Design Guidelines

The Review Committee shall adopt illustrated design guidelines that shall be used as a reference guide to the standards set forth for design review within this Ordinance.

955. Application and Review Procedure:

(1) General Project Description: The applicant shall complete an application form so that the Building Inspection staff can determine the appropriate review procedure and submittal requirements. Before making formal application, the developer is encouraged (but not required) to submit designs of the proposed project at a conceptual stage for staff review.

(2) Classification of Projects: Upon receipt of the application, the Building Inspection staff shall classify the proposed development as follows:

(a) Exemptions

1. Interior alterations/renovations which do not alter the footprint, height, or exterior of a structure;
2. Routine maintenance - minor repairs and maintenance (such as painting, replacing roof shingles/lining to match existing, replacement of gutters to match existing) to any part of a building when there is no change in appearance;

(b) Administrative Review: staff approval may be provided for work that meets the design guidelines and is not one of the following:

1. New construction of primary structures, outbuildings, or garages;
2. Additions;
3. Demolition; or
4. Parking lots or parking lot structures;

(c) Committee Review: The Committee must review all applications for:

1. New construction of primary structures, outbuildings, or garages;
2. Additions;
3. Demolition;
4. Parking lots or parking lot structures; and any applications that do not clearly meet the guidelines.

(3) Submittal Requirements: The Building Inspection staff may require the following information to be submitted along with the application form based on the scope of the project proposed:

(a) Vicinity Plan - shows the project in relation to the surrounding blocks within 300 feet of the site. Include building footprints, streets, access points, parking areas, and pedestrian facilities.

(b) Site Plan - include vehicular access, parking, landscaping, property lines, building footprint, topography lines at a minimum 2' contour interval for finished grade, areas of cut/fill (minimum scale determined by staff)

(c) Building Elevations - measurable drawings of the sides, front, and rear of each building where construction activity will take place. Drawings should show all openings (windows and doors); texture, color and materials shown by illustrations or annotation; and any other architectural features and landscape elements. (Minimum scale determined by staff)

(d) Site and Building Section - measurable drawings illustrating how the proposed building, structure, or addition and site would appear from a cross-section perspective. (minimum scale determined by staff)

(e) Lighting Plan - measurable drawings by a licensed engineer or architect in the State of Tennessee which include fixture locations, fixture specifications and lighting levels specified within this Ordinance.

(f) Additional Submittal Requirements

1. Other drawings such as floor plans, perspectives, and axons are encouraged, but not required.
2. The staff may request additional information including physical samples of materials.

(4) Staff Approval: Projects classified as "Staff Approval" will be reviewed by the Building Inspection staff and approved, approved with conditions, or denied within 10 working days of submittal (unless additional information is required).

(5) Public Notice: Reasonable notice shall be given to the general public pursuant to the Open Meetings Act of all Review Committee meetings including the applications and property to be considered at such meetings which notice shall include, but not be limited to, posting of the property.

(6) Procedures to be followed by Review Committee:

(a) Projects classified as "Committee Review Required" will be considered by the Review Committee provided the required information is submitted to the Building Inspection Division at least 15 days prior to the regularly scheduled monthly meeting of the Review Committee. At that meeting, the applicant may present his/her project.

(b) The Review Committee will then approve the project, approve with conditions, or deny based upon the development guidelines set forth in §1507 and the General Standards Section 1503.

(7) Enforcement/Issuance of Permits:

(a) Upon approval of a project with or without conditions by the Review Committee, building permits shall be issued for development, including any required conditions imposed by the Review Committee and approval by the Director of Codes Administration in accordance with all applicable construction codes.

(b) The Director of Codes Administration shall issue no certificate of Occupancy until all requirements approved by the Review Committee have been accomplished and all applicable construction codes are met. Any changes to the approved plan shall be sent back to the Review Committee or staff for consideration.

956. Appeal: Anyone aggrieved with the decision of the Review Committee may appeal to the Board of Appeals within 30 days of the Review Committee's decision.

957. Design and Development Guidelines:

The following development guidelines shall be applied to all development projects within the North Shore Commercial Mixed-Use Zone. Principles precede each set of guidelines, defining the general intent for the guidelines. The guidelines define specific requirements for compliance.

(1) Guideline statements that have language such as "shall" or "shall not" are mandatory.

(2) Guideline statements that have language such as “preferred" or "should" means the applicant must comply unless he/she can prove it is impractical for his/her project before the Review Committee based on following criteria:

(a) The physical conditions of the property (e.g. steep slopes, flood plain, drainage, and small/irregular lot shape) make compliance physically impossible;

(b) The requirement would result in a total project cost in the building or property which exceeds the estimated value of comparable developments in the Zone;

1. Applicant shall provide project cost estimates from at least two (2) contractors approved by the Director of Codes Administration
2. Applicant shall provide appraisals of the estimated market value of the development based on compliance with the standards of this Ordinance and comparable developments within the past two (2) years from two (2) different licensed real estate appraisers approved by the Director of Codes Administration

**-OR-**

(c) The applicant presents an alternative means of compliance that meets the applicable principle and complies with the stated goals and general review standards of the Zone.

(3) Guideline statements that have language such as "encouraged" or "discouraged" mean that compliance is not mandatory, but recommended.

## GUIDELINES

A. Land Use Patterns

(1) PRINCIPLE: A mix of land uses should be provided within the Zone and within each development site or building, wherever possible.

(a) Pedestrian oriented uses such as storefront shops, offices, loft apartments, and townhomes are preferred for this Zone.

(b) Automobile-oriented developments such as gas stations, fast-food restaurants with drive-throughs, and recreational vehicle parks and campgrounds are strongly discouraged.

(c) Individual development sites and buildings should incorporate a mix of uses including housing, commercial, and office.

(d) The ground floor of buildings should consist of retail, restaurants, or services that create activity along the street.

(e) Upper floors should consist of offices or apartments.

(f) Recreational uses should be passive. Examples include walking trails, picnic areas, and dining pavilions.

(g) Active recreational uses such as go-cart tracks, ballfields, and golf driving ranges are strongly discouraged.

(h) Uses which are known to produce or store toxic fumes or materials, dust, or other nuisance or health-threatening debris, shall not be permitted.

(i) All equipment or materials associated with the use shall be stored within a permanent, opaque building.

(j) The following uses shall not be permitted:
adult-oriented establishments; commercial hazardous and/or medical waste facilities; commercial radio, television, telephone and/or microwave towers; outdoor storage of vehicles, travel trailers, boats, or equipment; warehousing and commercial mini-warehouse storage; recycling processing centers; car and other vehicle sales; manufacturing and food processing enterprises in which more than five (5) employees are employed therein; single-wide manufactured homes; and taxi stands.

(k) The following uses shall require a Special Permit in addition to design review by the Review Committee from the appropriate reviewing authority pursuant to the Zoning Ordinance: liquor stores; day care centers and kindergartens; animal hospitals, kennels, boarding, grooming, training facilities and veterinary offices; assisted living facilities, hospitals, medically assisted living facilities, and nursing homes.

B. Site Design

(1) PRINCIPLE: Buildings should be placed on the site in a way that reflects urban development patterns.

(a) A zero (0) front setback is preferred.

(b) In some cases the building may be setback from the street right-of-way more than zero (0) feet provided all of the following conditions are met:

1. No more than twenty (20) percent of the total building street frontage within any one (1) block can set back more than zero (0) feet;
2. A fence, wall, or hedge (as defined herein) shall be used to maintain the street edge at the right-of-way line; and
3. Activity shall be created between the sidewalk and the building front by providing a park, plaza, outdoor dining area, or similar activity.

(c) A twenty-five (25) feet setback is required where the rear or side property line adjoins any Residential Zone.

(d) There is no minimum side yard setback except where buildings are separated, a minimum of ten (10) feet shall be provided between them.

(2) PRINCIPLE: While parking and vehicular access are essential parts of any Zone, they should not dominate, but should be sensitive to pedestrian scale and urban character.

(a) There is no minimum off-street parking requirement.

(b) The amount of off-street parking provided shall not exceed four (4) spaces per thousand (1,000) square feet of gross leasable area.

(c) Existing alleys should be used for vehicular access.

(d) Vehicular access and off-street parking should be located to the rear of the building. For situations where lots have double street frontage, the primary street is considered as the front.

(e) If it is physically impossible to locate parking and access to the rear, the applicant shall first consider sharing an existing parking lot nearby or obtaining vehicular access through an adjoining parking lot. As a last resort, parking may be provided to the side with one (1) curb cut.

(f) For corner lots, parking and vehicular access shall be placed farthest away from the primary street that usually has the most pedestrian activity.

(g) Where surface parking fronts any street (excluding alleys), a decorative fence, wall or hedge shall be provided along the right-of-way to screen parking.

(h) Curb cuts shall be minimized; a maximum of one (1) curb cut per surface parking lot is preferred.

(i) Curb cuts shall be limited to a maximum width of twenty-six (26) feet.

(j) Garage doors shall not front or be visible from the street.

(3) PRINCIPLE: The site design should accommodate and enhance pedestrian activity along the street. All developments should create an attractive pedestrian entry from the street.

(a) Primary pedestrian access to the development shall be provided from the street.

(b) For corner lots, primary access shall be provided from the primary street or at the street corner.

(c) The face of a building, which fronts a primary street, should provide pedestrian entrances at a minimum rate of one (1) entrance per fifty (50) feet along the street.

(4) PRINCIPLE: Landscaping should reinforce the urban character and scale of the Zone. Landscape design should be an integral part of the development.

(a) Landscaping should be provided by all new development throughout the site.

(b) A fence, wall, or hedge shall screen dumpsters, utilities, and all service areas.

(c) Any landscaping within the public right-of-way shall comply with the Downtown Streetscape Standards, which can be obtained at the Downtown/Riverfront Planning and Design Center (266-5948).

(5) PRINCIPLE: Lighting should be used to make the Zone attractive and safe during the night; however, lighting should not create excessive glare, especially in residential areas.

(a) Exterior lighting is not required; however, all proposed lighting fixtures and designs shall minimize the glare, shadows, and excessive light levels. To meet these objectives, all lighting designs should maintain the ratio of average illumination to least illumination of four (4) to one (1). This standard ensures uniform lighting levels.

(b) If parking lots are illuminated, the mounting height of light fixtures should not exceed twenty (20) feet and the illumination level at the darkest spot should be between 0.3 and 0.5 foot-candles. Asphalt surfaces are encouraged to minimize light reflection.

(c) Building facades should not be illuminated except in the following situations:

1. buildings that have exceptional symbolic or historical significance in the community;
2. approved signs; and
3. officially designated holidays or seasonal events such as the Winter Lights Program

(d) If landscaping is illuminated, the design shall not generate excessive light levels, cause glare, or direct light beyond the landscape canopy into the night sky.

(e) If walkways are illuminated, the illumination should not exceed 0.5 foot-candles ate grade. The mounting height of these light fixtures should not exceed fourteen (14) feet (pedestrian scale). Initial lumens should be 1,000.

(f) If exterior display or sales areas are illuminated, the illumination should not exceed foot-candles at grade. Light fixture should not be higher than twenty-five (25) feet above grade.

(g) Security lights may illuminate building walls up to eight (8) feet above grade. Light fixtures should not be higher than twenty-five (25) feet above grade.

(h) Lighting levels on gas station/convenience store aprons and under canopies shall be as needed to provide adequate safety but not to attract attention to the business. The illuminance at grade level should be between 1.0 foot-candle and 5.5 foot-candles. The average illumination level shall not exceed 22.0 foot candles. Canopy mounted light fixtures shall be recessed so the lens cover is flush with the bottom of the canopy and shielded by the edge of the canopy so the light is restrained to no more than 85 degrees from vertical. (As an alternate to recessed lighting, indirect lighting may be used where light is beamed upward and reflected down from the underside of the canopy. For this case, light fixtures must be shielded to focus light exclusively on the underside of the canopy). Fascias (sides) and tops of canopies cannot be illuminated or support light fixtures.

(i) All light fixtures that generate more than 2,000 lumens shall be designed to direct light downward by means of "cut-offs" as defined by IESNA.

(j) All light fixtures that generate more than 2,000 lumens shall include shields to direct light away from adjacent properties or roadways.

(k) Lamp types that accurately render color are preferred over lamps that significantly change the color and appearance of objects. Lamps shall have a Color Rendering Index (CRI) of sixty-five (65) or greater (examples include incandescent, fluorescent, metal halide, and color-corrected High Pressure Sodium). Standard High Pressure Sodium and Mercury Vapor lamps are not acceptable.

(l) Lighting installations should include timers, dimmers, and/or sensors to reduce energy consumption.

(6) PRINCIPLE: Walls, fences, and hedges should be carefully designed and applied to maintain the street edge and to screen unsightly features such as dumpsters and other storage facilities.

(a) Where parking lot screening is required along the street (excluding alleys), a fence, wall, or hedge shall be provided with the following characteristics:

1. a visually opaque fence, wall, or hedge with a minimum height of three and one-half (3 ½ ) feet above grade shall be provided; and
2. any dimension over three and one-half (3 ½) feet shall be visually permeable and shall not exceed six (6) feet above grade.

(b) A fence, wall, or hedge that fronts or is visible from a primary street shall have the following characteristics:

1. a minimum height of three and one-half (3 ½) feet above grade but not to exceed six (6) feet in height; and
2. any dimension over three and one-half (3 ½) feet above grade shall be visually permeable.

(c) A fence, wall, or hedge that fronts or is visible from a secondary street (including alleys) shall have the following characteristics:

1. a maximum height of six (6) feet above grade; and

2. avoid long stretches of fences or walls without vertical elements such as fence posts or columns.

(d) Walls and fences should be compatible with the architectural style, materials, and colors of the principal adjacent buildings.

(e) Hedges shall consist of evergreen plantings in a landscape yard with a minimum horizontal depth of three (3) feet. All plantings shall be installed at a minimum size of three (3) gallons and spaced on-center no more than 80% of the expected mature spread.

(f) Walls should consist of masonry, stucco, or stone material. All wall materials and designs are subject to review and approval by staff or the Review Committee.

(g) Fences should consist of wood, decorative metal, cast iron, or composite material. Highway-style guardrail, stockade, or contemporary security fencing (e.g. chain link, barbwire, and razor wire) shall not be permitted. All fence materials and designs are subject to review and approval by staff or the Review Committee.

(7) PRINCIPLE: Open spaces should be used to create public gathering places and to protect environmentally sensitive areas such as steep hillsides, floodplains, and wetlands.

(a) Development should not occur on steep hillsides (slopes over 25%) and within the flood hazard zone.

(b) A minimum 100 feet deep "no build" zone is encouraged along the edge of the Tennessee River bank to accommodate extensions of the Riverpark.

(c) Open spaces such as parks, plazas, and greens are encouraged in every new development.

(d) Public gathering places should incorporate fountains, water features, public art, and seating.

(e) To enhance security, public gathering places should be easily accessible and positioned on the site to be visible from surrounding development.

(8) PRINCIPLE: Stormwater facilities should not be visible from the street.

(a) Buildings should have a height to width ratio between 2:1 and 1:1:5.

(b) Buildings should be similar in height and configuration to neighboring buildings on the same block and side of street.

C. BUILDING DESIGN

(1) PRINCIPLE: Buildings should establish a well-defined street edge and urban character and reflect the pedestrian scale.

(a) Buildings should have a height to width ratio between 2:1 and 1:1:5.

(b) Buildings should be similar in height and configuration to neighboring buildings on the same block and side of street.

(c) Buildings should have a minimum height of two (2) stories or at least twelve (12) feet.

(d) No building shall exceed a height of four (4) stories or fifty (50) feet above street grade level, to protect significant views and vistas, especially those of the river.

(e) Dimensions from grade level to the bottom of the second floor should be at least twelve (12) feet.

(f) Building footprints of less than ten thousand (10,000) square feet are preferred.

(2) PRINCIPLE: Roofs should reflect traditional urban commercial patterns and provide some visual interest to the tops of buildings, but should not overwhelm the street facade.

(a) Acceptable roof styles are flat, hipped, and Front-gabled, although flat roofs are encouraged as a preference.

(b) Shed roofs (single pitch) and mansard shall not be permitted.

(c) Flat roofs shall incorporate a decorative cornice line that clearly identifies the top of a building.

(d) Roof pitch shall not exceed 12:12 (vertical to horizontal) or be less than 5:12.

(e) The roof line should be similar in pitch and type to buildings within the same block on the same side of the street, unless those buildings have prohibited roof types.

(f) Occupied roofs, such as roof gardens and terraces are encouraged.

(g) Mechanical equipment located on roof tops shall be screened due to their visibility from the Market Street and Walnut Street Bridges.

(3) PRINCIPLE: Building facades should reflect traditional urban patterns an provide interest for the pedestrian.

(a) Cornice lines, stringcourses, and other architectural elements should create recognizable base, middle, and top to buildings.

(b) Horizontal elements of all street-facing facades should be aligned with the horizontal elements of adjoining buildings.

(c) Long uninterrupted horizontal stretches of street-facing building facades shall be avoided. Building bays, storefronts, entrances, columns, and other vertical elements shall be used in twenty (20) to forty (40) foot increments to “break-up” the building façade.

(d) Storefronts should include display windows, transoms, and entrances.

(e) Mansard-style roofs or mansard elements attached to the building façade shall not be permitted.

(4) PRINCIPLE: Openings and bays should reinforce the human scale, maintain traditional urban patterns, and provide interest for the pedestrian.

(a) Window frames (except glass block) shall always be recessed at least 2 inches from the exterior building face.

(b) Windows shall have sills and trim; lintels are encouraged.

(c) A vertical or square orientation for upper story windows is preferred.

(d) The ground floor of all street-facing facades at street level should contain at least fifty (50%) percent openings (windows and doors). For corner lots, the fifty (50%) percent opening requirement will only apply to the primary

street frontage. The secondary street frontage should have at least thirty (30%) percent openings.

(e) The upper stories of all street-facing facades should contain at least thirty (30%) percent openings but not to exceed seventy-five (75%) percent openings.

(f) Heavily tinted windows should not be used. The maximum reflectivity of any window should not exceed thirteen (13%) percent.

(g) Recessed doorways are encouraged. Doorways should not be recessed more than five (5) feet from the front facade unless a courtyard, cafe, window display, or other animated space is provided between the doorway and the sidewalk.

(h) All openings, especially windows, should have a size, spacing, and configuration that is similar to adjoining buildings, provided those buildings meet the guidelines stated above.

(5) PRINCIPLE: Buildings, which existed prior to 1945, are considered historic and should be retained and preserved.

(a) Features should not be added to a building that create a false sense of history such as coach lanterns, mansard overhangs, wood shakes, and shutters.

(b) New additions or alterations shall be compatible with the massing, size, scale, rooflines, materials, and architectural features of the original building.

(c) New additions or alterations should not cover, remove, or damage significant architectural elements of historic buildings that are visible from the street such as decorative cornices, windows, doors, trim around openings, railings, storefronts and any historically significant decorative features on the facade.

(d) New additions should be smaller and simpler than the original historic building in scale and design.

(e) New additions should be placed to the side or rear of historic buildings.

(6) PRINCIPLE: Building additions shall be compatible with the massing, scale, size, materials, and architectural features of the original building.

(a) All building additions should align windows, doors, cornices and other architectural elements with those of the existing building.

(7) PRINCIPLE: Exterior Materials should reflect a sense of permanence and urban character.

(a) Buildings shall use materials that are compatible with neighboring buildings on the same block and side of the street.

(b) Masonry materials such as brick, concrete split face block, and concrete block finished with stucco are preferred. Composition siding is acceptable. The design review committee must approve all other materials.

(c) Metal siding, aluminum siding, vinyl siding or other similar exterior materials shall not be permitted.

(d) Awnings, when applied, should consist of flexible canvas, acrylic, or vinyl coated material. Bubble, concave, or convex awnings and hard plastic awning materials shall not be permitted.

D. SIDEWALKS

(1) PRINCIPLE: Sidewalks are public spaces designed to accommodate pedestrian traffic. Sidewalks should also include street trees, benches, small displays and dining areas to create activity and interest. However, these additions should leave sufficient space for pedestrians to walk by.

(a) All intrusions into the sidewalk shall provide a minimum four (4) foot wide pedestrian lane within the sidewalk.

(b) All intrusions into the sidewalk shall comply with the Downtown Streetscape Standards and shall:

1. Be compatible with the existing streetscape improvements;
2. Be in line with the street trees and pedestrian lights or adjacent to the buildings; and
3. Require a temporary usage permit from City Council.

E. SIGNS

(1) PRINCIPLE: Signs should balance the need to market individual businesses with the objectives of maintaining the Zone's existing traditional character and minimizing visual clutter. Within this Zone, the following requirements shall be met in addition to the general Advertising Provisions set forth within Chapter 3 of the Chattanooga City Code:

(a) Signs shall not obstruct the architectural elements and details of a building.

(b) All of the signs on any one building shall not exceed fifty (50) square feet or 1.5 square feet per linear foot of building frontage.

(c) Signs should be located in the lintel or sign frieze that separates the ground level from the upper facade, on the upper facade walls, or projecting from the face of the building.

(d) Projecting signs shall be located a minimum of twelve (12) inches below the second story window sill or top of the building, whichever is less. Projecting signs shall not exceed sixteen (16) square feet in area.

(e) Signs should be illuminated by indirect lighting.

(f) Roof signs, off-premises signs, and internally illuminated plastic signs shall not be permitted.

(g) Neon signs shall be prohibited outside the building. Use of neon should be limited to signs only.

(h) The Review Committee shall review wall graphics or murals.

F. DEMOLITIONS

(1) PRINCIPLE: Demolition of buildings should generally be avoided to maintain continuity of the street edge. Demolition of buildings, which existed prior to 1945, is strongly discouraged.

(a) Destruction of a building, which existed prior to 1945, should be avoided.

(b) Historic buildings should only be demolished if one of the following conditions apply:

1. Public safety and welfare requires the removal of the building or structure; or
2. The building has lost its architectural and historic value and removal of the building will improve the appearance of the Zone.

(c) Buildings fronting any public street (excluding alleys) should not be demolished unless a new building will be constructed in its place or the building presents a public safety or health hazard.

Only properties contiguous to C-7 zoning shall be considered for rezoning to C-7.

[Ordinance No. 0762 – 09/15/98]

## 1000. M-1 Manufacturing Zone

1001. Use Regulations:

(1) The following uses shall be PROHIBITED:
Dwellings, except watchman's house
Cemeteries

(2) The following uses shall be located at least 1000 feet from the nearest boundary of the R-4 Special Zone, or any Residential Zone:
Blast furnace
Boiler works
Forge plants
Foundries
Planing mills
Processing of fish, poultry and meat
Rolling mills
Smelting

[Ordinance No. 9344 - 3/20/90]
[Ordinance No. 9492 - 11/20/90]
[Ordinance No. 10811 – 12/15/98]

(3) Recycling Processing Centers for materials to be recycled and used in new products provided that:

(a) All processing such as compacting, shredding, or bailing shall be within an enclosed building;

(b) All outdoor storage shall be concealed from view, beyond the limits of the property, by fencing or natural screening; or

(c) Any other storage shall be within an enclosed building; and

(d) No salvaging of parts or dismantling will be permitted.

[Ordinance No. 10035 - 4/26/94]

(4) Any other lawful use, other than those uses specified in Section 1026.(1) of the M-4 Outdoor Industrial Use Zone, shall be permitted in this zone,

[Ordinance No. 10811 – 12/15/98]

(a) except that Commercial Hazardous Waste Management Facilities or Commercial Medical Waste Management Facilities shall also be subject to the provisions of ARTICLE X of this ordinance.

[Ordinance No. 9875 - 5/11/93]

(5) Any use shall comply with all currently adopted codes of the City of Chattanooga (Federal, State, or local) with regard to fire and explosive hazards, smoke, dust, fly ash, fumes, or odor.

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

1002. 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) Open air markets:

Open air markets shall be permitted only subject to the approval of a Special Permit by the Board of Appeals under terms of Article VIII and

(2) Day care centers:

Day care centers shall be permitted subject to issuance of a Special Permit by the Board of Appeals in accordance with the provisions of Article VIII.

[Ordinance No. 9077 – 11/22/88]
[Ordinance No. 10881 - 07/27/99]

(3) Adult-oriented establishments:
Adult-oriented establishments, as defined and restricted by Article VIII, shall be subject to the issuance of a Special Permit by the Board of Appeals in accordance with the requirements of Article VIII.

[Ordinance No. 9987 - 12/21/93]

(4) 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]

1003. Uses Permitted as Special Exceptions by the City Council:
The following uses may be permitted as special exceptions by the City Council, subject to the requirements and restrictions as specified in Article VI:

(1) Wineries, including vineyards, processing, bottling and sales facilities shall be permitted only subject to approval of the City Council by Special Exceptions Permit.

[Ordinance No. 10023 - 3/22/94]

(2) Liquor stores shall be permitted only subject to approval of the City Council for each proposed liquor store as authorized by T.C.A. 57-3-108 and Sections 5-101 through 5-126, Part II, Chattanooga City Code, and

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

1004. Height and Area Regulations:

(1) No building shall exceed 35 feet in height except that a building may exceed 35 feet in height provided either that for every foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines; or that if any point on the exterior surface of the building is above 35 feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a horizontal distance equal to the height of such point above the ground.

(2) There is no minimum building site area.

(3) There shall be a front yard of not less than 25 feet.

(4) There shall be a side yard of not less than 25 feet when side yard adjoins residential zone.

(5) There shall be a rear yard of not less than 25 feet where the rear yard adjoins a residential zone.

(6) 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.

[Ordinance No. 8527 - 9/10/85]

(7) Communications towers shall be subject to the setback requirements set forth in Article VIII.

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

1005. For off-street parking requirements see Article V, Section 1700, et seq.
(Ord. No. 11459, §2, 09-16-03)

1006. Screening from Residential Zones:

Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone by one (1) of the methods given below, as selected by the owner.

[Ordinance No. 10383 - 02/20/96]
[Ordinance No. 10397 – 04/02/96]

(1) A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least:

i. One row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1-1/2) inches at planting, and

II. One row of shrubs, with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of eight (8) feet in 3 or 4 full growing seasons; or

(2) Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section; or

(3) A sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque (excluding material made of fabric or synthetic fabrics) and at least six (6) feet high).

[Ordinance No. 9492 - 11/20/90]

1007. Outdoor storage in the M-1 Manufacturing Zone shall have Type A Landscaping (see Landscaping Provisions).

## 1010. M-2 Light Industrial Zone

1011. Use Regulations:

(1) The following uses are PERMITTED:
Apparel and other finished fabric manufacturers
Blueprint and related shops
Cabinet making and woodworking shops
Cold storage plants
Communications towers providing they may be built only under the provisions specified in Article VIII.
[Ordinance No. 11253 - 3/19/02]
Contractor's offices and accessory storage uses
Electrical machinery, tools, equipment, and supplies assembly
Food and food products, packaging and distribution
Furniture and household goods manufacture
Gas metering and control stations
Greenhouses (Wholesale only)
Jewelry, silverware, and plated ware manufacture
Laboratories: research, testing and medical
Lumber yards
Microwave stations, including towers
Musical instruments and parts manufacture
Photographic and optical goods production
Printing and publishing services, except small commercial photocopy shops and other similar operations
Professional, scientific, and controlling instrument manufacture
Re-packaging
Rug cleaning plants
Steel and other fabrication and assembly, but not including the processing and/or refinement of elemental, raw materials into steel or other products
[Ordinance No. 11286 (7/25/02)]
Textile production
Utility and public service uses
Warehousing
Wholesaling
Wholesale produce markets
Offices
No retail sales or other commercial use unless directly related to one of the permitted uses of this section.
[Ordinance No. 6717 - 1/29/74]
[Ordinance No. 8935 - 4/19/88]
[Ordinance No. 9492 - 11/20/90]
[Ordinance No. 10506 – 11/19/96]
Except that day care centers shall be permitted subject to issuance of a Special Permit by the Board of Appeals in accordance with the provisions of Article VIII.
[Ordinance No. 10881 – 07/27/99]

(2) Any similar use comparable in character, type, or effect on the surrounding area to the above uses.

(3) The following uses are PROHIBITED:

[Ordinance No. 9492 - 11/20/90]

Blast furnaces
Boiler works
Chemical and allied products manufacture
Coal screening and sieving plants
Commercial excavation of construction materials
Distillation of bones and/or fat rendering
Dumping and disposal of garbage, sewage, or refuse
Ferrous and non-ferrous metal foundries
Ferrous and non-ferrous metal rolling and finishing mills
Forge plants
Junk yards
Mining and related activities
Ore reduction; including rock, sand and gravel
Paper and allied products manufacture
Planing mills
Plastic, synthetic resins, synthetic rubbers and other man-made fiber production
Refining of petroleum and/or its products
Residential, except temporary quarters for watchmen
Sawmills
Smelting
Stockyards or slaughter houses
Tank farms for petroleum and related products

(4) Any similar use comparable in character, type or effect on the surrounding area to the above uses.

(5) Any use shall comply with all currently adopted codes of the City of Chattanooga (Federal, State, or local) with regard to fire and explosive hazards, smoke, dust, fly ash, fumes, or odor.

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

1012. Height and Area Regulations:

(1) No building shall exceed 35 feet in height except that a building may exceed 35 feet in height provided either that for every foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines; or that if any point on the exterior surface of the building is above 35 feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a horizontal distance equal to the height of such point above the ground.

(2) There is no minimum building site area.

(3) There shall be a front yard of not less than 25 feet.

(4) There shall be a side yard of not less than 25 feet where the side yard adjoins a residential zone.

[Ordinance No. 8527 - 9/10/85]

(5) There shall be a rear yard of not less than 25 feet where the rear yard adjoins a residential zone.

(6) No site shall be covered with building to an extent greater than 50 percent of the area of said site.

(7) 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 10 feet.

[Ordinance No. 8527 - 9/10/85]

(8) Communications towers shall be subject to the special setback requirements set forth in Article VIII.

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

1013. For off-street parking requirements see Article V, Section 1700, et seq.
(Ord. No. 11459, §2, 09-16-03)

1014. General Provisions:

(1) No free-standing sign shall be permitted within 10 feet of a residential zone.

(2) Signs illuminated by exposed tubes, bulbs or similar exposed light sources shall be prohibited.

(3) Exterior spot lighting or other illumination of structures shall be directed away from adjoining residential zones.

(4) No storage shall be permitted in required front, side, or rear yards.

(5) Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone by one (1) of the methods given below, as selected by the owner.

[Ordinance No. 10383 – 02/20/96]
[Ordinance No. 10397 – 04/02/96]

a. A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least:

i. One row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1-1/2) inches at planting, and

ii. One row of shrubs, with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of eight (8) feet in 3 or 4 full growing seasons; or

b. Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section; or

c. A sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high).

[Ordinance No. 6717 – 01/29/74]

## 1020. M-3 Warehouse and Wholesale Zone

1021. Use Regulations:

(1) The following uses shall be PERMITTED:

Warehousing
Mini-warehouses
Wholesaling
Offices
Retail sales when directly related to one of the permitted uses of this section
[Ordinance No. 10506 – 11/19/96]

Re-packaging
Communications towers providing they may be built only with a Special Permit under the terms specified in Article VIII.
[Ordinance No. 11253 - 3/19/02]

(2) Any use shall comply with all currently adopted codes of the City of Chattanooga (Federal, State, or local) with regard to fire and explosive hazards, smoke, dust, fly ash, fumes, or odor.
[Ordinance No. 9077 - 11/22/88]

(3) Except that day care centers shall be permitted subject to issuance of a Special Permit by the Board of Appeals in accordance with the provisions of Article VIII.
[Ordinance No. 10881 – 07/27/99]

1022. Height and Area Regulations:

(1) No building shall exceed 35 feet in height except that a building may exceed 35 feet in height provided either that for every foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines; or that if any point on the exterior surface of the building is above 35 feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a horizontal distance equal to the height of such point above the ground.

(2) There shall be a front yard of not less than 25 feet.
[Ordinance No. 11459, §2, 09-16-03]

(3) There shall be a side yard of not less than 25 feet where side yard adjoins a residential zone.
[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 11459, §2, 09-16-03]

(4) There shall be a rear yard of not less than 25 feet where the rear yard adjoins a residential zone.
[Ordinance No. 11459, §2, 09-16-03]

(5) No site shall be covered with building to an extent greater than 65 percent of the area of said site.
[Ordinance No. 11459, §2, 09-16-03]

(6) 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 10 feet.
[Ordinance No. 8527 - 9/10/85]
[Ordinance No. 11459, §2, 09-16-03]

(7) Communication towers shall be subject to the special setback requirements set forth in Article VIII.

[Ordinance No. 11253 - 3/19/02]
[Ordinance No. 11459, §2, 09-16-03]

1023. For off-street parking requirements see Article V, Section 1700, et seq.
(Ord. 11459, §2, 09-16-03)

1024. General Provisions:

(1) No materials, supplies, or equipment excepting trucks and passenger autos shall be stored in any area on the lot, except inside a closed building.
(2) The total area of identifying signs shall not exceed 100 square feet.
(3) No free-standing sign shall be permitted within 10 feet of a residential zone.
(4) Directional signs shall be permitted for customer convenience, not exceeding two (2) square feet.
(5) Signs illuminated by exposed tubes, bulbs or similar exposed light sources shall be prohibited.
(6) Exterior spot lighting or other illumination of structures shall be directed away from adjoining residential zones.
(7) Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone by one (1) of the methods given below, as selected by the owner.

[Ordinance No. 10383 – 02/20/96]
[Ordinance No. 10397 – 04/02/96]

a. A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least:
   i. One row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1-1/2) inches at planting, and
   ii. One row of shrubs, with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of (8) feet in 3 or 4 full growing seasons; or
b. Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section; or
c. A sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high).

[Ordinance No. 6717 – 1/29/74]

## 1025. M-4 Outdoor Industrial Use Zone

1026. Use Regulations:

(1) The following uses shall be permitted within this zone provided the property line of any such use shall be located more than one thousand (1,000) feet away from the nearest boundary of any residential or commercial zone:

(a) coal screening and sieving plants;
(b) junk yards or salvage yards;
(c) sanitary landfills;
(d) sawmills;
(e) stockyards;
(f) rock crushers;
(g) stone mills or quarries;
(h) gravel pits;
(i) asphalt plants;
(j) cement or concrete plants;
(k) or any other outdoor industrial use which in the judgment of the Director of Codes Administration is similar in character and impact to the above uses.

(2) All other industrial uses permitted in the M-1 Manufacturing Zone shall also be permitted in the M-4 Outdoor Industrial Use Zone subject to the specific requirements of Article V, Section 1001(2), 1001(3), and 1001(4). Communications towers may be built only with a Special Permit under the terms specified in Article VIII.

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

(4) The following uses shall be PROHIBITED:
Dwellings, except watchman's houses
Cemeteries

(5) It is not the intent of this Ordinance to require that property be zoned M-4 for the use of portable rock crushers and sawmills at a construction site for a specific project. Such equipment shall not be permitted on a permanent basis except in an M-4 zone. The Director of Codes Administration shall have the authority to determine if the use of such equipment has been established on a permanent basis.

(6) Reasonable conditions concerning the location and method of operation of these uses may be approved by the City Council in accordance with those sections of the T.C.A. which enable local legislative bodies to impose certain conditions and restrictions as deemed necessary for the general welfare of the citizens of Chattanooga. If the City Council determines that the proposed use will have an adverse impact on the surrounding properties or negatively affect the quality of life of persons inhabiting said properties, a rezoning request may be denied.

(7) In all instances in which state or federal surface mining regulations apply, the following additional conditions shall be attached:

(a) Copies of applications for a permit shall be submitted to the Regional Planning Agency with an application to rezone the property, or to the City Engineer's Office if the use of existing M-4 property changes to one where state or federal surface mining regulations apply. No application to rezone property shall be considered by the Planning Commission or

the City Council until evidence of submittal of the permit application has been provided.

(b) A copy of a preblast survey for all properties located within a one (1) mile radius of the area covered by the mining permit shall be filed with the application for rezoning with a copy to be filed with the City Engineer for review and comment. A report and recommendation from the City Engineer shall be submitted to the Regional Planning Agency staff prior to the "Staff Review of Zoning" meeting for the month the rezoning petition is to be heard by the Planning Commission. In the case of a change of use in an existing M-4 zone, the report from the City Engineer shall be submitted to the Director of Codes Administration upon completion.

(c) A plan of operation shall be prepared and submitted to the Traffic Engineer's Office for approval showing all intended haul routes within the City of Chattanooga and evidence that all load limits of bridges used in the operation will be met. No variation from the approved route shall be permitted except by written permission of the City Traffic Engineer. A report from the Traffic Engineer shall be submitted to the Regional Planning Agency staff prior to the "Staff Review of Zoning" meeting for the month the rezoning petition is to be heard by the Planning Commission. In case of a change of use in an existing M-4 zone the report from the City Traffic Engineer shall be submitted to the Director of Codes Administration upon completion.

(8) Any use permitted in M-4 where state or federal surface mining regulations do not apply may be changed to a use where they do apply, subject to approval of the preblast survey and haul routes by the City Engineer and Traffic Engineer, respectively.

(9) It shall be a condition of the issuance of M-4 zoning when state or federal surface mining regulations apply that the owner or operator of the facility maintain during the term of its use liability insurance and performance bonds as follows:

(a) Evidence of liability insurance in an appropriate amount (to be determined by the City council upon recommendation of the City Attorney) shall be maintained with current certificates of insurance filed with the City's Risk Manager.

(b) The owner or operator of the facility shall maintain a current performance bond in the amount of Two Thousand Dollars ($2,000.00) per acre to be filed with the City's Risk Manager to assure compliance if state, federal and local laws and regulations apply relative to reclamation of disturbed land within the City of Chattanooga.

(c) The above requirements of a) and b) may be waived if appropriate alternative security is approved by the City Council upon recommendation by the City Attorney.

(10) All height and area regulations specified within Section 1004 are adopted within this zone by reference.

(11) For off-street parking requirements see Article V, Section 1700, et seq.

(Ord. 11459, §2, 09-16-03)

(13) All screening provisions specified within Section 1004, as well as the screening provisions set forth within the Chattanooga Landscaping Ordinance otherwise applicable to M-1 Manufacturing Zone, are adopted with this zone by reference.

[Ordinance No. 10811 – 12/15/98]

## 1100. F/W Floodway Zone

1101. Purpose:

The Floodway Zone is established for the purpose of maintaining the capability of the Tennessee River (Nickajack Lake), its tributaries, and their adjacent lands to drain flood waters; for the purpose of protecting the river, creek channels, streams, and flood plains from encroachment, so that flood heights and flood damage will not be increased; to provide necessary regulations for the protection of the public health and safety; and to reduce the financial burdens imposed upon the community by floods and the inundation of land.

1102. Permitted Uses:

Any lawful use permitted in the various zoning zones shall also be permitted in the portions of such zoning zones lying within the Floodway Zone subject to all applicable height, yard area, setback, off-street parking or other regulations applicable in such zone; provided, however, that no fill, structure, development, encroachment or substantial improvements shall be permitted within the Floodway Zone.

## 1120. F/H Flood Hazard Zone Regulations

The flood hazard zone includes all areas covered by the Floodway Zone plus all areas of special flood hazard as set forth and identified as such by the Federal Emergency Management Agency in its most recent floodway maps and Flood Insurance Rate Maps (FIRM) for the community, all property which is considered to be below the elevation of the "High Water Stage" for the Tennessee River and its tributaries and any area included or added by Tennessee Valley Authority study unless certification and documentation by a registered professional engineer or architect is provided demonstrating to the satisfaction of the Director of Codes Administration that a certain property in question is actually above the "High Water Stage." Such certification and documentation shall be filed and maintained as part of the permanent record.

Regardless of the elevation, if the site is located within the Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM), insurance will still be required as a condition of a loan unless an official Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) is obtained from FEMA. Procedures for obtaining LOMA/LOMR's are available from the Director of Codes Administration.

[Ordinance No. 9244 - 9/19/89]
[Ordinance No. 9741 - 6/23/92]

1121. Permitted Uses:

Any lawful use permitted in the various zoning zones shall also be permitted in the portions of such zoning zones underlying the Flood Hazard Zone subject to all applicable height, yard area, setback off-street parking, or other regulations applicable in such zones; provided, however, that the following provisions for flood hazard reduction shall apply.

1122. General Standards for Flood Hazard Reduction:

In all areas of special flood hazard the following provisions are required:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system in accordance with regulations of the Tennessee Department of Health.

(5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems in to flood waters in accordance with regulations of the Tennessee Department of Health. Sewers and manholes constructed below the 100-Year elevation shall be water tight. All manholes shall be constructed so that the manhole covers are not below the High Water Stage.

(6) On-site waste disposal systems shall not be allowed.

(7) Any alteration, repair, reconstruction, or improvements to a building on which the start of construction was begun after the effective date of these regulations, shall meet the requirements of "new construction" as contained in these regulations.

(8) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

[Ordinance No. 8760 - 3/3/87]

(10) Commercial Hazardous waste processing and storage facilities shall not be allowed.

[Ordinance No. 9674 - 2/18/92]

1123. Specific Standards:

In all areas of special flood hazard where base flood elevation data has been determined, the following specific provisions are required as determined by the intended land use.

1124. Residential Construction:

New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to two (2) feet above base flood elevation if constructed of wood or one (1) foot above base flood elevation if constructed of concrete or other material not subject to damage by flood waters, and the minimum building site must be at or above the base flood elevation.

[Ordinance No. 10459- 8/20/96]

1125. Non-Residential Construction:

New construction or substantial improvement of any commercial, industrial, or other non-residential building shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification and the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be provided to the Chief Building Inspector.

[Ordinance No. 8760 - 3/3/87]

1126 Elevated Buildings:

(1) Access to the enclosed area shall be the minimum necessary to allow parking or vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(2) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

[Ordinance No. 9741 - 6/23/92]

1127. Standards For Manufactured Homes and Recreational Vehicles:

(1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

(2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(a) The lowest floor of the manufactured homes is elevated no lower than two (2)feet above the level of the base flood elevation, or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.

(c) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsection (2) (a) and (c) above.

(3) All recreational vehicles placed on sites must either:

(a) Be fully licensed and ready for highway use, or

(b) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article V, Section 1127, Subsections (1) or (2) (a) (c) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

[Ordinance 9492 - 11/20/90]

[Ordinance 9741 - 6/23/92]

1128. Standards for Subdivision Proposals:

All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have the public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

1129. Establishment of Development Permit:

A Development Permit shall be required to assure that all development takes place in conformance with the provisions of these regulations. No building or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this section of these and other applicable regulations. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed

restrictions. However, where these regulations and others conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1130. Interpretation:

In the interpretation and application of these regulations, all provisions shall be:

(a) Considered as minimum requirements.
(b) Liberally construed in favor of the governing body.
(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

1131. Penalties for Violation:

Any person who violates these regulations or fails to comply with any of these requirements shall, upon conviction thereof, be punished as provided in Article XII, Section 100, of these regulations, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Chattanooga, Tennessee, from taking such other lawful action as is necessary to prevent or remedy any violation.

1132. Designation of Director of Codes Administration:

The Director of Codes Administration is hereby appointed to administer and implement the provisions of these regulations.

1133. Duties and Responsibilities of the Director of Codes Administration:

Duties of the Director of Codes Administration shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of these regulations have been satisfied.
(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
(3) Notify adjacent communities and the Tennessee State Planning Office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings.
(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed.
(7) When flood-proofing is utilized for a particular building, the Director of Codes Administration shall obtain certification from a registered professional engineer or architect.
(8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Director of Codes Administration shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(9) When base flood elevation and Floodway data has not been provided, then the Director of Codes Administration shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this ordinance.

[Ordinance No. 8760 - 3/3/87]

(10) All records pertaining to the provisions of these regulations shall be maintained in the office of the Director of Codes Administration and shall be open for public inspection.

1134. Permit Procedures:

Application for a building development permit shall be made to the Director of Codes Administration on forms furnished by him and may include, but not be limited to, the following:

Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all buildings.

(2) Elevation in relation to mean sea level to which any non-residential building has been flood-proofed.

(3) A certificate from a registered professional engineer or architect that the non-residential flood-proofed building meets the flood-proofing criteria.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

1135. Variance Procedures:

The City Council, as established by these regulations, shall hear and decide appeals and requests for variances from the requirements of this section.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Codes Administration in the enforcement or administration of these regulations.

Any person aggrieved by the decision of the City Council, or any taxpayer, may appeal such decision to a court of competent jurisdiction.

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of these regulations.

In passing upon applications which relate to areas of special flood hazard, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger of life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed facility and its content flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed facility to the community.

(5) The necessity to the facility of a waterfront location, where applicable.

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(7) The compatibility of the proposed use with existing and anticipated development.

(8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.

(9) The safety of access to the property in time of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

(11) The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

Upon consideration of the factors listed above and the purposes of these regulations, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

Variances shall not be issued within the Floodway Zone if any increase in flood levels during the base flood discharge would result.

1136. Conditions for Variances:

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

The Director of Codes Administration shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

[Ordinance No. 7712 - 8/12/80]

## 1200. Planned Unit Development: Residential

[Ordinance No. 9492 - 11/20/90]

1201. Purpose:

The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants.

[Ordinance No. 6075 - 7/15/69]

1202. A PUD may be located in any residential zone, the R-4 Special Zone, the A-1 Urban Agricultural Zone, and in commercial zones in which dwellings are permitted.

[Ordinance No. 10322 – 10/24/95]
[Ordinance No. 11107 – 12/12/00]

The zoning regulations for Planned Unit Developments in each of the zones area are as follows:

1203. Permitted Uses in all PUD's:

(1) Single-family dwellings, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis;

[Ordinance No. 9661 - 1/21/92]

(2) Two-family dwellings;
(3) Townhouses;
(4) Multi-family dwellings;
(5) Schools;
(6) Parks, playgrounds, and community-owned not-for-profit buildings;
(7) Golf courses, except driving ranges, miniature courses, "Par 3" courses, and other similar commercial operations;
(8) Fire stations and other public buildings;
(9) Churches;
(10) Accessory uses and buildings customarily incident and subordinate to the above.
(11) All uses permitted in A-1 Urban Agricultural Zone shall also be permitted in the A-1 Urban Agricultural Zone PUD.

[Ordinance No. 11107 – 12/12/00]

1204. Height and Area Regulations:

(1) No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except that a building may exceed these height regulations provided that for every one (1) foot of additional height over thirty-five (35) feet, the building shall be set back one (1) additional foot from all property and/or building lot lines.
(2) The minimum development site for PUD shall be two (2) acres in all zones where PUD development is allowed except for the A-1 Urban Agricultural zone. The A-1 Urban Agricultural Zone shall be at least twenty (20) acres.

[Ordinance No. 10322 - 10/24/95; Ord. No. 11597, §1, 08-17-04]

(3) No free-standing building shall be closer to any other free-standing building than ten (10) feet and no closer than twenty-five (25) feet to the exterior property line.

[Ordinance No. 10322 - 10/24/95]

1205. For off-street parking requirements see Article V, Section 1700, et seq.
(Ord. 11459, §2, 09-16-03)

1206. General Provisions:

(1) A PUD will be shown on the zoning map when the Final PUD Plan has been approved by the City Council and recorded in the Office of the County Register.

(2) In addition, a PUD to be located in an R-3 or R-4 zone shall be:

(a) located along, or within 500 feet of a major street of at least collector status as shown on Major Street Plan as adopted by the Planning Commission, provided access to said street is approved by the City Traffic Engineer; and

(b) located and situated to be in accord with the General Plan and the Transportation Plan.

[Ordinance No. 10322 – 10/24/95]

1207. Development Standards:

(1) All lots shall have a building area above High Water Stage.

(2) Streets may be at an elevation equal to one (1) foot below flood level.

1208. Site Improvements:

(1) All dedicated public streets and all streets, roads, right-of-way or access easements serving lots to be sold shall be constructed in accordance with the Chattanooga Subdivision Regulations on rights-of-way having a minimum width as required by the Chattanooga Subdivision Regulations except that the Planning Commission may grant variances from this requirement using procedures for variances in the Chattanooga Subdivision Regulations.

[Ordinance No. 11483 - 11/18-03]

(2) When lots are to be sold, all physical improvements required by the Chattanooga Subdivision Regulations including water lines, drainage improvements, etc., shall be installed.

(3) There shall be constructed sidewalks, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be five (5) feet.

(4) Curbs and gutters shall be constructed in accordance with standard plans and specifications furnished to the City Engineer.

(5) Storm drainage structures shall be constructed in accordance with standard plans and specifications furnished by the City Engineer.

(6) Fire hydrants in a location approved by the Chattanooga Fire Department.

(7) Where public sanitary sewers are available, a sanitary sewer system approved by the State of Tennessee shall be installed. Where public sanitary sewers are not available, the method of sewage disposal must be approved by the Chattanooga-Hamilton County Health Department.

[Ordinance No. 10136 - 11/29/94]

1209. Permitted Density:

(1) The maximum number of dwelling units in a PUD to be located in an R-1 Residential Zone shall be computed by multiplying the gross acreage to be developed by 5, excluding any area to be developed as a church or school.

(2) The maximum number of dwelling units of a PUD to be located in an R-3, R-4, or any commercial zone in which dwellings are permitted shall be computed by multiplying the gross acreage to be developed by 24, excluding any area to be developed as a church or school.

(3) The maximum number of dwelling units of a PUD to be located in all other residential zones shall be computed by multiplying the gross acreage to be developed by 8, excluding any area to be developed as a church or school.

(4) Where zone boundaries for two or more residential zones divide one tract of land proposed for a PUD, the maximum number of dwelling units shall be computed by multiplying the gross acreage within each zone by the densities given above, and adding the numbers for the whole tract. The allowed maximum number of dwelling units may be located anywhere within the tract, in accordance with the regulations of this ordinance.

[Ordinance No. 10322 – 10/24/95]

(5) The maximum number of dwelling units to be developed under a PUD in the A-1 Urban Agricultural Zone shall be computed by multiplying the gross acreage to be developed, excluding set asides, as described in Article V, Section 1606, Subsections (2) and (3), by 8.

[Ordinance No. 11107 – 12/12/00]

1210. Open Space Requirements:

(1) On-site usable recreation and open space shall be provided. Such area shall be set aside for open space or recreation purposes only. It is intended to serve the residents of the PUD, and should, therefore, be easily accessible to them. If the PUD is to be of individually owned units, then this space shall be maintained in common ownership, established in the appropriate legal manner.

(2) Said open space shall be maintained in one of the following methods:

(a) by the developer or management authority of the PUD;

(b) by a Home Owner's Association established by deed restrictions;

(c) by the City of Chattanooga upon approval of the dedication by the City, as public open space.

1211. Staging:

(1) The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.

(2) The Planning Commission may recommend that the City Council require that development be done in stages if public facilities are not adequate to service the entire development initially.

1212. Changes and Modifications:

(1) Major Changes in the Planned Unit Development after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.

(2) Minor Changes in the Planned Unit Development Plan may be approved by the Planning Commission Staff. A minor change is any change that is not found in the following list of major changes:

(a) Any increase in density;

(b) Any change in the outside (exterior) boundaries;

(c) Any significant change in the land use classification;

(d) Any significant change in the location or amount of land devoted to a specific land use;

(e) Any significant change in the exterior appearance from what is shown on any plans submitted or presented by the developer.

(3) All changes to the PUD Plan, minor or major, shall be recorded.

[Ordinance No. 10322 – 10/24/95]

1213. Application Procedure for Planned Unit Development:

(1) To obtain a Special Exceptions Permit to develop a Planned Unit Development, the developer shall submit a Preliminary Planned Unit Development Plan to the Chattanooga-Hamilton County Regional Planning Commission for its review and recommendation to the City Council of the City of Chattanooga. The Preliminary PUD Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1" = 100'), and shall:

(a) define the location, size, accessibility, and existing zoning of the proposed site;

(b) indicate the surrounding type of development and land use;

(c) set forth the type of development proposed, the density of the proposed development, and the location of all structures (except free-standing single family structures), parking areas, and open space;

[Ordinance No. 11674 – 03-15-05]

(d) show a plan for streets, thoroughfares, public utilities, school, and other public or community uses.

(e) In addition to the above, the Planning Commission or City Council may require such other additional information as may be determined necessary to adequately review the proposed development.

(2) The Planning Commission shall hold a public hearing on the proposed Preliminary PUD Plan. Notice and publication of such public hearing shall conform to the procedures prescribed in Article XIII of this ordinance.

(3) Upon the recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the Preliminary PUD Plan shall be submitted to the City Council for consideration; public hearing and action.

The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary PUD Plan, with specific reference to, but not limited to, the following conditions:

(a) The property adjacent to the area included in the plan will not be adversely affected;

(b) The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare.

(c) That the building shall be used only for single-family dwellings, two-family dwellings, or multi-family dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including school and/or churches.

[Ordinance No. 7728 - 9/16/80]

(d) There is a need for such development in the proposed location.

(e) There is a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.

(4) No Preliminary PUD shall be approved by the City Council unless it is first submitted to the Planning Commission.

(5) The resolution by the City Council approving the Preliminary and Final PUD Plan shall have attached thereto, as an exhibit, the official PUD Plan.

[Ordinance No. 7876 - 7/21/81]

(6) Upon approval, or approval with conditions, of the Preliminary PUD Plan by the City Council, the developer may complete a Final PUD Plan for review by the Chattanooga-Hamilton County Regional Planning Agency (RPA).

At the discretion of the developer, the PUD Plan may be submitted as a Preliminary and Final together.

The Final PUD Plan, if submitted separately and after approval of a Preliminary PUD Plan, shall substantially conform to the Preliminary PUD Plan.

When a Final PUD is approved, or approved with conditions, by the RPA, the RPA shall submit a resolution to the City Council recommending that the Final PUD be approved or approved with conditions. The Final PUD drawing, together with a list of any conditions not shown on the drawing, shall be attached to the RPA Resolution.

After notice and publication as provided in Article XIII, Section 101, the City Council shall hold a public hearing to review the Final PUD and take legislative action.

Final legislative action on a change of zoning in conjunction with a PUD Plan shall be contingent upon the issuance of the Special Exceptions Permit for the Final PUD by the City Council.

The Council, by resolution, may approve or approve with conditions, the Final PUD and issue a Special Exceptions Permit. A copy of the Final PUD drawing together with any conditions not shown on the drawing shall be attached to the Resolution as exhibits.

[Ordinance No. 10639 – 11/18/97]

(7) Approval of the Preliminary PUD Plan shall expire twenty-four (24) months from the after its approval by the City Council if the Final PUD Plan has not been submitted to the Planning Commission Staff.

Submittal of a Final PUD Plan shall constitute an automatic permanent extension of the Preliminary PUD Plan; or if the Preliminary PUD Plan expires prior to submittal of a Final PUD Plan, the City Council may grant an extension for an additional period not to exceed one (1) year upon condition that no major changes have been made to the Plan as originally approved, and provided that no other reason or circumstance, as determined by the Planning Commission staff, warrants resubmittal to the Planning Commission.

(8) Any Special Exceptions Permit issued on the basis of a Final PUD Plan or Preliminary and Final PUD Plan together shall expire twenty-four (24) months from and after its approval if said Plan has not been recorded in the Office of the County Register. If the Special Exceptions Permit expires prior to recording of the Final PUD Plan or Preliminary and Final PUD Plan, the City Council may grant an extension for an additional period not to exceed one (1) year.

[Ordinance No. 10322 – 10/24/95]

(9) A Special Exceptions Permit may be revoked by the City Council upon written report by the Director of Codes Administration that the PUD is not being constructed in conformance with the Plan as recorded.
If the Special Exceptions Permit shall expire or is revoked by resolution of the City Council, no other building permit shall be issued for any construction whatsoever upon the land area covered by the PUD Plan until a decision is made by the City Council as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated by ordinance.

If the Special Exceptions Permit is revoked, the Director of Codes Administration shall have the responsibility for notifying the staff of the Planning Commission. The Building Official, after having given said notice, may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land.

[Ordinance No. 10322 - 10/24/95]

(10) No building permit shall be granted until after issuance of the Special Exceptions Permit and the recording of the Final PUD Plan in the Office of the County Register. There shall be no start of construction prior to recording of the Final PUD Plan. The Director of Codes Administration shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the staff of the Chattanooga-Hamilton County Regional Planning Commission. During such time as a Final PUD Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

[Ordinance No. 10322 – 10/24/95]

## 1300. Planned Unit Development: Institutional

[Ordinance No. 9492 - 11/20/90]

1301. Purpose:

The purpose of the Institutional Planned Unit Development (sometimes hereinafter referred to as Institutional PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Institutional Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants.

[Ordinance No. 6313 - 7/13/71]

1302. Classification:

There shall be one (1) classification of an Institutional Planned Unit Development. An Institutional PUD may be located in an R-4 Special Zone.

The zoning regulations for the Institutional Planned Unit Development in the R-4 Special Zone are as follows:

1303. Permitted Uses:

(1) College and university-owned facilities (e.g., classroom facilities, administration facilities, dormitories, sports related facilities, cafeterias, libraries, maintenance buildings, etc.)
(2) Churches, synagogues and houses of worship, and student centers sponsored by religious organizations
(3) Social agencies and other non-commercial public and semi-public uses
(4) Commercial parking lots
(5) Professional, medical, or dental offices and clinics
(6) Laboratories and research centers
(7) Single-, two-, and multi-family residential dwelling units, excluding factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis.

[Ordinance No. 9661 - 1/21/92]

(8) Offices
(9) Parks and playgrounds
(10) Professional and/or hobby clubs
(11) Fraternity and/or sorority houses
(12) Hospitals and nursing homes
(13) Public, private, and parochial schools, kindergartens, and day care centers and homes
(14) Accessory uses and buildings

1304. Area, Land Coverage, and Density of Development:

(1) The development site for an Institutional Planned Unit Development shall be not less than five (5) acres.

(2) The applicant shall be required to submit a Plan of Development to the City Council for approval of all uses in the Institutional Planned Unit Development.

(3) Building coverage shall not exceed 35% of the total Planned Unit Development area (excluding public streets).

(4) Off-street surface parking areas, parking structures, and the service drives shall not exceed 35% of the total Development Area.

(5) No free-standing building shall be closer than fifteen (15) feet to any other free-standing building and no closer than ten (10) feet from any exterior property line, or twenty-five (25) feet from any public street.

(6) The density of dormitories, apartment-dormitories, and married student apartments shall not exceed 50 bedrooms per acre of the entire Institutional PUD.

1305. For off-street parking requirements see Article V, Section 1700, et seq.
(Ord. 11459, §2, 09-16-03)

1306. General Provisions:

(1) An Institutional Planned Unit Development will be shown on the zoning maps when the final Institutional PUD Plan has been approved by the City Council. An Institutional PUD will be located within an R-4 Zone, as delineated on the zoning maps of the City of Chattanooga.

[Ordinance No. 10073 - 7/26/94]

(2) The minimum development site shall be at least five (5) acres.

1307. Development Standards:

All lots shall have a building site not lower than two (2) feet below the elevation of the 100-year flood. Streets may not be at an elevation lower than two (2) feet below the elevation of the 100-year flood.

1308. Site Improvements:

(1) All public streets shall be constructed in accordance with plans and specifications furnished by the City Engineers on a dedicated right-of-way having a minimum width of 50 feet.

(2) There shall be constructed sidewalks, or an equivalent paved internal pedestrian system. The minimum width of such sidewalks shall be six (6) feet.

(3) Curbs and gutters shall be constructed on all public streets and permanent private drives.

(4) Storm drainage facilities shall be constructed in accordance with standard plans and specifications furnished by the City Engineer.

(5) Fire hydrants shall be installed in locations approved by the Chattanooga Fire Department.

(6) A sanitary sewer system shall be installed and approved by the Chattanooga-Hamilton County Health Department and the City Engineer.

(7) No residence or structure for human habitation shall be erected unless its first habitable floor elevation is equal to or greater than the 100-year flood level.

(8) A bond, the amount of which to be determined by the City Engineer, may be required of the applicant to assure the construction of all planned site improvements.

1309. Open Space Requirements:

(1) Usable On-site Recreation and Open Space

On-site usable recreation and open space shall be provided. Such areas shall be set aside for open space or recreation purposes only. It is intended to serve as a

respite for the owners, tenants, and users of the Institutional PUD area, and should, therefore, be easily accessible to them.

(2) Maintenance of Open Space

Said open space shall be maintained in one of the following methods:

(a) By the developer or management authority of the Institutional PUD.

(b) By the City of Chattanooga upon approval of the dedication to the City as public open space.

(c) By the owner of the land on which the Institutional PUD is located.

1310. Staging:

The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself. Also, the Planning Commission may recommend that the City Council require that development be done in stages if public facilities are not adequate to service the entire development initially.

1311. Changes and Modifications:

(1) Major Changes in the Institutional Planned Unit Development (after a special exceptions permit has been granted) shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this section. This includes additional land as it is added to the original site.

(2) Minor Changes in the Institutional Planned Unit Development Plan may be approved by the Planning Commission staff. A minor change is any change that is not found in the following list of major changes:

(a) Any increase in density;

(b) Any change in the outside (exterior) boundaries;

(c) Any significant change in land use classification;

(d) Any significant change in the location or amount of land devoted to a specific land use;

(e) Any significant change in the exterior appearance from what is shown on any plans submitted or presented by the developer.

[Ordinance No. 10322 – 10/24/95]

1312. Application Procedure for Institutional Planned Unit Development:

(1) Preliminary Planned Unit Development Plan

To obtain a Special Exceptions Permit to develop an Institutional Planned Unit Development, the developer shall submit a Preliminary Planned Unit Development Plan to the Chattanooga-Hamilton County Regional Planning Commission for its review and recommendations to the City Council of the City of Chattanooga.

(2) No Preliminary PUD Plan shall be approved by the City Council unless it is first submitted to the Planning Commission.

[Ordinance No. 7728 - 9/16/80]

(3) The Preliminary PUD Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1"=100') and shall:

(a) Define the location, size, accessibility, and existing zoning of the proposed site.

(b) Indicate the surrounding type of development and land use.

(c) Show the topography of the area at 2-foot contour levels.

(d) Set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space.

(e) Show a plan for streets, thoroughfares, public utilities, schools, and other public or community uses.

(f) Show the 100-year flood level, if applicable.

(g) Show a plan for uniform sign design and control.

In addition to the above, the Planning Commission or City Council may require such other additional information as may be determined necessary to adequately review the proposed development.

The Preliminary PUD Plan may be submitted without meeting all of the above requirements if items to be varied are specifically noted in the Plan. Such notation shall not establish approval for any variance, however.

(4) Upon the recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the Preliminary Institutional PUD Plan shall be submitted to the Council for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary Institutional PUD Plan, with specific reference to, but not limited to, the following conditions:

[Ordinance No. 7728 - 9/16/80]

(a) The property adjacent to the area included in the plan will not be adversely affected;

(b) The plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals, and general welfare.

(c) There is a need for such development in the proposed location.

(d) There is a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.

(5) The resolution by the City Council approving the Preliminary Institutional PUD Plan shall have attached thereto, as an exhibit, the official PUD Plan.

[Ordinance No. 7524 - 6/29/79]

(6) Upon approval or approval with conditions of the Preliminary Institutional PUD Plan by City Council resolution, the developer may complete a Final Institutional PUD Plan for review by the Chattanooga-Hamilton County Regional Planning Agency (RPA).

At the discretion of the developer, the IPUD Plan may be submitted as a Preliminary and Final together.

The Final Institutional PUD Plan, if submitted separately and after approval of a Preliminary Institutional PUD Plan, shall substantially conform to the Preliminary Institutional PUD Plan.

When a Final Institutional PUD is approved or approved with conditions by the RPA, the RPA shall submit a resolution to the City Council recommending that the Final Institutional PUD be approved or approved with conditions. The Final Institutional PUD drawing, together with a list of any conditions not shown on the drawing, shall be attached to the RPA Resolution.

After notice and publication as provided in Article XIII, Section 101, the City Council shall hold a public hearing to review the Final Institutional PUD and take legislative action.

Final legislative action on a change of zoning in conjunction with an PUD Plan shall be contingent upon the issuance of the Special Exceptions Permit for the Final Institutional PUD by the City Council.

The Council, by Resolution, may approve or approve with conditions, the Final Institutional PUD and issue a Special Exceptions Permit. A copy of the Final Institutional PUD drawing together with any conditions not shown on the drawing shall be attached to the resolution as exhibits.

[Ordinance 10639 – 11/18/97]

(7) Building Permits: No building permits shall be issued until after approval of the Special Exceptions Permit issued on the basis of the Final Institutional PUD Plan or Preliminary and Final Plan together by the City Council. The Director of Codes Administration shall revoke any permit issued in reliance upon said plan, as finally approved at such time as it reasonably appears that such plan is not being complied with; and notice thereof shall be given to the staff of the Chattanooga-Hamilton County Regional Planning Commission. During such time as a Final Institutional PUD Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

[Ordinance 10322 – 10/24/95]

(8) Approval of the Preliminary PUD Plan shall expire twelve (12) months from and after its approval by the Planning Commission or the City Council, whichever is later.

Any Special Exception Permit issued on the basis of an approved Final Institutional PUD Plan or Preliminary and Final submitted together shall expire twelve (12) months from and after its issuance if the development, as planned, has not been adhered to. Provided, however, that with good cause shown said Special Exception Permit may be extended by the City Council for additional periods not to exceed one (1) year.

[Ordinance 10322 – 10/24/95]

(9) If the Special Exceptions Permit is revoked, or expires, the Director of Codes Administration shall have the responsibility for notifying the staff of the Planning Commission.

The Building Official may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land.

[Ordinance 10322 – 10/24/95]

## 1400. Downtown Residential/Mixed Use District

[Ordinance No. 9970 - 11/9/93]

1401. Intent:

In order to accomplish the general purpose of promoting residential and mixed use development in the downtown area, it is necessary to create a Downtown Residential/Mixed Use District which can give special consideration to certain uses because of the unique characteristics of downtown. This special consideration is necessary because certain types of development may not be permitted in or meet all the requirements of the particular zone where the proposed use would be located.

It is the specific intent to create a Downtown Residential/Mixed Use District, imposing voluntarily accepted requirements within this district which will promote and encourage the revitalization and growth of downtown as a desirable residential area by maximizing use of all available resources, insuring a high degree of compatibility between new and existing uses, promoting mixed use developments, minimizing the review and approval procedure for such developments, and generally ensuring quality development that is in keeping with the traditional urban fabric.

1402. Goals:

(1) Promote downtown as a viable and vital residential area.
(2) Minimize and make more efficient the review and approval process for such developments.
(3) Encourage developer participation by allowing greater latitude in development than what is provided for by the underlying zone.
(4) Bring within walking distance most daily activities, giving the elderly and the young increased independence of movement.
(5) Reduce the number and length of automobile trips, reducing traffic congestion, road construction and air pollution.
(6) Establish building densities that support the use of public transit.
(7) Provide quality public spaces such as streets, sidewalks, parks and squares where citizens come to know each other and watch over their collective security.
(8) Provide a full range of housing types and workplaces that will integrate age and economic class.
(9) Maximize use of all existing resources including land, buildings and infrastructure.
(10) Encourage a higher degree of compatibility between new and existing development.
(11) Provide physically defined open space to provide places for social activity and recreation.
(12) Maintain the physical continuity of the street frontage with architectural elements and building sizes and location, while allowing for some diversity and interest.

1403. General Standards:

The review committee shall be created by the City Council, as the administrative body to enforce these regulations. The review committee shall be guided by all adopted plans and policies including a General Plan for development within the Downtown Residential/Mixed Use District in accordance with §1409, and by the following general standards and considerations:

(1) The use shall be consistent with the General Plan and any other adopted plans or policies.
(2) The use shall be in keeping with the general purpose and intent of these zoning regulations.
(3) The use and building shall be compatible with the character of the neighborhood where it is proposed and with the size and location of the buildings in the vicinity.
(4) The use will not negatively impact or injure the value of adjacent properties by noise, lights, traffic or other factors or otherwise detract from the immediate environment.
(5) The nature of adjacent development is not of such a nature so as to pose a potential hazard to the proposed use or create an undesirable environment for the proposed use.
(6) All zone regulations shall be considered in context of the submitted plan to assure a consistency and compatibility among proposed and existing development (with particular regard to parking provisions, access, setbacks, building height, etc.).

1404. Permitted Uses Within Downtown Residential/Mixed Use District:

(1) Residential: Any type, configuration or density of residential use acceptable under the Zoning Ordinance may be submitted for review.
(2) Commercial and office uses

[Ordinance No. 10663 – 3/10/98]

(3) Limited manufacturing in conjunction with the above uses if determined to be compatible and reasonable.
(4) Recreational.

1405. Elements to be Considered Within Downtown Residential/Mixed District:

(See Section 1409 Development Guidelines for Further Definition)

* Land Use Patterns
- Location
- Building Densities
- Mix of Uses

* Parking and Accessibility
- Street Right-of-way
- Parking Conditions
- Vehicular Access
- Alleys

* Open Spaces
- Position
- Character

* Building Character
- Materials
- Building Facades
- Roof Form & Use

* Setbacks

* Building Height
- Secondary Buildings

* Street Frontage
- Curb Cuts
- Lot Coverage

* Landscaping
- Lighting

* Street and Sidewalk Character
- Streetscape
- Pedestrian & Street Lighting
- Street Trees
- Street Furniture

1406. Review Committee:

(1) Membership: A review committee shall be appointed by the Mayor with the approval of a majority of the Council to administratively review development within the Downtown Residential/Mixed Use District which shall be composed of permanent staff and other rotating members set forth as follows:

Staff (Permanent Members)

(a) Planning Commission Executive Director (or designee)

(b) Urban Design Consultant (or designee)

Other (Rotating Members)

(c) Architect (appointed by Mayor from a slate to be recommended by AIA Chattanooga, and approved by majority of City Council)

(d) Landscape Architect/Architect (appointed by Mayor and approved by majority of City Council)

(e) Contractor/Developer/Realtor (appointed by Mayor and approved by majority of City Council)

(f) A sixth member shall be appointed by the Council Chair who shall be a rotating member and who shall be a student with interest in urban design or public administration.

Ex-Officio Members

The following may be called on to serve as non-voting members when cases require their technical and professional expertise.

(a) Urban Forester (or designee)

(b) Building Official (or designee)

(c) Traffic Engineer (or designee)

(2) Membership Terms:

(a) Staff members have no term limits

(b) Other members serve 3-year terms, staggered. (Initial terms will be one, two and three years as determined by the appointing body).

(c) The chairman shall be elected by the Review Committee members.

(3) Meeting Format:

(a) A majority of staff and rotating members must be present to constitute a quorum.

(b) Majority vote required for approval.

(c) Meetings shall be held once a month (if cases are pending) at a day and time to be determined by the Review Committee.

(d) No person who has a potential conflict of interest shall serve on any case where a potential conflict is known to exist.

(4) Although it is the intent of these regulations that all proposed development should conform as nearly as possible to the standards set forth in §1409, the Review Committee has the discretion to waive or vary said standards as deemed appropriate and necessary.

1407. Application and Review Procedure:

NOTE: The developer is encouraged (but not required) to submit designs of the proposed project at a conceptual stage for staff review.

(1) Required Submissions Before Review Procedure Shall Occur:

The developer shall submit 6 copies of a written application containing the following information to the Chattanooga Building Department before an

application to comply with the Downtown Residential/Mixed Use District will be considered by the review committee:

(a) A vicinity plan - showing the project in relation to the surrounding blocks.

(b) A site plan - including vehicular access, parking, landscaping, property lines, building footprint (minimum scale: 1" = 50').

(c) Building elevations (all sides) including indication of materials and color (minimum scale: 1/8" = 1').

(d) Site and building section, including sidewalk (minimum scale: 1/8" = 1').

(e) A written description stating 1) zoning of subject and adjacent properties, 2) land use of adjacent properties and 3) percent of buildings designated for each type of use.

(f) The developer shall also submit one copy of photographs of the undeveloped site and adjacent properties (for context).

* Other drawings such as floor plans, perspectives, axons are encouraged but not required by the Review Committee.

(2) Classification of Projects

Upon receipt of the application and required drawings, the Director of Codes Administration shall classify the proposed development as follows:

(a) Exemptions

* ordinary repairs
* removal of signage (without replacement)
* temporary signs or structures
* emergency safety repairs
* interior alterations
* Historic Zoning Commission jurisdiction

(b) Staff Review Only

* landscaping
* streetscape elements; banners
* minor structural changes

(c) Committee Review Required

* new construction
*major structural change (10% of total floor area or 1000 square feet, whichever is less)
* parking facility development or redevelopment

(3) Staff Review:

Projects classified as "Staff Review Only" will be reviewed by Riverfront-Downtown Planning-Design Center staff and approved, approved with conditions, or denied within 10 working days of submittal.

(4) Public Notice:

Reasonable notice shall be given to the general public pursuant to the Open Meetings Act of all Review Committee meetings including the applications and property to be considered at such meetings, which notice shall include, but not be limited to, posting of the property and sending letters to the registered owners of all tracts within 200 feet of the property.

(5) Procedures to be Followed by Review Committee:

(a) Projects classified as "Committee Review Required" will be considered by the Review Committee at a scheduled meeting within 30 working days of submittal at a scheduled monthly meeting. At that meeting, the applicant may present his/her project.

(b) The Review Committee will then approve the project, approve with conditions or deny based upon the development guidelines set forth in Section 1409.

(c) Upon approval of a project with or without conditions by the Review Committee, building permits shall be issued for development including any required conditions imposed by the Review Committee.

(d) No Certificate of Occupancy shall be issued by the Director of Codes Administration until all requirements approved by the Review Committee have been accomplished. Any changes to the approved plan shall be addressed back to the Review Committee for consideration.

1408. Appeal:

Anyone aggrieved with the decision of the Review Committee may appeal to the Board of Appeals within 60 days of the Review Committee's decision.

1409. Development Guidelines:

The following development guidelines shall be considered by the Review Committee when reviewing a proposed development. The following development guidelines are intended for use only within the boundaries for Mixed Use District I as described in Exhibit A to this amendment to the Zoning Ordinance.

(1) Land Use Patterns:

PRINCIPLE:

To bring most daily activities within walking distance and to reduce the number of automobile trips, a mix of land uses is encouraged in this district.

- Commercial uses within the district should primarily serve the residents of that district.
- Commercial development should be compatible with the predominant architectural characteristics and scale of the district.
- Neighborhood commercial development should be "clustered" at street corners (i.e.. grocery store, deli, laundry).
- Commercial uses should be located on the ground floor to help animate the street and sidewalk.

PRINCIPLE:

Building densities should be high enough to support the use of public transit and to make efficient use of the land without leaving large "gaps" in the "urban fabric."

- A minimum density of 15 units per acre is preferred.

(2) Parking and Accessibility:

PRINCIPLE:

Development patterns should promote an equitable balance between cars and pedestrians within this district. While cars are certainly a necessary part of our

society, street widths and parking facilities should not dominate the district but should be sympathetic to the pedestrian scale.

- The amount of parking to be provided is left to the discretion of the developer. When making that determination, the developer shall take into consideration the benefits of shared parking, the desire to promote the use of public transit and the desire to preserve existing buildings that contribute to the historic character of the district.
- Alleys should be used for access and service whenever possible, especially with larger developments.
- "Car storage" should be accommodated behind or within buildings whenever possible.
- Garage doors fronting the public right-of-way are not desirable.

PRINCIPLE:
Parking garages and surface lots shall have the same qualities and characteristics as any other district development. Parking developments shall relate strongly to other nearby buildings as well as to people at street level.

- Any parking garage visible from the street shall be integrated into its surroundings and provide an active and inviting street-level use and appearance.
    - Follow all guidelines for Building Character.
    - Avoid ramped floors that are visible from the street.
    - Follow the predominant vertical and horizontal architectural forms and patterns within the district.
    - Have openings and entrances that are in scale with people.
- Surface parking lots shall not create gaps along the street and sidewalk. Any surface lot in the district shall:
    - Use landscaping, trees, low walls or other elements to maintain the street frontage line formed by buildings.
    - Incorporate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
    - Incorporate interior lot landscaping - generally one shade tree for every three parking spaces.

(3) Open Spaces:

PRINCIPLE:
Open spaces are important for providing relief from the "hard surfaces" in an urban environment. Open spaces shall be designed to complement the character of the neighborhood and to provide recreational space for all residents.

- Public spaces are encouraged in every neighborhood.
- Public spaces (parks, gardens, etc.) shall be easily accessible from the sidewalk.
- Public spaces shall be positioned to be "overlooked" by the surrounding development for a greater sense of security.
- Public spaces shall create a comfortable, safe and interesting place to rest with plenty of seating (about 1 linear foot for every 30 square feet of open space) and adequate lighting.
- Incorporate fountains or other water features and public art whenever possible.

- Private amenities, such as swimming pools, shall be placed in interior lot positions and should not be visible from the primary streets.

(4) Building Character:

PRINCIPLE:

A certain amount of architectural diversity is expected in any district. However, buildings shall also be "good neighbors" by relating well to the common patterns of windows, entrances, cornice lines, column spacing and materials around them and by reinforcing the overall character of the district. Human-scaled details on buildings help create a vital, friendly place for pedestrians.

- The bases of buildings shall generally be of masonry construction.
- Use design details to emphasize the building's base so that there is a strong pedestrian scale at sidewalk level.
- Avoid long, uninterrupted horizontal stretches of building facades. Building bays, storefronts, entrances, columns and other vertical elements shall be used in 20 to 40 foot increments to "break up" the building facades.
- Pitched roofs, dormers and other "occupied" roofs are encouraged.
- Flat roofs are discouraged unless they are usable (i.e. terraces and gardens). If a flat roof is used, a quality cornice line is required that provides visual interest to the public realm.
- Roofs should not be visually cluttered with mechanical equipment. All mechanical or utility equipment shall be well integrated into the overall design or screened with materials compatible with the design.
- Historic renovations shall follow the Secretary of the Interior Standards for Rehabilitation.

(5) Setbacks:

PRINCIPLE:

Different residential districts have taken on distinct identities over time that need to be respected. Suburban districts often have deep building setbacks with large front yards. Urban residential or mixed use districts typically have minimal setbacks, often with buildings built right up to the sidewalk, that give people a feeling of density and activity.

- Building setbacks shall reflect traditional urban development patterns as opposed to suburban "campus-like" development patterns.
- Building setbacks shall reflect the existing block or street patterns. In some cases, this means a primary building setback of 10 feet from the sidewalk with porches extending to the sidewalk.
- In other blocks, existing setback distances are greater. (Street "classifications" based on existing patterns and street use will be developed to serve as a more specific guide to setback dimensions.)

PRINCIPLE:

Streets, sidewalks, front yards and buildings shall create a recognizable delineation between the public and private realm to offer a sense of security and privacy for residents while still encouraging pedestrian activity.

- Use low walls, decorative fences, hedges, porches and stoops along the street frontage to distinguish between the public and private realm.

(6) Building Height:

PRINCIPLE:

The height of new development shall respect the established scale of the neighborhood or block as well as the pedestrian scale. Significant views and vistas - both to and from buildings - shall be preserved and enhanced.

- Building height shall be derived from the general character of the neighborhood or block.
- The height of buildings fronting the streets shall respect the character of the neighborhood and the pedestrian scale. Buildings located in the interior of a block may be higher or lower.
- All primary buildings shall be a minimum of two stories.

(7) Street Frontage:

PRINCIPLE:

The quality and continuity of the pedestrian zone shall be maintained to provide interest and a sense of security for the pedestrian. Expanses of surface parking, empty lots or "blank walls" along the street frontage interrupt this continuity and may even "discourage" pedestrian movement.

- Keep curb cuts to a minimum (in both number and width) in order to maintain the quality and continuity of the sidewalk. Shared access between properties is encouraged.
- Animate the street frontage with porches, storefronts, window displays, landscaping and other elements that contribute to activity and interest. Blank, fortress-like walls at the street level are discouraged.
- Building frontage shall extend the maximum length possible along the primary street. For lots over 50 feet wide, buildings should extend a minimum of 75% of the length along the primary street frontage.
- Parking areas shall be confined to the rear of buildings.
- Garage doors fronting the public rights-of-way are not desirable.
- Lighting shall be integrated into the exterior design and should help create a greater sense of activity, security and interest to the pedestrian.

(8) Landscaping:

PRINCIPLE:

Landscaping shall reinforce the urban character and scale of the district. Landscape design shall be an integral part of the development - not an afterthought.

- Landscaping that fronts the public streets shall be sensitive to the Downtown Streetscape Standards.
- All service areas shall be screened from the public rights-of-way.

PRINCIPLE:

Surface parking lot shall not create gaps along the street and sidewalk.

- Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.
- Incorporate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
- Incorporate interior lot landscaping - generally one shade tree for every three parking spaces.

PRINCIPLE:

Lighting is important in making buildings, and the downtown in general, look and feel more inviting 24 hours a day.

- Lighting shall be integrated into the exterior design.
- Lighting shall help create a greater sense of activity, security and interest to the pedestrian.

(9) Street and Sidewalk Character:

PRINCIPLE:

Downtown streets and sidewalks shall be safe and attractive for both cars and pedestrians. Getting from one place to another shall be a pleasant, comfortable and rewarding downtown experience.

- Downtown Streetscape Standards must be maintained on all sidewalks.
- If any private development project results in demolition of a public sidewalk, the developer will be responsible for replacing the sidewalk in compliance with the Downtown Streetscape Standards.
- Steps, planters or other private "street furniture" shall not be placed in the public sidewalk.
- The removal, addition or pruning of any trees in the public right-of-way must be approved by the City's Urban Forester.

  Note: Further information regarding the Downtown Streetscape Standards may be obtained at the Riverfront-Downtown Planning & Design Center.

## 1600. A-1 Urban Agricultural Zone

1601. Definitions:

*Livestock*. Horses, mules, cows, pigs, goats, sheep, emu, ostrich, rabbits and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.

*Fowl*. Chickens, ducks, guineas, turkeys, etc. (excluding peacocks).

1602. Purpose:

The purpose of the A-1 Urban Agricultural Zone is to provide the opportunity for agricultural land and related uses within the City limits. This zone also designed to provide an opportunity for Planned Unit Development (under Planned Unit Development: Residential ARTICLE V, Section 1200, hereafter referred to as PUD) that allows for open space design for the protection of sensitive natural resources such as floodplains, slopes over 20%, riparian areas, wetlands, and prime agricultural soils.

1603. 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 only be kept in an area that satisfies the following conditions:

(i) Each cow, equine, swine or other large livestock shall have a minimum pasture area of one 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.

(ii) Livestock animals must be provided with shelter to protect them from the elements.

(iii) The shelter and fenced pasture area shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odor.

(iv) No barn or building that houses livestock animals shall be erected or maintained within 25 feet of any property line or within 150 feet of any property that is zoned or used for residential purposes.

(v) All food and feed kept for feeding livestock shall be kept and stored in rat-free and rat-proof containers, compartments or rooms unless kept in a rat-proof building. Any building or container used for the storage of feed shall be located at least 150 feet from any residential building and at least 150 feet from any other property that is zoned or used for residential purposes.

(vi) No swine shall be kept within 150 feet of any property that is zoned or used for residential purposes.

(b) Fowl shall only be kept in an area that satisfies the following conditions:

(i) No more than 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.

(iii) Such animals must be confined at all times in a secure enclosure that is not less than 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 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 enclosure shall be erected or maintained within 25 feet of any property line or within 150 feet of any other property that is zoned or used for residential purposes.

(vii) All food for fowl shall be kept and stored in rat-proof and rat-free containers, compartments or rooms unless kept in a rat-proof building. Any building or container used for the storage of feed shall be located at least 150 feet from any residential building and at least 150 feet from any property that is zoned or used for residential purposes.

(2) Detached single-family dwellings, excluding factory manufactured homes constructed as single self-contained unit and mounted on a single chassis.

(3) One stand, building or portable building for the sale of edible products or products produced entirely on the premises, not including livestock or fowl, provided that the stand does not exceed an area of one thousand (1000) square feet and is set back from all property lines by at least 25 feet.

(4) One free-standing, on-premises, sign limited to:

(a) Signs not over twelve (12) square feet in area advertising the sale of farm products produced on the premises.

(b) Churches, schools, public buildings, and other non-agricultural permitted land uses may have one (1) bulletin board or identification sign, not to exceed twenty-four (24) square feet in area; such bulletin board or identification sign shall indicate nothing more than the name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises.

(c) An allowable sign may have direct illumination provided that it is lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed 25 foot-candles at the face of the sign. No flashing or intermittent lights will be permitted.

(d) No sign shall be located less than 10 feet from any property line.

(5) Churches or similar places of worship with accessory structures.

(6) Elementary or high schools, public or private, and institutions of higher learning.

(7) Parks, playgrounds and community-owned not-for-profit buildings.

(8) Accessory uses and buildings customarily incidental and subordinate to the above.

(9) Planned Unit Development: Residential (as described under ARTICLE V, Section 1200).

(10) Home occupations.

(11) Communications towers subject to the provisions of Article VIII.

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

1604. Area Regulations:

A. Minimum Lot Area:
The minimum area requirement shall be 20 acres.

B. Front Yard:
There shall be a minimum front yard of not less than twenty-five (25) feet.

C. Side Yard:

(1) For residential buildings and accessory buildings, there shall be a minimum side yard of not less than twenty-five (25) feet, except under a PUD as provided in Section 1607.

(2) For the building of churches, schools or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

D. Rear Yard:

(1) There shall be a rear yard for any building of not less than twenty-five (25) feet.

(2) Unattached buildings of accessory use shall not be located closer to a rear lot line than ten (10) feet.

1605. Height Regulations:

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except that a building may exceed these height regulations provided that for every one (1) foot of additional height over 35 feet the building shall be set back one (1) additional foot from all property lines. Communications towers shall be subject to the special setback requirements set forth in Article VIII.

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

1606. For off-street parking requirements see Article V, Section 1700, et seq.
(Ord. 11459, §2, 09-16-03)

1607. Special Exceptions for Planned Unit Development (PUD):

(1) Flexibility in the arrangement of residential uses may be permitted by the City Council as a special exception in any A-1 Urban Agricultural Zone, provided that the minimum size of any tract of land sought to be used for the PUD shall be at least 20 acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units in conjunction with dedicated open space.

(2) The 20 acre minimum lot may be subdivided under a Planned Unit Development: Residential (ARTICLE V, Section 1200) in which case a 20 acre minimum lot may be subdivided according to PUD regulations if a minimum of 50 % of total land area is set aside for agricultural uses or open space that is maintained in common ownership, private ownership or other manner, established in an appropriate legal manner.

(3) Lands set aside under an A-1 PUD shall include all wetlands, riparian areas including at least 10 feet on either side of high water mark for all USGS blue line streams, 500 year floodplains as shown on FEMA Flood Insurance Rate Maps, and slopes over 20%, and shall reflect a preference

for forested lands, and/or prime agricultural soils as defined by county soil survey.

(4) The maximum number of dwelling units to be developed under a PUD in the A-1 Urban Agricultural Zone shall be computed by multiplying the gross acreage to be developed, excluding land set aside as explained in Sections 2 and 3, by 8. For lots using septic systems for sewage disposal the maximum number of dwelling units shall be determined by the Health Department.

1608. Precedence:

This ordinance shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith and to the extent that they do conflict with this ordinance they are hereby repealed with respect to the conflict and no more.

## 1700. Off-Street Parking and Loading Space Requirements.

1701. Intent: The following standards are designed to meet the minimal, necessary off-street parking requirements for residential, institutional, office, commercial and industrial land uses within all zoning districts.

1702. General Regulations:

(1) No building or other structure shall hereafter be erected or altered to provide less off-street parking and loading space as required herein or permitted, or in any manner contrary to the provisions of this Ordinance except as approved utilizing a Shared Parking Plan or with a parking variance from the Chattanooga Board of Appeals for Variances and Special Permits.

(2) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purposes of complying with this Ordinance, shall be include as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as provided through an approved Shared Parking Plan.

(3) All parking and loading spaces shall be subject to review, approval and enforcement by the City Traffic Engineer.

Table 1700

## Residential

| |
|---|
| Single-family dwellings- 2 spaces for every dwelling unit. 3 spaces for units with four or more bedrooms. |
| Townhouses- 1 space for 1 bedroom dwelling units. 2 spaces for 2 or 3 bedroom dwelling units. 3 spaces for units with four or more bedrooms. |
| Duplexes- 1.5 spaces per dwelling unit. Units with two or more bedrooms shall have 2 spaces per dwelling unit. |
| Multi-family units- 1.25 spaces per dwelling unit. Units with two or more bedrooms shall have 1.75 spaces per dwelling unit. |

## Institutional

| | |
|---|---|
| Public buildings (including churches): | 1 space per three seats in the main auditorium |
| Dormitories: | 1 space per four beds |
| Hospitals and nursing homes: | 1 space per three beds |
| Fraternity and Sorority Houses: | 1 space per two lodgers |
| Day Care homes and centers: | |
| 45 children and fewer | 1 space per five students plus employee parking |
| Greater than 45 children | 8 spaces plus one space for every 40 students plus employee parking |
| Stadiums and Sports Arenas: | 1 space per eight seats or twelve feet of benches. For swimming pools, 1 space per 30 sq. ft. of water surface area. |
| Golf Course: | Per approval of City Traffic Engineer |
| All other uses: | 5 spaces per 1,000 sq. ft. GLA |

## Commercial

| | |
|---|---|
| Restaurants: | 1 space per 75 sq. ft. GLA |
| Retail uses: | |
| Under 25,000 sq. ft. | 4 spaces per 1,000 sq. ft. GLA |
| Over 25,000 sq. ft. | 5 spaces per 1,000 sq. ft. GLA |
| Furniture and Appliance Sales: | 2.5 spaces per 1,000 sq. ft. GLA |
| Funeral Homes, Theaters: | 1 space per three seats in the main chapel or auditorium |
| Hotels and Motels: | 1 space per unit or guest room plus 1 space for every innkeeper's dwelling |
| Boarding/Lodging Houses, Assisted Living, and Bed and Breakfasts: | 1 space per two units plus employee/visitor parking |
| Automobile Repair Shops: | 2 spaces per bay plus employee parking |
| All other uses: | 5 spaces per 1,000 sq. ft. GLA |

## Office

| | |
|---|---|
| General office uses: | 4 spaces/1,000 sq. ft. GLA |
| Medical offices: | 5 spaces/1,000 sq. ft. GLA |
| Mixed office space: | Approrrtioned based on the percentage mix of office uses |

## Industrial

| |
|---|
| 1 auto parking space for every two workers on the combined two largest successive shifts |
| 1 off-street loading space per 10,000 sq. ft. of floor space or fraction thereof used for industrial or commercial uses upon approval |

**Commercial, Office and Manufacturing Requirements:**

**The number of spaces provided shall not exceed the required number of spaces by more than 50 percent.**

**Handicapped parking shall meet the current ADA standard.**

Note: GLA= Gross Leasable Area: The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. GLA does not inlcude public or common areas, such as utility rooms, stairwells, mall and so on.

1703. District Regulations:

(A) R-1 Residential Zone
For parking requirements refer to Table 1700

(B) RT-1 Residential Townhouse Zone
For parking requirements refer to Table 1700

(C) RZ-1 Zero Lot Line Residential Zone
For parking requirements refer to Table 1700

(D) R-T/Z Residential Townhouse/Zero Lot Line Zone
For parking requirements refer to Table 1700

(E) R-2 Residential Zone
For parking requirements refer to Table 1700

(F) R-3MD Moderate Density Zone
For parking requirements refer to Table 1700

(G) R-3 Residential Zone
For parking requirements refer to Table 1700

(H) R-4 Special Zone
For parking requirements refer to Table 1700

(I) R-5 Residential Zone
For parking requirements refer to Table 1700

(J) O-1 Office Zone
For parking requirements refer to Table 1700

(K) C-2 Convenience Commercial Zone
For parking requirements refer to Table 1700

Additional requirements:

Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.

There shall be one (1) loading space for every ten thousand (10,000) square feet of floor area used for commercial purposes. Such loading space shall be in accordance with the standards of and approved by the City Traffic Engineer. Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.

All off-street parking and loading space shall be subject to review and approval by the City Traffic Engineer prior to issuance of building

permits and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets, and to minimize potential frictions with adjoining residential property.

For business operations which involve a combination of uses such as warehousing and wholesaling along with retailing or other permitted uses, total required parking may be determined by measuring the amount of floor space within the business structure that is devoted to each separate use and calculating the need based upon the specific parking requirements as set forth for the various uses in this section and elsewhere in this ordinance. Parking requirements calculated in this manner shall be subject to review and approval by the City of Chattanooga Traffic Engineer prior to issuance of any building or occupancy permit.

(L) C-3 Central Business Zone

(1) There shall be no requirement for the provision of off-street parking within the C-3 Central Business Zone.

(2) Off-street loading facilities shall be provided which do not require the blockage of public thoroughfares during loading operations.

(3) All off-street loading space and parking space, if provided, shall be subject to review and approval by the City Traffic Engineer and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets and to minimize potential frictions with adjoining residential property.

(M) C-4 Planned Commerce Center Zone

For parking requirements refer to Table 1700

Additional requirements:

Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.

For warehousing and wholesaling operations, and for space within retail operations devoted to such uses, parking shall be provided at a rate of one (l) space per employee, on the largest shift, and one (l) off-street loading space shall be provided per ten thousand (10,000) square feet of floor space or fraction thereof.

There shall be one (1) loading space for every ten thousand (10,000) square feet of floor area used for commercial purposes. Such loading space shall be in accordance with the standards of and approved by the City Traffic Engineer. Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.

All off-street parking and loading space shall be subject to review and approval by the City Traffic Engineer prior to issuance of building permits and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets, and to minimize potential frictions with adjoining residential property.

(N) C-5 Neighborhood Commercial Zone
For parking requirements refer to Table 1700

Additional requirements:

Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.

All off-street parking and loading space shall be subject to review and approval by the City Traffic Engineer and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises and to and from adjacent streets, and to minimize potential frictions with adjoining residential property.

(O) C-7 North Shore Commercial/Mixed Use Zone
Refer to Article V, Section 950

(P) M-1 Manufacturing Zone
For parking requirements refer to Table 1700

(Q) M-2 Light Industrial Zone
For parking requirements refer to Table 1700

Additional requirements:

No parking or drives shall be permitted in required side yards joining a residential zone.

Truck doors or loading docks fronting on a street shall be not less than 75 feet from said street.

(R) M-3 Warehouse and Wholesale Zone
For parking requirements refer to Table 1700

Additional requirements:

No parking or drives shall be permitted in required side yards joining a residential zone.

Truck doors or loading docks fronting on a street shall be not less than 75 feet from said street.

(S) M-4 Outdoor Industrial Use Zone
For parking requirements refer to Table 1700

(T) A-1 Urban Agricultural District
Off-street parking shall be provided on the same lot or on a lot adjacent to the building in accordance with the following requirements:

(1) There shall be one (1) space for every dwelling unit.
(2) There shall be one (1) space for every three (3) seats in the main auditorium of churches or other public buildings.
(3) Parking space for any other permitted use shall be an ample amount to accommodate all vehicles of transportation that are used by employees, visitors, or patrons of the permitted uses.

The off-street parking facilities shall be designated so as to make it unnecessary for cars to back across sidewalks or into alleys or otherwise to maneuver in and out of parking areas into areas for pedestrian or automotive traffic.

(U) Planned Unit Development: Residential
Off-street parking shall be provided on a site adjacent to the building in accordance with the following requirements:

(1) For townhouse, duplexes, and single-family dwellings two (2) parking spaces are required. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.
(2) For multi-family dwellings 1.25 parking spaces for every dwelling unit. Units with two (2) or more bedrooms shall be required to have 1.75 parking spaces per dwelling unit.
(3) There shall be at least one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.
(4) Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Unit Development.

(V) Planned Unit Development: Institutional
Off-street parking spaces should be provided to meet the normal peak demands for parking. The location and number of off-street parking spaces shall be reviewed by the Traffic Engineer and the Chattanooga-Hamilton County Regional Planning Commission.

Parking spaces within the Institutional PUD may be counted for more than one use within the Institutional PUD where, in the opinion of the Traffic Engineer and the Chattanooga-Hamilton County Regional

Planning Commission, the demand for parking for both uses will not normally occur at the same time.

For off-street parking requirements see Table 1700.

1709. Shared Parking

(1) Intent: The intent of this ordinance is to provide a method for providing shared parking facilities among diverse uses in order to reduce the amount of land dedicated to surface parking. The goal is promote efficiency in land usage and complementary forms of development.

(2) Definition: Shared Parking: Joint use of a parking area for more than one use and including valet and remote parking arrangements.

(3) Application: Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/season of the year. Shared parking is inherent in mixed-use developments that include one or more businesses that are complementary, ancillary, or support other activities such as church and retail shared parking. General off-site parking lots and valet parking are available for patrons of nearby land uses can also constitute shared parking. The standards in this ordinance provide an opportunity for shared parking, however, parking requirements are very often unique to an individual land use and as a result, each site's proposed parking plan must be approved in advance by the City Traffic Engineer.

(a) In conjunction with the Traffic Engineering of the City of Chattanooga, the applicant for shared parking will conduct a pre-survey meeting designed to review with the traffic engineer the shared parking standards and the applicant's proposed shared parking arrangement.

No formal parking study shall be required for proposed developments under 3,000 sq. feet gross leasable area (GLA).

For proposed developments over 3,000 sq. feet gross leasable area (GLA), the pre-survey meeting will help to determine the scope, method and engineering standards to be met in the parking study. In some specific cases, and with agreement of the City Traffic Engineer, a formal parking study maybe waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal.

(b) Applicants for a shared parking arrangement shall examine the feasibility of using shared parking arrangements by conducting a parking demand survey unless exempted under the agreement in 1709(3)A. Factors in this study include but are not limited to:

operating hours, seasonal/daily peaks in parking demand, the site's size and orientation, location of access drives, accessibility to other nearby parking areas, pedestrian connections, availability of parking spaces and duration of proposed agreements to share parking. A registered engineer must prepare this study.

(c) For all developments, up to 25% of the required parking spaces for a specific development may be incorporated into a shared parking plan.

(d) In no case shall the distance between the principal use and the property to be used as a shared parking site be greater than 1000 linear feet except that in the situation where valet parking is provided, the distance may be greater.

(e) Based on the results of the shared parking study if required and upon approval by the Traffic Engineer, the applicant shall furnish to the Traffic Engineer a shared parking agreement stipulating the conditions as approved by the Traffic Engineer. The original of this document is to be kept on file in the Traffic Engineers Office

(f) All the properties utilized as shared or valet parking including the donor and donee property shall be properly posted and identified as shared/valet parking.

(g) The appurtenant easement created by this agreement, must be recorded in the Register's Office of Hamilton County Tennessee and a copy of this document furnished to the Traffic Engineer's office for its records.

(4) Calculation of Parking Spaces Required with Shared Parking: The parking spaces required shall be based on the standards of the zoning ordinance for individual uses and the shared parking rates adjusted from the base-parking requirement. For those developments requiring a parking study, the minimum number of parking spaces for a specific use or mixed-use development as proposed shall be determined by the parking study furnished by the applicant following approved transportation engineering procedures and practices. Handicapped parking shall meet the current ADA standards.

(5) Shared Parking Plan: Based on calculations resulting from the parking study or determined in conjunction with the City Traffic Engineer, a shared parking plan shall be submitted to the City Traffic Engineer. This plan will portray the parking pattern and number of spaces, detail the access points and provide distance information to the land uses they will serve. For valet parking, this will include the operating plan for the land uses being served, required employee parking and the area that is required for queuing vehicles being dropped off or picked up.

(6) Operating Plan and Legal Agreement Among Sharing Property Owners: If a privately owned parking facility is to serve two or more separate properties either as shared or valet parking, a legal agreement between property owners guaranteeing access to, use of, available time of use and management of designated spaces is required. The agreement will be reviewed and approved by the City Traffic Engineer and the City Attorney. A copy will be retained in the Traffic Engineers Office and a copy recorded in the Hamilton County Registers Office as an appurtenant easement.

(7) Change of Land Use That Modifies The Parking Plan: In the event one or both land use types change and the parking characteristics of the site no longer are in conformance with the approved parking plan, a new parking plan must be developed in accordance with this ordinance.

(8) On-Street Parking: Public parking spaces along public rights-of-ways may prove to be beneficial to a specific user but by its very nature it cannot be reserved for private use by a specific business. For purposes of meeting the on-site parking requirement, on-street parking is not counted toward the parking standard. The use of on-street parking may alleviate requirements for required parking for truck loading or passenger loading but will not be counted towards the overall parking space requirement for shared parking.

(9) Shared Parking Districts: Based on a specific site review in situations where there is minimal or no on-site parking available, parking may be provided off-site that will satisfy the parking standards of this ordinance. Certain commercial areas of the City of Chattanooga will be designated as a Shared Parking District and this parking arrangement may be either shared parking or parking that is remote from the principle land use. Based on the parking study provided to the Traffic Engineer, the required parking for the site may be assigned to the off-site parking facility. The parking plan and any agreement between property owners must be developed and reviewed in accordance with this ordinance. Handicapped parking shall meet the current ADA standards.

The areas where this section is applicable includes only those densely developed commercial areas as determined by an examination of land use and zoning practices and as specified herein:

**Glass Street:**

Beginning at the intersection of the center lines of the 2300 block of Daisy Street and the 2400 block of Wheeler Avenue thence some 220 feet northeast along Wheeler Avenue to its intersection with the center line of an unnamed alley, thence some 200 feet southeast along the center line of said alley to its intersection with the center line of the 2500 block of O'Rear Alley, thence northeast along the center line of O'Rear Alley some 180 feet to its intersection with the center line of the 2400 block of Appling Street, thence some 210 feet southeast along Appling Street to its intersection with the center line of North Chamberlain Avenue, thence some 165 feet along North Chamberlain Avenue, thence some 95 feet northeast to the center line of the 2500 block of Awtry Street, thence some 475 feet

southeast along the center line of Awtry Street, thence some 20 feet southwest to the southeast corner of Tax Map 137H-E-027, thence southwest 189.7 feet along the south line of said parcel to the southeast corner of Tax Map 137H-E-026, thence some 55 feet southeast along the south line of said parcel to its southwest corner, thence some 55 feet northwest along the west line of said parcel to the southeast corner of Tax Map 137H-E-025, thence some 50 feet southeast along the south line of said parcel to the west line of Tax Map 137H-E-024, thence some 65 feet southeast along the east line of said parcel to its southeast corner, thence southwest some 50 feet along the south line of said parcel to the southeast corner of Tax Map 137H-E-023, thence some 90 feet southeast along the south line of said parcel to the east line of Tax Map 137H-E-022, thence some 30 feet southeast along the east line of said parcel to its southeast corner, thence some 145 feet northwest along the south line of said parcel to its southwest corner, thence some 20 feet northwest to the center line of the 2400 block of North Chamberlain Avenue, thence southwest some 160 feet southwest along the center line of North Chamberlain Avenue, thence some 25 feet northwest to the southeast corner of Tax Map 137H-A-010, thence northwest some 150 feet along the south line of said parcel to the its southwest corner, thence 50 feet northeast along the west line of said parcel to its northwest corner, thence 5 feet southeast along the north line of said property to the southwest corner of Tax Map 137H-A-009, thence northeast along the west line of said parcel to the southwest line of Tax Map 137H-A-004, thence northeast along the west line of said parcel some 50 feet, thence some 60 feet northwest along the west line of said parcel to its northwest corner, thence some 20 feet northwest to the center line of the 2400 block of Glass Street, thence southwest some 130 feet along the center line of Glass Street to it's intersection with the unopened center line of the 2300 block of Wheeler Avenue, thence some 310 feet southwest along the center line of the 2300 block of said avenue to it's intersection with the center line of the 2300 block of Latta Street, thence some 270 feet northwest long the center line of Latta Street to it's intersection with the center line of the 2400 block of Glass Street, thence some 135 feet northeast along the center line of Glass Street, thence some 155 feet northwest to the center line of an unnamed alley, thence some 120 feet northeast along the center line of said alley to its intersection with the center line of Daisy Street, thence some 15 feet southeast along the center line of Daisy Street to its intersection with the 2400 block of Wheeler Avenue the point of beginning.

**Rossville Business District:**

Beginning at the intersection of the east line of the 1500 block of State Street with the center line of the 2700 block of East 50th Street, thence northeast some 210 feet along the center line of East 50th Street to it's intersection with the center line of the 5000 block of Rossville Boulevard, thence continuing east along the center line of East 50th Street some 200 feet to the west line of an unnamed alley, thence southeast some 320 feet along the west line of said alley to the Tennessee/Georgia State Line, thence some 485 feet southwest along the Tennessee/Georgia State Line to the east line of State Street, thence some 260 feet northeast along the east line of State Street to the point of beginning.

**Brainerd Tunnels:**

Beginning at the intersection of the center lines of the unit block of North Seminole Drive and the 3200 block of Brainerd Road, thence northeast along North Seminole Drive some 110 feet, thence some 25 feet southeast to the northwest corner of Tax Map 146M-M-033, thence some 130 feet southeast along the north property line of said parcel to the west property line of Tax Map 146M-M-032, thence continuing some 30 feet southeast, thence some 25 feet northeast, thence some 30 feet southeast to the northwest corner of Tax Map 146M-M-031, thence southeast some 60 feet along the north line of said parcel to the west line of Tax Map 146M-M-027 55 feet northeast to the northwest corner of said parcel, thence some 55 feet southeast along the north line of said parcel, thence some 105 feet southwest along the east line of said parcel, thence some 12 feet east along the north line of said parcel, thence 10 feet southwest along the continuing east line of said parcel to the center line of the unopened 3200 block of Crestone Circle, thence southwest some 10 feet to the center line of said block, thence some 95 feet southeast along said center line to its intersection with the center line of the Unit Block of West Brow Terrace, thence southeast some 20 feet along the center line of West Brow Terrace to its intersection with the center line of the 3300 block of Crestone Circle, thence following the meandering center line of Crestone Circle southeastwardly and northeastwardly some 530 feet, thence some 25 feet southeast to the northwest corner of Tax Map 147P-C-009, thence southeast along the north line of said parcel to the northwest corner of Tax Map 147P-C-008, thence southeast along the north line of said parcel some 325 feet to the center line of the Unit Block of Woodlawn Drive, thence southwest some 390 feet along the said center line to its intersection with the center line of the 3400 block of Brainerd Road, thence some 340 feet southeast along said center line to its

intersection with the 3300 block of Rosemont Drive, thence following the meandering center line of Rosemont Drive southwestwardly and northwestwardly some 1720 feet, thence northeast some 20 feet to the west line of Tax Map 146M-N-001, thence northeast some 190 feet along said parcel to the center line of the 3100 block of Brainerd Road, thence southeast some 275 feet along the intersection of said center line to its intersection with the center line of the Unit Block of North Seminole Drive, the point of beginning.

**St. Elmo:**

Beginning at the intersection of the center lines of the 100 block of Ochs Highway and the 4000 block of St. Elmo Avenue, thence southwest some 95 feet along the center line of St. Elmo Avenue, thence southeast some 20 feet to the southwest corner of Tax Map 155O-L-020, thence along the south line of said parcel some 130 feet to its southeast corner, thence some 12.5 feet southeast to the center line of the unopened 4000 block of Virginia Avenue, thence some 290 feet southeastwardly and southwestwardly along the center line of said avenue to it's intersection with the center line of the Chattanooga Belt Railway Right-of-way, thence following said right-of-way some 310 feet northeastwardly to its intersection with the center line of the 4000 Block of Tennessee Avenue, 570 feet northwest along the center line of said avenue, thence 40 feet northeast to the south corner of Tax Map 155O-M-001, thence some 210 feet northeast to the southeast corner of Tax Map 155O-M-002, thence northeast some 130 feet along the east line of said parcel to the southeast corner of Tax Map 155O-M-003, thence some 115 feet northeast along the east line of said parcel to the southeast corner of Tax Map 155O-M-004, thence some 100 feet along the east line of said parcel to its northeast corner, thence some 200 feet northeast, thence 125 feet southeast along the south line of Tax Map155O-M-008, thence some 105 feet northeast along the east line of said parcel to its northeast corner, thence some 175 feet northwest to said parcel's northwest corner, thence some 35 feet northwest to the center line of the 3700 block of Tennessee Avenue, thence northeastwardly along the said center line some 340 feet to the south line of the Southern Railway, thence some 430 feet northwest along the south line of said railway to its intersection with the center line of 3700 block of St. Elmo Avenue, thence southwest along the center line of St. Elmo Avenue some 1010 feet to its intersection of the center line of Old Mountain Road, thence some 735 feet southwestwardly along the center line of said road, thence southwestwardly some 60 feet to the northwest corner of Tax Map 155O-E-014, thence some 210 feet southwest along the west line of said parcel to its southwest corner, thence some 20

feet from said corner to the center line of the 1600 block of West 40th Street, thence some 230 feet southwestwardly and northwestwardly along said center line, thence 15 feet southwest to the northwest corner of Tax Map 155O-F-017, thence southwest some 70 feet along the west line of said parcel to its southwest corner, thence southeast some 155 feet along said parcel's south line to the southwest corner of Tax Map 155O-F-018, thence southeast along the south line of said parcel some 100 feet to the southeast corner of said parcel thence southeast some 65 feet to the intersection of the center lines of Ochs Highway and St. Elmo Avenue, the point of beginning.

**Riverview:**

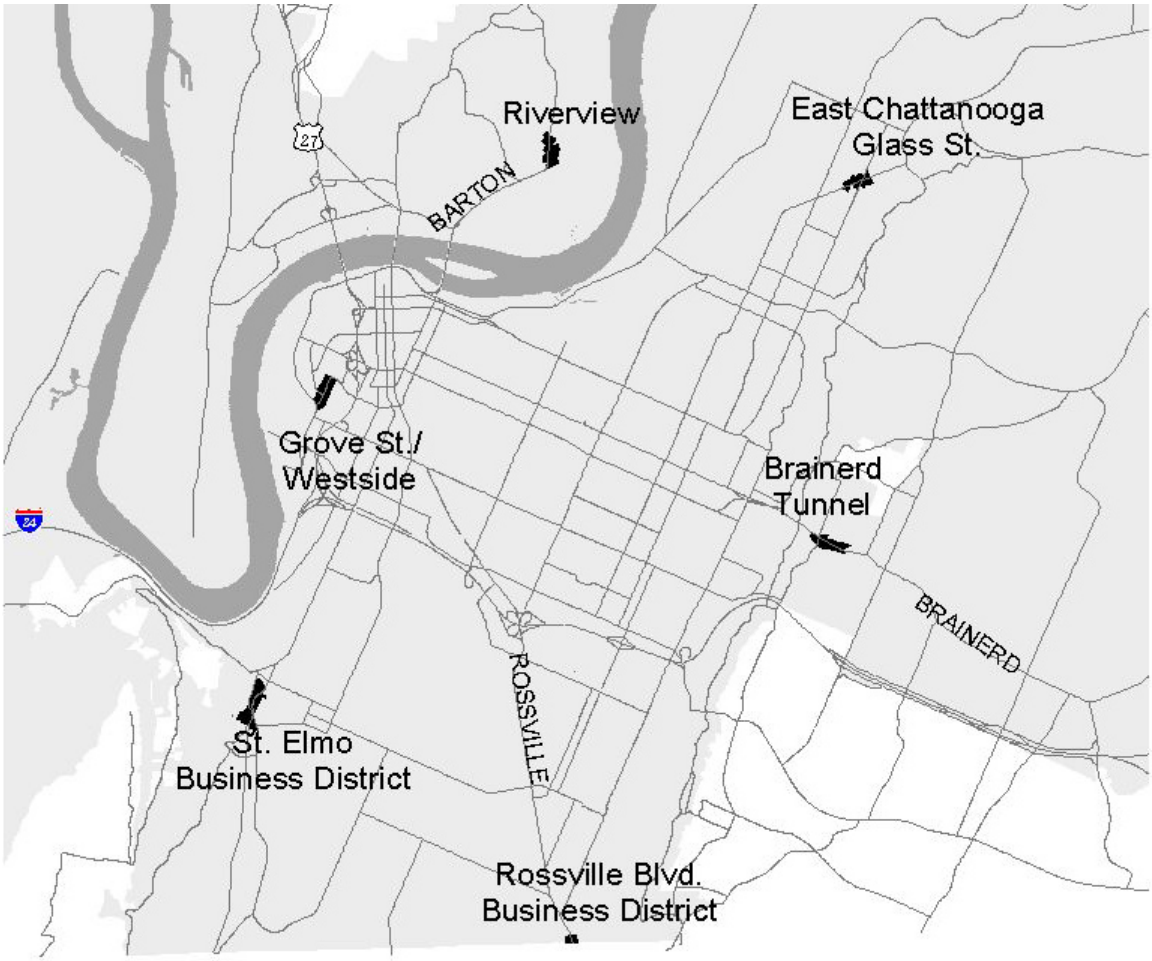
Beginning at the intersection of the center line of the 1000 block of Hixson Pike with the 1300 block of Worthington Street, thence some 175 feet northwest along the center line of Worthington Street, thence some 25 feet northeast to the southwest corner of Tax Map 136A-G-019, thence northeastwardly along the west line of said parcel some 195 feet, thence some 15 feet northwest, thence some 170 feet northeast to the center line of the 1200 block of Hanover Street, thence northwest some 140 feet along said center line, thence some 30 feet northeast to the southwest corner of Tax Map 136A-H-024, thence northeastwardly along the west line of said parcel to the south corner of Tax Map 136A-H-023, thence northwestwardly some 60 feet along the south line of said parcel to its west corner, thence some 75 feet northeast along the west line of said parcel to its north corner, thence some 20 feet northeast to the center line of the 1200 block of Tremont Street, thence some 230 feet northwest along said center line, thence some 20 feet northeast to the southwest corner of Tax Map 136A-J-008, thence some 95 feet northwest along the west line of said parcel to its northwest corner, thence some 30 feet northeast to the center line of the 1200 block of Dartmouth Street, thence some 120 feet northwest along said center line, thence some 30 feet northeast to the southwest corner of Tax Map 127P-L-019, thence some 50 feet northeast along the west line of said parcel to the southwest corner of Tax Map 127P-L-018, thence some 70 feet along the west line of said parcel to its northwest corner, thence some 115 feet southeast along the north line of said parcel to its northeast corner, thence southeast some 50 feet to the center line of the 1300 block of Hixson Pike, thence some 160 feet southeast to along said center line, thence some 40 feet southeast to the northwest corner of Tax Map 127P-T-024, thence some 185 feet southeast along the north line of said parcel to its northeast corner, thence some 50 feet southwest along the east line of said parcel to the northeast corner of Tax Map 127P-T-023, thence some 50 feet southwest along the east line of said

parcel to the northeast corner of Tax Map 127P-T-021, thence some 75 feet southwest along the east line of said parcel to its southeast corner, thence some 35 feet southeast to the center line of the 1300 block of Falmouth Road, thence some 100 feet southwest along the center line of Falmouth Road to its intersection with the 1100 block of Lyndhurst Lane, thence some 250 feet southeastwardly and northeastwardly along said center line of Lyndhurst Lane, thence some 20 feet southeast to the northeast corner of Tax Map 136B-B-012, thence some 210 feet southeast along the east line of said parcel, thence some 250 feet southwest along the east line of said parcel to its southeast corner, thence some 40 feet southwest to the center line of the 1300 block of Dorchester Road, thence some 190 feet southeast along Dorchester Road to the south corner of Tax Map 136A-K-008, thence some 65 feet southwest to the southeast corner of Tax Map 136A-K-009 and the north line of the 900 block of Barton Avenue, thence some 430 feet southwest along the north line of Barton Avenue to the southwest corner of Tax Map 136A-K-014, thence southwest some 130 feet to the center line of the 900 block of Hixson Pike, thence some 315 feet northeastwardly along the center line of Hixson Pike to its intersection with the 1300 block of Worthington Street, the point of beginning.

**Grove St./Westside:**

Beginning at the intersection of the center line of the1300 block of Riverfront Parkway with the center line of the 1300 block of Grove Street, thence northwest along the center line of Riverfront Parkway some 230 feet, thence northeast along parallel lines to Grove Street some 1099 feet, thence southeast some 230 feet to the intersection of the center line of the 1100 block of Grove Street with the center line of the 600 block of West 12th Street, thence southeast some 230 feet along the center line of West 12th Street, thence southwest along parallel lines to Grove Street some 1488 feet to the center line of the 1300 block of Riverfront Parkway, thence northwest along the center line of Riverfront Parkway some 230 feet to its intersection with the 1300 block of Grove Street, the point of beginning.

The attached map generally depicts the areas described by the above legal descriptions:




The City Traffic Engineer will review the specific situation and the development needs of the site being requested and approve, modify or deny specific parking plans as presented.

(10) Cessation of the Shared Parking Agreement: In the event that a shared parking agreement is terminated, the tenant of the shared spaces must provide alternative parking arrangements for the site. In the event that suitable parking cannot be acquired, the applicant of the shared parking agrees to waive any right to contest enforcement by the City of Chattanooga of the required parking standards, although the applicant for the shared parking may have recourse against the property owner supplying the off-street shared parking for breach of the shared parking agreement.

710. Reduced Parking in the Urban Overlay Zone

(1) Intent: The Urban Overlay Zone, created to maintain the physical layout of downtown Chattanooga and its surrounding neighborhoods, defines an area where reduced parking requirements may be implemented. The development pattern that allows for this reduction includes sidewalks, public transit routes, available on-street parking, and smaller lot sizes.

(2) Those zoning districts with no required parking are not affected by this overlay. In addition, these reductions may be used in conjunction with all shared parking options.

(3) The parking reductions in the Urban Overlay Zone are as follows:

A. Residential Uses:

Residential units shall be required to have a minimum of one (1) parking space per dwelling unit.

B. Non-residential Uses:

All non-residential uses shall receive a 10% reduction in their parking requirement.

For only those non-residential uses under 5,000 square feet gross leasable area, up to an additional 20% reduction may also be obtained provided the criteria specified below are met. For each adjustment category whose criterion is met a 5% reduction is obtained. If the use receives a reduction for all four adjustments, the use then has obtained the maximum 30% parking reduction.

There shall be no more than a 30% reduction in required parking.

The criteria are as follows:

| Adjustment | Criteria | Parking |
|---|---|---|
| Transit | 500 feet from a public transit stop | 5% reduction |
| Pedestrian Access | Located within 1000 feet of residentially zoned or residentially used property | 5% reduction |
| On-street parking | On-street parking abutting the property line | 5% reduction |
| Bicycle Parking | Provide bike rack(s)- rack design and location must be approved by the City Traffic Engineer | 5% reduction |

(4) In the case of mixed-use development, e.g. commercial and residential combined in a building, each use may receive a reduction based on the above standards. The combination of the parking requirements for each use shall constitute the total.

(5) All off-street parking reduction requests shall be subject to review and approval by the City Traffic Engineer. Review of the requested reductions will be based on information supplied by the applicant to the City.

## ARTICLE VI. HEIGHT AND AREA EXCEPTIONS

100. The following requirements or regulations qualify or supplement as the case may be, the regulations or requirements appearing elsewhere in this Ordinance.

101. Chimneys, water tanks or towers, penthouses, scenery lofts, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, monuments, cupolas, domes, false mansards, parapet walls, similar structures, and necessary mechanical appurtenance may be erected to a height in accordance with existing or hereafter adopted Ordinance to the City of Chattanooga, Tennessee.

102. Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches, except eaves which shall not project more than thirty-six (36) inches. Heating, air conditioning, or mechanical equipment shall not project into the required side yard over 5 feet.

(1) Detached small storage buildings, private automobile storage garages, private shops for woodworking, metal working, ceramics, etc., and other similar accessory buildings or structures may be located in side and rear yards provided that the following requirements are met. Areas zoned C-3 are exempt from sub-sections (a), (b), (c) and (f) below:

[Ordinance No. 9077 - 11/22/88]
[Ordinance No. 11184- 10/02/2001]

(a) the building or structure shall be set back at least five (5) feet from the side and rear lot lines; and

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

(b) in the case of a corner lot, the accessory building or structure may not project into the side yard adjacent to the street; and

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

(c) the buildings are not more than one (1) story in height; and

(d) buildings used for agricultural purposes are allowed on tracts of land two (2) acres or more in size without a principal residential structure; and

(e) detached accessory buildings or structures are to be separated by not less than three (3) feet from the principal structure on a lot; and

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

(f) the attic space within any accessory building shall be non-habitable and shall be a maximum of 6' from the highest point of the roof to the attic floor.

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

(2) A detached accessory building for purposes of storage only may be located on a separate, vacant lot abutting a lot on which the main building is located provided that the storage building is not larger than 12' x 12' and with a maximum height to the low point of the eaves of 6'. Said storage building shall also be subject to the provisions of Article VI. Sections 102(1)(a), (b), and (f).

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

103. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3 1/2) feet and the ordinary projections of chimneys and flues may be permitted by the Building Inspector.

104. An uncovered deck may be located ten (10)f eet from the rear property lines if it:

does not encroach on required side yards, easements, areas reserved for septic tank and field lines, and

has a maximum deck elevation no greater than the average finished first floor elevation.

A porch, portico, entry landing or similar structure five (5) feet or less in width may extend into the front and rear required yards (setback areas) no more than five (5) feet.

[Ordinance No. 9738 – 6/23/92]
[Ordinance No. 9883 - 5/18/93]
[Ordinance No. 9923 - 7/20/93]

105. A single-family dwelling may be built on any lot that was recorded, by deed at the time of the passage of Zoning Ordinance No. 5149 on June 20, 1961, or on any lot legally platted on record with the Hamilton County Register of Deeds on or before June 20, 1961, in any zone where dwellings are permitted, regardless of lot size.

If the "lot of record" is an interior lot:

(a) There shall be a front yard of not less than fifteen (15) feet,
(b) There shall be a side yard of not less than five (5) feet
(c) The rear yard shall conform to the setback requirements of the Zone where such lot is located.

Other than allowable eave overhang, no other permitted element of the building/structure or accessory building/structure shall be permitted within the five (5) foot side yard setback, including but not limited to heating, ventilation and air conditioning systems (HVAC), porches, decks, porticos, entry landings or similar structures.

For single family houses on "lots of record", off street parking shall be required according to the zone requirements where such lot is located.

A single-family dwelling may be built on any lot resulting from a resubdivision of "lots of record"; provided that the resubdivided lot(s) are as large or larger than the previous lot(s) and the lot thus created is located in a zone where dwellings are permitted.

[Ordinance No. 6938 - 9/2/75]
[Ordinance No. 10641 - 11/18/97]
[Ordinance No. 11199 – 11/27/01]

106. A duplex may be built on any lot which was a separate unit at the time of the passage of this Ordinance in any zone where duplexes are permitted, provided that the yard requirements are met and that the lot has a area of 7,500 square feet or more in the R-2 Zone, or 5,000 square feet or more in the R-3 and R-4 Zones.

For duplexes on “lots of record”, off street parking shall be required according to the zone requirements where such lot is located.

[Ordinance No. 6554 - 1/9/73]
[Ordinance No. 11199 – 11/27/01]

107. Nothing in this Ordinance is intended to prevent the conversion or alteration of existing buildings to include or accommodate more dwelling units or persons than previously included or accommodated provided the following requirements are met:

(a) The building is located in a residential or the C-3 Commercial Zone;
(b) All requirements of the Chattanooga Housing Code are met;

(c) The proposed number of dwelling units does not exceed the number permitted for the zone in which it is located, or, in the case of lodging, boarding, fraternity or sorority houses, these uses are permitted in the zone in which the structure is located;

(d) The dwelling shall meet the lot area requirements for the proposed number of dwelling units or lodgers for the zone in which the building is located.

(e) Parking space shall be provided according to the requirements of the appropriate zone regulations.

[Ordinance No. 11199 – 11/27/01]

108. On corner lots, in all zones, the side yard requirements on the street side shall be the same as the front yard requirements.

Except that where a corner lot was recorded by deed at the time of the passage of Zoning Ordinance No. 5149 on June 20, 1961, or on any corner lot legally platted on record with the Hamilton County Register of Deeds on or before June 20, 1961, the following minimum side yards on the street shall apply:

**ZONES**

| **LOT WIDTH** | R-1, R-5, A-1 | R-2, R-3, R-4, RZ-1, RT-1, R-T/Z, R-3MD | O-1, C-1, C-2, C-4, C-5, C-6, C-7, M-1, M-2, M-3, M-4 |
|---|---|---|---|
| 50 feet or less | 10 feet | 5 feet | 5 feet |
| 50.1 feet to 60 feet | 10 feet | 10 feet | 10 feet |
| 60.1 feet or more | 25 feet | 25 feet | 25 feet |

[Ordinance No. 7189 – 05/17/77]
[Ordinance No. 7593 – 12/18/79]
[Ordinance No. 9739 - 6/23/92]
[Ordinance No. 9780 - 9/1/92]

For the lots listed above, the interior sidelines shall be permitted to have a side yard setback of five (5) feet.

[Ordinance No. 7430 – 9/16/78]
[Ordinance No. 11199 – 11/27/01]

109. Non-Conforming Plan:

An authorized agency of the Municipal, County, State or Federal Government, or the owner or owners of any tract of land comprising an area of not less than two (2) acres, or the owner or owners of a tract of land of not less than one (1) acre in an R-3 Zone, who wish to erect a high-rise apartment of not less than fifty (50) units and consisting of six (6) stories, or more, may submit to the Planning Commission a non-conforming plan for the use and development of all of the tract of land for residential and allied purposes.

The Planning Commission shall hold public hearings and study and report on the plan. Notice and publication of such public hearings shall conform to the procedures prescribed in Article XIII for hearings before the City Council on changes and amendments.

After the Planning Commission makes a recommendation, the plan shall then be submitted to the City Council for consideration and action.

The approval and recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application, and specific evidence and facts showing that the proposed community unit meets with the following conditions:

(a) The property adjacent to the area included in the plan will not be adversely affected.

(b) The plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals and general welfare.

(c) That the building shall be used only for single-family dwellings, two-family dwellings, or multiple-family dwellings, and the usual accessory uses such as private or storage garages, storage space and for community activities, including churches.

(d) There is a need for such development in the proposed location.

(e) There is a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.

[Ordinance No. 5172 - 9/16/61]

For high-rise apartments containing fifty (50) units or more, such services as a drug store, beauty and barber shops, cigar and newsstand and similar services may be permitted, provided they are located within the lobby of the main building, and shall have no separate entrance from the street, and no sign or display visible from the outside of the building indicating the existence of such use.

If the City Council approves the plans, building permits may be issued even though the use of the land and the location and height of buildings to be erected in the area, and the yards and open space contemplated by the plans do not conform in all respects to the zone regulations of the zone in which it is located.

110. The location and design of all curb-cuts, points of access to and from all streets and parking and loading areas, parking and loading areas for all uses except single and two-family residences shall be submitted to and approved by the City Traffic Engineer before building permits can be issued.

111. Special Exceptions for Cemeteries:

The development and use of property as a cemetery may be permitted as a special exception by the City Council provided that the following criteria are met:

(a) Minimum size of any tract of land intended for such use shall be twenty-five (25) acres. However, if said tract abuts or adjoins an existing cemetery it shall be one (1) acre. Memorial gardens, where human ashes are spread upon the earth, shall be excluded from any size requirement.

[Ordinance No. 11004- 4/18/2000]

(b) Access and egress shall be obtained only from an arterial or collector street;

(c) For proposed cemeteries of twenty-five (25) acres or more there shall be a one hundred (100) foot buffer area, for proposed cemeteries of less than twenty-five (25) acres there shall be a twenty-five (25) foot butter area, said buffer area should be set aside along all property lines abutting other residentially zoned land, and said buffer shall be used only for the location of trees, shrubs, fencing or other site-obscuring ornamentation, but specifically shall not be used for grave sites, interior drives, parking or service buildings.

[Ordinance No. 11004-4/18/2000]

(d) All land intended for grave sites shall be above the elevation of the 100-Year Flood.

[Ordinance No. 6994 - 12/16/75]

(1) Application Procedure for a Cemetery Special Exception:

The owner of a tract of land proposed for development as a cemetery shall apply to the City Council for a Special Exception Permit through the Chattanooga-Hamilton County Regional Planning Commission.

The applicant must submit a site plan to the Planning Commission for the proposed development drawn at a minimum scale of one inch equals one hundred feet (1" = 100') and shall:

(a) Define the location, size, accessibility and existing zoning of the proposed site;

(b) Indicate the surrounding type of development and land use;

(c) Illustrate the proposed plan of development, including the location of all structures, parking areas and open space;

(d) Show a plan for new public streets, thoroughfares, public utility easements or other public or community uses, if such are intended as part of the development;

(e) In addition to the above, the Planning Commission or City Council may require such other additional information as may be determined necessary to adequately review the proposed development.

(2) The planning staff of the Chattanooga-Hamilton County Regional Planning Commission shall conduct an analysis of the proposed cemetery site, which will include, but shall not be limited to, the following:

(a) A land use survey of the surrounding development;

(b) Evaluation of the probable impact of the proposed development

(c) Proposed points of access and ease if ingress and egress;

(d) The lot, yard and open space requirements.

The Chattanooga-Hamilton County Regional Planning Commission shall hold a public meeting, and the staff will report on the proposed site.

(3) The Planning Commission shall submit the findings of the Chattanooga-Hamilton County Regional Planning Commission staff, along with the recommendations of the Chattanooga-Hamilton County Regional Planning Commission, to the City Council for consideration and action.

The recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval or disapproval of a Special Exception Permit for a cemetery. This report is to include, but is not limited to, the following areas of concern:

(a) The probable effect on the property adjacent to the site under consideration;

(b) The consistency of the proposal with the intent and purpose of this Ordinance to promote the public health, safety, morals and general welfare;

(c) Additional requirements which are needed in order to make the development more compatible with the surrounding land use.

(4) The City Council of the City of Chattanooga shall hold a public hearing on the request for the Special Exceptions Permit. The notice and publication of the public meeting shall conform to the procedures as

prescribed in Article XI hereof for hearings before the Council on changes and amendments.

[Ordinance No. 6994 - 12/16/75]

112. Special Exceptions for Existing Cemeteries:

A. Existing cemeteries may be expanded by a Special Exceptions Permit issued by the City Council subject to a review and recommendation by the Planning Commission. The following criteria must be met:

(1) Ingress and egress shall be approved by the City Traffic Engineer.

(2) All land intended for grave sites shall be above the elevation of the 100-Year Flood.

(3) For expansions of less than twenty-five (25) acres, a twenty-five (25) foot buffer shall be set aside along all property lines abutting residentially used land or residentially zoned land. Said buffer shall:

(a) Be used only for the location of trees, shrubs, fencing or other sight obscuring ornamentation;

(b) Shall not be used for grave sites, interior drives, parking, structures or buildings;

(4) For expansions of twenty-five (25) acres or more there shall be a one hundred (100) foot buffer area, subject to the above restrictions.

[Ordinance 9988 - 12/21/93]

B. Application Procedure for a Special Exceptions Permit for Expansion of an Existing Cemetery:

(1) The owner shall submit plans as required in Article VI, Section 111(1).

(2) The Planning Commission staff shall conduct an analysis of the request subject to the provisions of Article VI, Section 111.(2) and (3).

(3) The Planning Commission shall hold a public hearing to review the staff analysis and shall make a recommendation to the City Council.

(4) The City Council shall hold a public hearing on the request. Notice of the public hearing shall conform to the procedures prescribed in Article XIII of this zoning ordinance.

[Ordinance No. 9988 - 12/21/93]

113. Special Exceptions Permit for a Residential Home for Handicapped and/or Aged Persons Operated on a Commercial Basis:

Upon approval of a Special Exceptions Permit, the applicant must apply for a license for a “Residential Home for the Aged” from the Tennessee Department of Public Health; or shall apply for license for a “Boarding Home Facility”, or a “Large Group Home Facility”, to be submitted to the Tennessee Department of Mental Health and Mental Retardation, as the case may be. Prior to operating either of the above, both the Special Exceptions Permit and the State License must be obtained.

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

114. Application and Procedure for a Special Exception Permit:

The applicant shall apply to the City Council through the Chattanooga- Hamilton County Regional Planning Commission, following the same procedures used for a rezoning request, including a public hearing before the Chattanooga-Hamilton County Regional Planning Commission, a recommendation by the Planning Commission to the City Council, and a public hearing by the City Council.

The City Council may issue a Special Exceptions Permit with or without special conditions that must be met by the applicant. In granting the Special Exceptions Permit, the City Council may allow exceptions in minimum site area (lot) requirements, and in off-street parking requirements.

115. Access to commercial, industrial or other non-residentially zoned property shall be permitted only through a non- residential zone;
Access to residentially zoned or developed property may be through any other zone;
The R-3 Residential zone, for purposes of access, shall be considered a non-residential zone if developed with multi-family residences.
The R-4 Special Zone, for purposes of access shall be considered a residential zone if undeveloped or if developed residentially; it shall be considered a non-residential zone if developed with non-residential uses as multi-family residential uses.

[Ordinance 10244 – 06/20/95]

## ARTICLE VII. NON-CONFORMING USES

100. The lawful use of a building existing at the time of the passage of the Chattanooga Zoning Ordinance or any amendment thereto (the Zoning Ordinance and amendments thereto are hereinafter, and in §101, collectively referred to as the "Ordinance") shall not be affected by the Ordinance, although such use does not conform to the provisions of the Ordinance and such use may be extended throughout any such building, provided that no structural alterations, except those required by law or other City ordinance, or ordered by an authorized officer to secure the safety of the building, are made therein, but no such use shall be extended to occupy any land outside such buildings.

If such non-conforming building is removed or the non-conforming use of such building is discontinued for 100 consecutive days regardless of the intent of the owner or occupant of such building to continue or discontinue such use, every future use of such premises shall be in conformity with the provisions of the Ordinance.

Manufactured homes, existing on lots where manufactured homes are not a permitted use, shall be treated as non-conforming uses as specified in this section.

101. The lawful use of land existing at the time of the passage of the Ordinance, although such use does not conform to the provisions of the Ordinance, shall not be affected by the Ordinance, provided, however, that no such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of the Ordinance.

If such non-conforming use is discontinued for a period of not less than 100 consecutive days regardless of the intent of the owner or occupant of such premises to continue or discontinue such non-conforming use, any future use of such land shall be in conformity with the provisions of the Ordinance.

Nothing in this section shall prevent the replacement of a manufactured home that is a legal non-conforming use in a residential zone with another manufactured home, provided that a new building permit shall be issued for such manufactured home, specifying that the manufactured home meets all of the current regulations concerning plumbing, electrical and other codes applicable to such units.

[Ordinance 10365 – 01/16/96]

102. A non-conforming use may be changed to a use of the same classification according to the provisions of this Ordinance. When a zone shall hereafter be changed, any then existing non-conforming use in such changed zone may be continued or changed to a use of a similar classification; provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a conforming use, such use shall not hereafter be changed to a non-conforming use.

[Ordinance No. 9077 - 11/22/88]
[Ordinance No. 9492 - 11/20/90]

103. Nothing in this Ordinance shall be taken to prevent the restoration within <u>one (1) year</u> of a building destroyed to any extent by fire, explosion or other casualty, nor the continued occupancy of such building. In the event that additional time is necessary to complete restoration of a building destroyed by fire, explosion, or other casualty, an applicant may apply to the Chattanooga City Council for an extension of time within which to reconstruct a building or structure. The Chattanooga City Council may approve any necessary extension of time by resolution lawfully passed.

[Ordinance No. 10788 – 11/10/98]

In addition, a lot that had a single use consisting of a legal non-conforming manufactured home in a residential zone, that was destroyed by any of the above may, prior to the expiration of 100 consecutive days, have another manufactured home placed on the lot, provided that a new building permit shall be issued for this manufactured home, specifying that the manufactured home meets all the current regulations concerning building, plumbing, electrical and other codes applicable to the said unit.

[Ordinance No. 7136 - 1/25/77]
[Ordinance No. 9815 - 12/15/92]

104. Any non-conforming industrial, commercial, or other business establishment in operation shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate as non-conforming uses shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect.

No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

[Ordinance No. 9077 11/22/88]

## ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS

100. Membership Terms and Compensation:
The Board, consisting of nine (9) members shall be appointed by the City Council for 3-year terms. The initial Board shall be comprised of 4 members serving for 1 year, 4 members serving for 2 years, and 1 member serving for 3 years. Thereafter, members shall serve for 3-year terms. In the case of a vacancy, a member shall be appointed to serve the un-expired term of the former member creating the vacancy. A member who has served for 3 years shall continue to serve as an official member of the Board until he has been reappointed or a new member has been appointed to take his place. Members of the Board shall serve without compensation.

[Ordinance No. 9342 - 3/20/90]

101. Meetings and Rules of Order:
The Chairman of the Board shall be elected from its own membership. The board shall fix its place of meeting and shall conduct at least one (1) regular meeting a month, provided there are applications to be reviewed by the Board. Other meetings of the Board shall be held on the call of the Chairman and at such times as the Board may determine. The presence of five (5) members shall constitute a quorum. In all other matters, the Board shall proceed to its own rules of order for the conduct of business, such rules being of public record. The City Attorney or his designated representative shall be present at each Board meeting.

102. Jurisdiction of the Board:
The Board shall have the following powers:

(1) To make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent and under the conditions set forth in the following paragraphs, upon the request of the owner of the property in question.

(2) To interpret the zoning maps and pass upon disputed questions of foot lines or zone boundary lines or similar questions as they arise in the administration of the zoning regulations.

(3) To hear and decide appeals from property owners on actions or decisions by an administrative official in the administration or enforcement of the zoning ordinance.

(4) To review Conditional Permits and other Special Exceptions Permits specified in the ordinance to determine that the provisions of the ordinance are met. In the case of Conditional Permits and other Special Exceptions Permits, the Board may set a time period for the permit, at the conclusion of which the Board may review for an extension of an additional time period or the termination of the permit. [Ordinance No. 11619 - 10/19/04]

(5) To hear appeal from applicants aggrieved of any decision of the Downtown Residential/Mixed Use District Review Committee. As the requirements of this Ordinance are in the form of principals and guidelines rather than specific regulations, there should be no need for the usual variance procedure. Appropriate due process regarding this Downtown Residential/Mixed Use District Ordinance is to go through the Review Committee first, at which time specific requirements will be established, then to the Board of Zoning Appeals if necessary. When appealing to the Board of Zoning Appeals, the applicant shall provide copies of the development plan so that the Board may review the appeal in context of the proposed development. The Board of Zoning Appeals shall

consider the principals and guidelines adopted by City Ordinance in resolving any appeal. [Ordinance No. 9970 - 11/9/93]

103. Applications to the Board:

Persons desiring consideration by the Board shall apply to the Secretary of the Board and shall supply such information as the Board may require to identify the land and determine the reason for the appeal or review. Each application by a property owner shall be accompanied by a receipt for a fee of seventy-five dollars ($75.00), paid to the City Treasurer to cover the City's cost of handling the application, no part of which fee is returnable.

Persons objecting to the relief sought by the applicant or interested in the review or determination made by the Board may likewise set forth their views and actual evidence in writing and be signed by the objectors. The application and objections shall be submitted to the Board within the time provided in its rules of procedure.

[Ordinance No. 8396 - 11/27/84]
[Ordinance No. 11175 - 09/11/01]

104. Notices:

A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of 200 feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for Board purposes. A notice shall be published in a daily paper at least seven (7) days before the hearing.

105. Hearings:

All official actions of the Board shall be subject to due notices and public hearings, as established by its rules. Any interested person may appear and be heard subject to procedures adopted by the Board.

A review by the Planning Commission Staff may be required for the purpose of obtaining information available as to the effect of a proposed variance, conditional permit, or administrative ruling upon the use, enjoyment, safety, and value of the land and buildings nearby. Such report may contain other information on existing or pre-existing conditions relating to topography, geology, utilities, existing, and proposed land use and factors pertaining to the comprehensive plan of the City.

A review by the City Engineer, the Traffic Engineer and any other City Officials may be required for the purpose of obtaining information as to the effect of a proposed variance, Conditional Permit or administrative ruling upon the flow of traffic, congestion, parking, service for utilities and similar matters usually pertaining to the functions of their office.

The Board shall make and record findings of fact relevant to their decisions and shall accept letters and petitions for the record and shall particularly examine the facts relating to the conditions set forth in Article VIII.

The Board shall make a determination that it has been delegated authority to render a decision in each case and that it is not performing a legislative function not delegated by the legislative body of the City.

[Ordinance No. 9492 - 11/20/90]

106. Condition for Board Decisions:

Before a variance or special exception may be granted, the Board must find that the following conditions exist:

(1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the zoning ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the zoning regulations.

(2) That the relief of the peculiar hardships, practical difficulties or undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of the zoning ordinance.

(3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.

(4) That the peculiar hardship, practical difficulties, or undue hardship is not created as the result of an act upon the part of the applicant.

(5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relate only to the premises for the benefit of which the variance or special exceptions sought and would not be generally applicable to other premises in the City or the personal conditions of the applicant.

(6) Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the Board may allow such addition or extension when said addition or extension would be no less conforming as to setback distances than the existing structure or structures on the same or adjacent property, provided further, that such addition or extension is not in conflict with the character of the area in which the property is located or the comprehensive zoning plan.

[Ordinance No. 6284 - 4/27/71]

107. The Board is empowered to hear and decide whether Special Exceptions Permits (hereinafter referred to as Special Permits) shall be issued as proposed, based on a site plan map furnished by the applicant and other supporting documentation as appropriate. It is a requirement that the applicant for a special or conditional permit furnish a site plan with the application that depicts the proposed use of the property to include but not limited to site access, building configuration, building setback, proposed landscaping and drainage and a parking plan. The Board shall determine that the proposed use will not be in conflict with the adopted plans and zoning districts of Chattanooga. In consultation with appropriate City of Chattanooga departments, the Board shall review all plans for the points of ingress and egress, parking and loading facilities, provision for drainage and storm water, landscaping and screening, and all applicable building codes that may impact the proposed use, the building and site. In addition, other criteria, including but not limited to noise, traffic generated by the proposed use, odors, et cetera that may be detrimental to the public health, safety or welfare of adjacent property owners and the surrounding community may be considered by the Board in reviewing the following cases:

[Ordinance No. 11177-9/25/2001]

(1) For **Manufactured Home Parks** in the R-3 Residential Zone, provided that such uses comply with the requirements of Article V, Section 304.

(2) For **commercial parking lots** in the R-4 Special Zone.

(3) For **fraternal, professional, or hobby clubs** in the R-4 Special Zone.

[Ordinance 10491 – 10/15/96]

(4) For **funeral homes and undertaking establishments** in the C-2 Convenience Commercial Zone.

(5) For **miniature golf courses and similar outdoor amusement facilities** in the C-1 Highway Commercial Zone, the C-2 Convenience Commercial Zone, and the C-4 Planned Commercial Center Zone. Applications to the Board for a Special Permit for these uses shall be accompanied by a site plan showing the following information:

(a) Size and location of all buildings and structures;
(b) Parking facilities;
(c) Ingress and egress points; and
(d) All adjacent land uses.

[Ordinance No. 10548 - 03/18/97]

(6) For **Day Care Centers and kindergartens not operated by government or religious organizations** in the R-1, R-2, RT-1, RZ-1, R-3, R-3MD, R-4, R-5, O-1, C-1, C-2, C-3, C-4, C-5 and C-6 Zones; in the M-1 Zone as an on-site accessory use to any permitted use.

[Ordinance No. 8579 - 12/24/85]

(7) For **off-street parking on lots** in the R-1, R-2, R-3MD, R-3 and R-5 Residential Zones when such lots are adjacent to the R-4, O-1, C-1, C-2, C-4, C-5, C-6, M-1, M-2, or M-3 Zones, provided that plans for such off-street parking, approved by the City Engineer and Traffic Engineer, are filed with an application for such permits. Such plans shall also provide for the paving of all driveways and parking areas and adequate drainage of the lots.

[Ordinance No. 8786 - 5/12/87]

(8) For **small animal hospitals** in the R-4 Special Zone and the C-2 Convenience Commercial Zone.

[Ordinance No. 6931 - 8/19/75]

(9) For **drug and alcohol, penal or correctional halfway houses or rehabilitation centers** and uses similar in character.

[Ordinance No. 8410 - 1/8/85]

(10) **Museums and art galleries with retail sales as an accessory on-site use** in the R-4 Special Zone.

[Ordinance No. 9701 - 4/21/92]

(11) **Gift shops** in the R-4 Special Zone.

[Ordinance No. 9701 - 4/21/92]

(12) Facilities such as **boarding, grooming, training, and similar uses for small animals** (defined as **household pets**), in the C-1 Highway Commercial and C-2 Convenience Commercial Zones, subject to the provision that any outdoor use:

(a) Shall be limited to the rear yard and

(b) Shall be one hundred (100) feet from any residential, commercial, or office use or zone and

(c) Shall be fenced by a sight-obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high). No chain link, slat or wire fences can be used to meet the requirements of this section.

[Ordinance 10326 – 11/14/96]

(13) For **home occupations** which generate vehicular traffic to the premises. To issue this permit, the Board must first find that the type and amount of vehicular traffic generated by the home occupation will not be disruptive to the neighborhood or

in any way create a nuisance or safety hazard to the neighborhood in which the proposed home occupation is to be located. Home occupations permitted under this section shall also be subject to the provisions of Article II, Section 100.(39)(e) of this Ordinance. The Board may also impose such additional conditions as deemed necessary to insure the public safety and welfare.

[Ordinance No. 10204 – 04/18/95]

(14) **Beauty Shops, barber shops, and hair salons** in the R-4 Special Zone.

[Ordinance No. 11003 – 04/24/2000]

(15) For **travel trailer camps** in the C-2 Convenience Commercial Zone, provided that:

A. The owner shall submit to the Board of Appeals a site plan of the proposed camp, drawn to scale no smaller than one inch equals fifty feet (1" = 50') and showing:

(1) Name of actual or beneficial owner(s),

(2) Location of the tract,

(3) Tract boundaries and acreage,

(4) The number and general location of the trailer stands,

(5) Driveways and parking spaces,

(6) Size and location of the nearest public water line that is approved by the Health Department, or nature and capacity of alternate water source,

[Ordinance No. 9492 - 11/20/90]

(7) Type and location of sewage disposal facilities,

(8) Restrooms and shower facilities.

B. There shall be no more than ten (10) trailer or tent stands per acre. There shall be at least twenty-five feet (25') between all trailers with their tow vehicle and any other trailer or tow vehicle. There shall be at least twenty feet (20') between all tents.

C. There shall not be more than one (1) sign for each travel trailer camp, and it shall be set back thirty-five feet (35) from the street. It shall not exceed twenty (20) square feet in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five (25') foot candles at the face of the sign. No flashing or intermittent lights will be permitted.

D. No trailer or tent may be located within: Thirty-five (35) feet of the front property line, Twenty-five (25) feet of the rear property line, and Fifteen (15) feet of the side property lines.

E. There may be one (1), but not more than one (1), small food market located on the travel trailer camp site. It shall have no more than one thousand (1,000) square feet in floor area and be in business to serve the transients of the camp.

F. There may be one (1), but not more than one (1), structure containing a launderette and/or dry cleaning establishment. This building shall be located on the site and shall contain no more than six-hundred (600) square feet in floor area. Such building shall be heated, lighted, sidewalled, and covered.

G. All travel trailer camps shall comply with the requirements of the Tennessee Trailer Court Act, T.C.A. Section 53-3201 through 53-3220,

regarding water supply, sewage disposal facilities, refuse storage, collection and disposal.

H. A greenbelt planting strip, not less than fifteen (15) feet in width, is located along the property lines of the travel trailer camp where the property abuts a residential district except in those parts of the perimeter where such planting would create a traffic hazard by impairing visibility. Such greenbelt shall be composed of one (1) of three (3) methods given below:

(1) One (1) row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one-and-one-half (1 1/2) inches at planting, and

(2) One (1) row of shrubs, with a ratio of two (2) deciduous to one (1) evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of five (5) feet in three (3) or four (4) full growing seasons.

(3) Natural vegetation can be retained if it meets the intent of this section or supplemented to meet the intent of this section.

(4) A sight obscuring screen (either solid or veil block, or some form of fence that is at least fifty (50) percent opaque and at least six (6) feet high).

I. The building inspector is hereby authorized to inspect the records of the camp operator to enforce the ninety (90) day occupancy limit.

[Ordinance No. 7462 - 1/9/79]

(16) **Commercial radio, television, telephone, and microwave towers** are subject to the following conditions:

A. Exemptions and Administratively Approved Sites: A Special Permit shall not be required under the following circumstances:

(1) Concealed Devices - Communication equipment which is concealed within a building or structure so that it is architecturally indiscernible may be permitted in all zoning districts subject to building permit procedures and standards. Architecturally indiscernible shall mean that the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale and design with the building or structure to which it is to be a part.

(2) Additions To Existing Structures In Any Zoning District- An antenna, a dish or transmitter may be placed inside or on an existing structure, including but not limited to steeples, silos, spires, utility water tanks or towers, athletic field lighting poles, utility poles and similar structures, (but excluding single-family or duplex dwellings for any commercial use), subject to structural adequacy and provided the addition of the antenna and any supporting structure shall not add more than twenty (20) feet to the existing structure without obtaining a Special Permit. The setback requirements for freestanding communications towers shall not be applied to existing structures used to support or house the antenna. Additional antennas may be placed on

existing communication towers without obtaining a Special Permit. The placement of antennas in or on existing structures or communications towers shall be subject to the screening landscape standards of this section if the addition of the antenna or associated equipment causes any significant change to the ground level view of the existing structure in the discretion of the Building Official.

(3) Existing Communication Towers - Antennas, dishes, or similar equipment or additional users which do not add to the tower height, may be added to existing communications towers without obtaining a Special Permit, but shall be subject to all applicable zoning, set-back, design, and building code regulations.

B. Special Permits Required: Except as exempted by regulations of a particular zone, Special Permits shall be required for all lattice communication towers and for monopole communication towers as provided herein:

(1) Subject to the issuance of a Special Permit by the Board of Appeals, commercial towers may be permitted to locate on publicly owned property in R-1, RT-1, R-TZ, R-2 and R-3MD Zoning Districts.

(2) Subject to the issuance of a Special Permit by the Board of Appeals, commercial towers may be permitted to locate on any property whether publicly or privately owned that is located in any zone where Communications Towers are listed as a permitted use.

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

(3) The issuance of a Special Permit is subject to landscaping standards, co-location requirements and other requirements set forth in the Special Permit procedures.

[Ordinance No. 11082 – 10/17/00]

C. Special Permit Procedures: The following information must be provided at the time of application for a Special Permit:

(1) A schematic site plan, including schematic landscape plan with an elevation view of the type of facility to be placed on the site. The site plan shall depict where the tower is to be located on the site and where additional co-located communication equipment, shelters or vaults can be placed.

(2) Identification of the intended user(s) of the tower.

(3) A site justification statement prepared by the applicant that considers other alternatives to the proposed site and the impact of the proposed tower. The statement shall include a technical justification for the need for additional communications towers within the proposed coverage area with sufficient calculations and technical detail for review by qualified professionals. This statement shall include adequate documentation that no suitable existing facilities within the coverage area are available for the proposed use including existing communication towers, other sites for which communication tower applications are pending, and utilization of existing structures that are suitable for

mounting antennae. A map of the coverage area identifying all existing communication towers and other sites with suitable zoning and adequate land area to site a communications tower shall be included. The applicant shall justify the selection of the proposed site over other available alternative sites within the identified coverage area weighing the relative impacts of the proposed site to other available sites with particular consideration of the impact of the tower upon adjacent properties, historic areas, scenic vistas and residential neighborhoods.

Communications towers shall be sited so as to be as unimposing as practical. The applicant shall demonstrate that through location, construction, or camouflage, the proposed facility will have minimum visual impact upon the appearance of adjacent properties, views and vistas of historic areas, scenic assets, and the integrity of residential neighborhoods. The representations in the site justification statement shall be subject to comment by citizens and shall also be subject to verification by the City of Chattanooga or its assigns. False representations in an application shall be grounds for denial of a special exceptions permit. The Board is specifically empowered to utilize its collective judgment in assessing and approving or denying the application based upon such information**.**

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

(4) Documentation of the number of other users that can be accommodated within the design parameters of the tower as proposed. If the tower will not accommodate the required number of users, the applicant must demonstrate with compelling evidence why it is not economically, aesthetically, or technologically feasible to construct the tower with the required co-location capability. No application not fulfilling the co-location requirement is eligible for administrative approval by the Building Official.

(5) A statement indicating the owner's commitment to allow feasible shared use of the tower within its design capacity for co-location.

(6) The applicant or the landowner shall provide proof of the establishment of a financially secure and legally enforceable method of removing a communications tower when it ceases to be used for a period of twelve (12) months. This financial assurance can be provided through a sinking fund, a lien upon land which has a greater unencumbered appraised value than the cost of removal of the communications tower, a removal bond, a letter of credit or any alternative financial arrangement which is approved by the Finance Officer as to financial adequacy and the City Attorney as to legal enforceability. If the applicant or landowner owns more than one (1) tower, a blanket removal bond or alternative financial assurance may cover multiple sites.

(7) The applicant shall furnish the names and addresses of all property owners within three hundred (300) feet of the site as measured from the property lines of the site upon which the tower is to be constructed to the nearest property line of any property within said distance.

D. Landscape Requirements: Commercial telecommunication tower sites shall be subject to the following landscaping standards:

(1) The visual impact of a tower on adjacent properties and streets shall be minimized to the extent practicable by utilizing existing topography, structures, and natural vegetation to screen the tower. For all visual exposures not equivalently screened by existing structures or natural vegetation, all tower sites shall be landscaped with a ten (10) foot deep landscape yard with evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows of shrubs spaced a maximum of eight (8) feet apart. All plantings shall meet the installation and planting size requirements as specified below:

(a) Intent: All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures specified in the current edition of American Studies for Nursery Standard.

(b) Screening Trees: Screening trees are used to meet the tree planting requirements of this ordinance and shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8) feet. Recommended species are American Holly, Foster Holly, Southern Magnolia, Eastern Red Cedar, Atlas Cedar, Deodar Cedar and Virginia Pine.

(c) Screening Shrubs: All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and mature spread of at least five (5) feet. Recommended species include: Fragrant Olive, English Holly, Burford Holly, Nellie R. Stevens Holly, Wax Myrtle, Cherry Laurel, English Laurel and Leatherleaf Viburnum.

(d) Prohibited Plants: The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance: Kudzu Vine, Purple Loosestrife, Japanese Honeysuckle, Shrub Honeysuckle, Autumn Olive, Common Privet, Tree of Heaven, Lespedeza, Garlic Mustard, Paulownia, Multiflora Rose, Siberian Elm, Silver Poplar, Mimosa, Mulberry and Silver Maple.

(e) Maintenance: The property owner (or lessee if so provided in a written lease) shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by

the property owner (or lessee if provided in a written lease) with new plantings that meet the requirements of these regulations.

(2) A break in the landscape not to exceed sixteen (16) feet in width, shall be allowed for access for maintenance personnel and vehicles.

(3) New or existing vegetation, earth berms, existing topographic features, walls, screening fences, buildings and other features other than prescribed above may be used to meet the requirements of these regulations if the Director of Codes Administration finds that they achieve reasonably equivalent screening as subsection 1 herein.

(4) In Commercial and Industrial Districts a sight-obscuring fence at least eight (8) feet in height and a minimum of seventy-five percent (75%) opaque may be substituted for screening trees or screening shrubs as specified in subsection 1 herein by special exception from the Board of Appeals when the applicant can demonstrate that it is impractical to provide living screening material.

(5) No screening shall be required if the base of the communication tower site is not visible from adjoining property or is not otherwise visible from a dedicated public right-of-way.

(6) Site landscaping is not required for antennas which are being co-located on existing towers, or which are being placed on other buildings or structures where the antenna is allowed as an accessory use.

(7) No screening shall be required when this screening is explicitly prohibited by Federal Communications Commission regulations or is otherwise restricted by site limitations. The Board of Appeals shall review and approve any deviations from the standards specified herein.

E. Co-location requirements: New communication towers of a height of more than one hundred (100) feet and less than two hundred (200) feet must be designed and built to accommodate three (3) or more personal communication system carrier applications and must be made available upon reasonable terms for co-location to at least three (3) additional single antenna applications such as paging, 911, two-way, and emergency management communications. Additionally, the site must be sufficiently large enough to accommodate at least three (3) telecommunication equipment shelters, cabinets or additions to existing structures. New communication towers of a height of two hundred feet (200) or more must be designed and built to accommodate at least three (3) personal communication system applications and at least three (3) additional single antenna applications plus at least one (1) additional personal communication system application and at least one additional single antenna application for each additional fifty (50) feet of height, to a maximum of six (6) personal service communication system carriers and six (6) single antenna applications, to be made available upon reasonable terms for co-location.

F. Other requirements:

(1) Design standards: The proposed site plan and tower design plans meet or exceed all applicable standards, including without limitation those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), and Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity, American Concrete Institute (ACI), American Standards Testing and Materials Institute (ASTM), the National Electrical Code, and the American Steel Institute.

(2) Construction plans: Construction plans or drawings prepared by a registered engineer certifying that the tower has sufficient structural integrity and equipment space to accommodate multiple users shall be required at the time of applying for a building permit.

(3) Landscape plans: Landscape plans that comply with the landscaping requirements of this ordinance shall be required at the time of applying for a building permit.

(4) Maintenance: The property owner (or lessee if provided in a written lease) shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of these regulations.

(5) Removal of Abandoned Antennas and Towers: Any tower permitted under Article VIII, Section 107(11)(b) that is not operated as a personal communication system carrier application for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Building Inspector. Failure to do so shall be deemed to be a violation of these regulations and shall be subject to the penalty provisions of Article XII. The owner of the antenna or tower may appeal the decision of the Building Official to the Board of Appeals for Variances and Special Permits, but at such hearing shall be required to show just cause why the antenna or tower should not be considered abandoned and subject to removal.

(6) Communication Towers shall be set back from all property lines on which the tower is located by the distance equal to the height of the lowest engineered failure point on the proposed structure or the height of the tower. Provided, however, the minimum setback for any tower is fifty (50) feet.

For purposes of these regulations, the engineered failure point is that location(s) on the tower that is designed to fail when overstressed beyond the structural parameters of the tower design. This failure point will cause the overstressed potion of

the structure to fall in upon itself in such a way as to reduce the remaining stress on the structure to such a level that result in no further failures of the tower structure. The lowest engineered failure point is described such that if the tower should collapse, the tallest remaining vertical section of the structure shall be equal to the setback from the abutting property lines. If the proposed tower is designed with failure points that allow for the collapse of the structure upon its self, a letter stamped by a licensed Professional Structural Engineer evidencing the design and fall zone parameters of the proposed tower shall satisfy the requirements determining the minimum fall zone setback distance.

No portion of the tower structure shall be designed or constructed so that the height of the tower allows it to fall across the property line of the abutting property. The communications tower must comply with building codes and other federal, state, and local regulations.

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

(7) A sign furnished by the Chief Building Official shall be prominently posted by the applicant on the site of the proposed communications tower for at least fifteen (15) consecutive days prior to the meeting of the Board to give notice to the public of the application and the Board meeting date.

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

(17) For **open air markets** in the C-2 Convenience Commercial Zones and M-1 Manufacturing Zones, provided that the following conditions are met:

[Ordinance No. 6976 - 11/18/75]

A. Parking shall be provided at a rate of two (2) spaces for every stall, booth or vendor's lot; or (alternatively) at least two-thirds (2/3) of the entire site shall be set aside as the usable customer parking space.

B. Access and egress to public streets shall be established and maintained in a manner approved by the City Traffic Engineer.

C. Public sanitary facilities shall be provided as follows:

(1) Whenever business is conducted on undeveloped property zoned for open air markets, sanitary facilities, including, but not limited to, toilets, water and trash containers, will be made available at the start of each business day.

[Ordinance No. 6952 - 9/23/75]

(2) Either permanent toilet fixtures or portable facilities approved for public use by the Chattanooga-Hamilton County Health Department shall be made available in the following ratio:

(a) Property less than one (1) acre--Two (2) toilet units shall be provided.

(b) Property one (1) to three (3) acres--Four (4) toilet units shall be provided.

(c) Property more than three (3) acres--Six (6) toilet units shall be provided.

(3) All portable toilets will be emptied, sanitized and serviced not less than two (2) times a week, or more frequently if needed, and the contents emptied in an approved wastewater treatment facility.

(4) Portable drinking water, either under pressure or furnished in an approved dispenser, will be made available so there will be a drinking fixture or dispenser for each acre of used property or fraction thereof. Single service cups, in an approved dispenser, will be made available.

(5) A covered trash receptacle, capable of holding not less than ten (10) gallons, will be made available by each vendor who leases, rents or is furnished space to barter or sell merchandise. All trash and debris must be picked up and removed from the area, curb or street by close of the business day.

[Ordinance No. 6952 - 9/23/75]

D. A board or chain-link fence at least four (4) feet high shall be erected along any property boundary adjacent to a school, church or residential land use.

E. Alteration or deletion of any parking space or sanitary facility or abridgment of any condition agreed to at the time of issuance of the Special Permit shall constitute grounds for revocation of the Special Permit. Upon verification by the City Building Inspector that such alteration, deletion or abridgment has occurred, the operator of the open air market shall be summoned before the Board of Zoning Appeals to show cause why the Special Permit should not be permanently revoked. Failure to appear or failure to correct deficiencies found by the Board within ten (10) days following the hearing shall result in automatic revocation of the Special Permit, and the operator shall cease to use the property as an open air market until such time as a new Special Permit is applied for and received.

(18) For **adult-oriented establishments** in the C-1, C-2, C-3, and M-1 Zones, provided that the use meets the following definitions, conditions, restrictions and other provisions:

A. Definitions:

For the purpose of these regulations, certain terms and words shall be defined as follows:

**Adult** - Any person who is eighteen (18) years of age or older.

**Adult-Oriented Establishments** - Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including, but not limited to: adult bookstores, adult motion picture theaters, cabarets, massage parlors and other enterprises which regularly feature materials, acts or displays involving complete nudity or exposure of the "Specified Anatomical Areas" herein below defined and/or sexual excitement or enticement.

**Adult Bookstore** - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical

Areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

**Adult Motion Picture Theater** - Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

**Cabaret** - Any restaurant, bar, dance hall, nightclub or other such public place which features exotic dancers, go-go dancers, strippers, male or female impersonators or similar entertainers.

**Massage Parlors** - Any premises, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage, a bath, body painting or similar massage services or procedure. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist, so long as any massage administered therein is limited to the head and neck.

**Massage** - Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, body paint or other such embrocation to any person.

**Minor** - Any person less than 18 years of age.

**Public Place** - Shall mean any place to which the public or a substantial group of persons has access and congregates, regardless of whether admission is charged thereto, and includes, but is not limited to: businesses open to the public, highways, transportation facilities, schools, places of amusement, parks, playgrounds, hotels, theaters, auditoriums, restaurants, nightclubs, cocktail lounges, and burlesque houses.

**School** - An academic learning center, whether public or private, from the level of nursery through twelfth grade.

**"Specified Sexual Activities"** -

(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;

(b) Acts of actual or simulated human masturbation, sexual intercourse or sodomy;

(c) Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttock or female breast.

[Ordinance. No. 7139 2/1/77]

**"Specified Anatomical Areas"** -

(a) Less than completely and opaquely covered:

1. Human genitals, pubic region;

2. Buttock; and
3. Female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. Location Restrictions:

Adult-oriented establishments, as defined above, are absolutely and expressly prohibited from all parts of the city, except those portions zoned C-1, C-2, C-3 and M-1. Furthermore, the location and operation of adult-oriented establishments within the C-1, C-2, C-3, and M-1 zones will not be permitted unless a Special Permit is obtained from the Board of Zoning Appeals, subject to the following additional restrictions.

C. Special Permit Restrictions for Adult-Oriented Establishments:

In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary of an R-1, R-2, R-3, or R-5 Residential Zone, the R-4 Special Zone, or within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in the requirement), place of worship, school, day care center, or other adult-oriented establishment. Measurement shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above-mentioned uses.

D. Evaluation:

For the purpose of enforcing the regulations of this section, it shall be the responsibility of the Planning Commission staff to measure, evaluate, and advise the Board of Zoning Appeals regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein. It shall be the responsibility of the applicant to supply site plans, maps, surveys or other such special information as might reasonably be required and requested by the Planning Commission staff for use in making a thorough evaluation of the proposal.

E. Revocation and Hearing:

Expansion, relocation, substantial misrepresentation, violation of any of the terms of this ordinance or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the Special Permit shall constitute grounds for revocation of the Special Permit after notice and hearing. Notice of the hearing before the Board of Zoning Appeals for revocation of the permit shall be given in writing setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing.

F. Adult-Oriented Establishments - Unlawful Acts:

It shall be unlawful for any person to own, manage or operate an adult-oriented establishment in any zone other than C-1, C-2, C-3, or M-1 or to

own, manage or operate such an establishment without obtaining a Special Permit as hereinabove required.

G. Penalty:

Any person violating any of the provisions of this ordinance, upon conviction by the court, shall be fined not less than Twenty-five Dollars ($25.00), nor more than Fifty Dollars ($50.00), and may be imprisoned not less than fifteen (15) days, nor more than thirty (30) days, for each violation, and each day of violation of any provision of this ordinance shall constitute a separate offense.

H. Status of Pre-Existing Adult-Oriented Establishments:

Adult-oriented establishments existing prior to the date of adoption of this section may continue in operation subject to all restrictions on non-conforming uses as specified in Article VIII of these regulations provided that such pre-existing uses shall obtain Special Permits within 90 days, said permits shall be granted as a matter of right.

[Ordinance No. 7139 - 2/1/77]

(19) **Residential Homes for the Handicapped and/or Aged Persons, Assisted Living Facilities and Medically Assisted Living Facilities, Nursing Homes and Hospitals**.

(See T.C.A. §13-24-104 for the exemption of residential homes operated on a non-commercial basis.)

Application to the Board shall be accompanied by a site plan, drawn to scale, showing the following information:

A. Size and location, and use of all buildings and structures;
B. Parking and loading facilities;
C. Points of ingress and egress;
D. Surrounding land uses; and
E. A list showing:
   (1) Number of residents;
   (2) Number of employees, visitors and/or volunteers who may reasonably be expected at any one time;
   (3) State licensure department (if applicable);
   (4) Type of license and nature of operation; and
   (5) A statement of whether the facility will be operated on a commercial basis.

[Ordinance No. 10473 – 9/17/96]

The Board shall find that such uses are appropriate to the zone in which they are proposed to be located; that the proposed use will not conflict with the developed character of the area; that the City Traffic Engineer has approved all plans for the points of ingress and egress, parking and loading facilities; and that the proposed use will not be in conflict with the adopted plans of the community.

Prior to operating any of the above uses, both the Special Permit and the State License (where applicable) must be obtained.

[Ordinance No. 10447 – 07/16/96]

(20) For the **display and sale of manufactured homes** within the C-2 Convience Commercial Zone.

Display and Sale of Manufactured Homes is permissible provided that:

(1) The owner shall submit to the Board of Appeals a site plan of the proposed area to be used for display and sale of manufactured homes showing:
   (a) Name of actual or beneficial owner's;
   (b) Location of the tract;
   (c) Tract boundaries and acreage;
   (d) The number and general location of all manufactured homes which shall be placed for display on the lot;
   (e) Driveways and parking spaces;
   (f) Location of any buildings or offices to be constructed or used on the lot.

(2) All units placed on such lots shall be for display only. No storage shall be allowed of manufactured homes on site other than one display model of each type sold. Purchase of any manufactured home, other than displayed models allowed pursuant to this subsection, shall be shipped directly from the location of the manufacturer.

(3) Any units allowed to be displayed must meet the definition of "Manufactured Home" as defined by Tennessee law and specifically, including T.C.A. §§ 68-102-147, 68-126-206 and 68-126-304, not to the exclusion of other applicable Tennessee State law provisions.

(4) The outdoor storage display of manufactured homes within this zone shall be allowed in excess of the outdoor storage limitations provided within Section 507, <u>only</u> <u>where</u> a green belt planting strip, not less than fifteen (15) feet in width, is located along all property lines of the lot in which display and sale of manufactured homes occurs, except in those parts of the perimeter where such planting would create a traffic hazard by impairing visibility. Such green belt shall be composed of one (1) of four (4) methods given below:
   (a) One (1) row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall and with a minimum trunk diameter of one and one-half (1 ½) inches at planting;
   (b) One (1) row of shrubs, with a ratio of two (2) deciduous to one (1) evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of five (5) feet in three (3) or four (4) full growing seasons;
   (c) Natural vegetation can be retained if its meet the intent of this section or supplemented to meet the intent of this section.
   (d) A sight-obscuring screen (either solid or veil block, or some form of fence that is at least fifty (50%) percent opaque and at least six (6) feet high.

(5) To the extent that screening set forth in Paragraph (4) is not provided on all property boundaries, any such lot shall be required to meet the provisions of Section 507.

[Ordinance No. 10790 – 11/10/98]

(21) For restaurants with fewer than fifty (50) seats and no drive-thru or drive-in trade or curb service in the C-5 Neighborhood Commercial Zone provided that the following conditions are met:

(a) The application, in addition to the site plan and information required in Article VIII, Section 107, shall show the following information:

(1) Location of parking and loading facilities.

(2) Location of points of ingress and egress.

(3) Location of HVAC and venting units.

(4) Placement of dumpster(s).

(b) A list showing:

(1) Hours of operation.

(2) Schedule of equipment maintenance.

(Ord. No. 11474, §3, 10-21-03)

108. Board's Findings:

(1) The Board shall make its findings in writing on each of the conditions stipulated in Article VIII, Section 106, and on such additional items presented as evidence which have influenced its decision. The decision of the Board shall become effective immediately. Such decision, affirming, revising, or modifying the order, requirement, decision, or determination of the administrator of the zoning ordinance and such conditional permits and other Special Permits or special exceptions or variances to the provisions of the zoning ordinance shall be effective for an unlimited period of time unless otherwise specified by this ordinance or the Board.

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

(2) If the decision of the Board has not been confirmed by the construction of the improvements or the completion of the items required by the Board's decision within the period of two (2) years or other time stipulated by the Board, then the applicant will be required to reapply to the Board and the application will be reheard upon the grounds stipulated by the applicant as of the time of the new application.

[Ordinance No. 10640 - 11/18/97]

[Ordinance No. 11614 - 09/21/04]

(3) The Board shall not rehear any case upon the same grounds within a minimum period of one (1) year of its previous hearing date.

(4) The Board shall adopt for its record such policies as can be reasonably developed for its own guidance in dealing with the more common types of request for adjustment.

109. Records:

The Board shall keep a duplicate record of its proceedings, findings, and action in each case, giving specific reasons for its action and for any deviation from policy it might have established in past cases. The vote of each member on each question shall appear in the record. All records of the Board shall be open to the public.

110. Stay:

Upon applying for special exception, variance, interpretation, or review by the Board, the applicant shall stay any cut or fill of property, construction, or alteration on the building or property for which action by the Board is sought.

111. Appeal from the Board's Decision:

The action of the Board of Appeals for Variances and Special Permits shall be final, provided, an appeal from the action of the Board may be taken to a court of competent jurisdiction by any aggrieved, affected party.

[Ordinance No. 6284 - 4/27/71]

112. Administration:

The City Finance Officer or his designated assistant shall be the Secretary of the Board. He shall conduct all official correspondence subject to the rules and direction of the Board, and send out all notices and attend all meetings, keep the minutes, compile the records and maintain the official files of the Board or cause the same to be done.

[Ordinance No. 5820 - 7/25/67]

## ARTICLE IX. LANDSCAPING PROVISIONS

100. Purpose:

Chattanooga's scenic landscapes are closely tied to our community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Chattanooga's economy.

A respect for natural green spaces - from the river gorge to street trees - was strongly expressed in the Futurescape survey conducted county-wide in 1996. In addition, a majority of those surveyed said that it was important to improve the quality and character of commercial, retail, office, and industrial areas. Images of large un-landscaped parking lots and treeless streets consistently received negative scores, while those with trees and landscaping scored positive.

Landscaping also provides important environmental benefits such as reducing air pollution and storm water run-off, improving water quality, and creating wildlife habitats. In today's anti-regulatory environment, it was not expected that people would express support for standards and regulations. But, people felt strongly about protecting the things they value. Of those surveyed, 87% agreed that good streets require such things as trees, street lights, public art, and sidewalks. People supported landscaping requirements as a tool for protecting and enhancing our scenic quality.

Based on these community concerns, the purpose and intent of this Article are the following:

- To promote the scenic quality of the community;
- To improve the appearance of parking areas and property abutting public rights-of-way;
- To protect property values;
- To reduce stormwater runoff and improve water quality;
- To provide transition between incompatible land uses; and
- To provide relief from traffic, noise, heat, glare, dust, and debris.

101. General Provisions

(1) Applicability

The requirements of this Section shall apply to:

(a) All new public/private development;

(b) Existing Public/Private Developments -

For existing developments and parking facilities, expansion in gross floor area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below. Landscaping requirements will not prevent an existing manufacturing facility from expanding. Where both the building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supersede.

1. Where a building expansion increases GFA at least ten percent (10%) but no more than twenty-five percent (25%), the applicant can choose to either comply with the street yard or parking lot landscaping requirements for the entire property.

2. Where a building expansions increases GFA more than twenty-five percent (25%) but no more than fifty percent (50%):
   a. the entire property shall comply with the street yard requirements;
   b. fifty percent (50%) of the existing parking lot and all of any expanded portions of the parking lot shall comply with the parking lot landscaping requirements; and
   c. the entire property shall comply with the screening requirements.
3. Where a building expansion increases GFA more than fifty percent (50%), the entire property shall comply with all of the provisions of this Article.
4. Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces by no more than twenty-five percent (25%), the expanded portion of the parking lot shall comply with the parking lot landscaping provisions.
5. Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces more than twenty-five percent (25%) but no more than fifty percent (50%), the entire expanded parking lot portion and fifty percent (50%) of the existing parking lot shall comply with the parking lot landscaping provisions.
6. Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces more than fifty percent (50%), the entire property including the expanded parking lot portion shall comply with the parking lot landscaping provisions.

(2) One-family detached, two-family, and three-family residential structures on their own lot are exempt from landscaping requirements.

(3) Landscape Plan Submittal

Proposed developments, subject to the provisions of this Article, shall file for a land disturbing permit and submit a landscape site plan to the Building Inspections Office. This plan may be incorporated into a parking/paving plan, provided the scale is not less than one (1) inch equals forty (40) feet. The following elements shall be shown on the landscape site plan:

[Ordinance No. 10749 – 08/26/98]
[Ordinance No. 10810 – 12/15/98]

(a) zoning of site and adjoining properties;
(b) existing and proposed contours at five (5) feet intervals or less;
(c) boundary lines and lot dimensions;
(d) date, graphic scale, north arrow, titles and name of owner, and the phone number of the person or firm responsible for the landscape plan;
(e) location of all proposed structures and storage areas;
(f) drainage features and one-hundred (100) year floodplain, if applicable;
(g) parking lot layout including parking stalls, bays, and driving lanes;
(h) existing and proposed utility lines, and easements; and
(i) all paved surfaces and curbs;
(j) existing trees or natural areas to be retained; and

(k) the location of all required landscaped areas (Street Yard, Landscaped Peninsulas, Landscaped Islands, and Screening Buffers).

(4) Plant Installation Plan

Prior to receiving a Certificate of Occupancy, a Plant Installation Plan prepared by a registered landscape architect or architect shall be submitted and approved containing the following information:

[Ordinance No. 10749 – 08/26/98]
[Ordinance No. 10810 – 12/15/98]

(a) location, installation size, quantity, and scientific and common names of landscaping to be installed; and

(b) the spacing between trees and shrubs used for screening.

The applicant has the option of submitting both the Landscape Plan and Plant Installation Plan at the same time.

(5) Hardships

This Article does not intend to create undue hardship on affected properties. The required landscaping should not exceed fifteen percent (15%) of the total lot area. For existing developments where the GFA or parking areas are being increased, the loss of off-street parking spaces (required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed ten percent (10%).

(a) Special Administrative Remedies

1. Lots with a depth of one hundred fifty (150) feet or less, or an area of fifteen thousand (15,000) square feet or less have the following special remedies:
   (a) an automatic fifty percent (50%) reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections; and
   (b) a twenty-five percent (25%) reduction in planting requirements for all sections except for the required evergreen plantings for screening.
2. Lots that front on more than one (1) street have the following special exception:
   (a) all street frontages other than the primary street frontage may have a street yard with a minimum depth of four (4) feet.
3. In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) of the gross required off-street parking for an existing development, or a loss of greater than fifteen percent (15%) of the lot area, the following administrative remedies may be applied:
   (a) reduce the required minimum landscaped area widths up to fifty percent (50%)
   (b) reduce the tree planting requirements by up to twenty-five percent (25%)
   © Remedy Guidelines
      (i) Where possible, reduction of landscaping requirements in one area should be offset by an increase of landscaping requirements in other portions of the site.

(ii) The first priority is to provide trees along the street frontage.

(iii) The second priority is to provide trees within portions of the parking lot that are highly visible from the street.

(iv) A screen should always be provided if it is required by this Article. Where there are space limitations, reduce the landscape yard as necessary. If the planting area is less than five (5) feet in width, require a minimum six (6) feet tall wood or composite fence, or masonry wall.

(4) Conflict with other Articles in the Zoning Ordinance and Existing Zoning Conditions

Where any requirement of this section conflicts with the requirement of another Article or Existing Zoning Conditions in the Zoning Ordinance, the provisions of this landscaping section shall override.

102. Street Yard Requirements

(1) Intent

The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

(2) Dimensions

(a) Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.

(b) The street yard shall have a minimum depth of eight (8) feet as measured from the edge of the public right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

(3) Plantings

(a) Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty-five (35) linear feet of right-of-way frontage. Trees do not have to be evenly spaced in thirty-five (35) feet increments. Fractions of trees shall be rounded up to the nearest whole number.

(b) The minimum spacing between trees is fifteen (15) feet measured trunk to trunk. The maximum spacing is fifty (50) feet measured trunk to trunk.

(c) The trees referred to in this section shall have a minimum expected maturity height of at least thirty-five (35) feet and a minimum expected canopy spread of twenty (20) feet (see Plant Installation Specifications Section: Class I Shade Trees).

(4) Existing Woodlands

Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:

(a) Existing woodlands to be set aside shall have a minimum depth of twenty-five (25) feet as measured from the public street right-of-way;

(b) Number of woodland trees (not including prohibited trees) having a minimum caliper of six (6) inches shall equal or exceed the minimum street tree planting ratio of one (1) tree per thirty-five (35) linear feet;

(c) No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and

(d) No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

(5) Exemptions/Special Situations

(a) Areas zoned C-3 and C-7 in the City of Chattanooga are exempt from the street yard requirements.

[Ordinance No. 10789 – 11/10/98]

(b) Properties adjoining rights-of-way that encroach into established parking areas more than twenty (20) feet have the following street yard options:

1. Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way;
2. If permission can not be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street. These trees can not be used to meet requirements in other sections;

(c) Existing street trees planted within the right-of-way (not including the center median or opposite side of the street) and approved by the City Urban Forester can be used to meet the street yard requirements.

(d) Where overhead powerlines encroach into the street yard, Class II shade trees can be planted (see Plant Installations Specifications Section: Class II Shade Trees).

(e) Stormwater facilities may be located within the street yard subject to the following conditions:

1. no riprap, crushed stone, concrete, or other impervious materials are exposed; and
2. trees and other living organic materials can be planted along the stormwater facility.

(f) With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements.

(6) No trees shall be located within the sight triangle as defined by the Chattanooga Zoning Ordinance.

[Ordinance No. 10749 – 08/26/98]

103. <u>Parking Lot Requirements</u>

(1) Intent

The intent of this section is to break up the expanse of asphalt, to provide shade, and to reduce the glare from parked cars and loading docks.

(2) Design Criteria

(a) No parking space can be more than sixty (60) feet from a tree.

(b) A landscaped island or peninsula shall border ends of interior parking bays that contain a minimum of ten (10) contiguous parking spaces.

(c) A landscaped peninsula shall border ends of perimeter bays.

(d) Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way.

(3) Dimensions/Planting Criteria

(a) Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum width of eight (8) feet and a minimum landscaped area of two hundred (200) square feet.

(b) Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree.

(c) The trees referred to in this section shall have a minimum expected maturity height of at least thirty-five (35) feet and a minimum expected canopy spread of twenty (20) feet (see Plant Installation Specifications Section: Class I Shade Trees). In the special situations specified below, smaller Class II Shade Trees may be substituted for Class I Shade Trees:

1. an overhead obstacle such as a canopy or power line limits the tree height; or
2. the tree is located within twenty (20) feet of a building.

(d) All landscaped islands and peninsulas shall be bordered by a curb or a wheel stop.

(e) The screening material for loading docks and delivery stalls shall consist of the following:

1. One (1) row of evergreen shrubs spaced a maximum of five (5) feet on-center or a row of evergreen trees spaced a maximum of ten (10) feet on-center (See Plant Installation Specifications Section for a list of recommended plantings); and
2. Provide a landscaped yard with a minimum depth of eight (8) feet for the planted screen.

104. <u>Screening Requirements</u>

(1) Intent

To provide transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.

(2) Procedure

Refer to the matrix attached hereto and incorporated herein by reference to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided herein.

When classifying a zoning district for the Screen Matrix, if the proposed use within a zone is also listed as a permitted use within a less-intensive zone, the corresponding class for the less intensive zone may be applied. For example, a proposed commercial use within a manufacturing zone may be classified as a commercial zone for the purposes of using the Screening Matrix.

[Ordinance No. 10789 – 11/10/98]

**<u>SCREEN MATRIX</u>**

(See Screen Matrix attached hereto and incorporated herein by reference)

| | Zoning Districts |
|---|---|
| Manufacturing/Warehousing | M-1, M-2, M-3, M-4 |
| Commercial | C-2, C-3, C-4, C-5, C-7 |
| Office | O-1 |
| Residential (High Density) | R-3, R-3MD, R-4, RTZ-1, RT-1, RZ-1 |
| Residential (Low Density) | R-1, R-2, R-5 |

(3) Screening Type A: Provide a thirty (30) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

(a) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center, and two (2) rows of shade trees spaced a maximum of thirty-five (35) feet on-center.

(b) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

(4) Screening Type B: Provide a twenty (20) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

(a) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center, and one (1) row of shade trees spaced a maximum of thirty-five (35) feet on-center.

(b) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

(5) Screening Type C: Provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

(a) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center.

(b) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

| | | EXISTING | | | | |
|---|---|---|---|---|---|---|
| | | Manufacturing/ Warehousing | Commercial | Office | High-Density Residential | Low-Density Residential |
| PROPOSED | Manufacturing/Warehousing | No screen or buffer required | C | B | A | A |
| | Commercial | No screen or buffer required | No screen or buffer required | No screen or buffer required | B | B |
| | Office | No screen or buffer required | No screen or buffer required | No screen or buffer required | C | C |
| | High-Density Residential | A | B | C | No screen or buffer required | C |

(6) Screening of Dumpsters

Dumpsters shall be screened in the manner described below:

(a) Screening shall be a minimum height of six (6) feet;

(b) All four (4) sides of the dumpster shall be screened;

(c) The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate;

(d) Screening materials can be any combination of evergreen plantings, wood, or masonry material.

(7) Stormwater facilities may be located in the landscaped yard subject to the following conditions:

(a) No rip-rap, crushed stone, concrete or other impervious materials are exposed; and

(b) Trees and other living organic materials can be planted along the storm water facility.

105. Stormwater Credits

(1) Credits for landscaping and storm water fee reduction are available for leaving natural buffers along perennial streams. All credits and buffer designs are subject to the review and approval of the Chattanooga Stormwater Engineer. A maximum stormwater fee reduction of twenty-five percent (25%) is available subject to the review and approval of the Chattanooga Stormwater Engineer.

(2) A natural buffer with a minimum width equal to three (3) times the stream width shall be provided on each side of the stream:

(a) The required width per side shall be no less than twenty-five (25) feet and no more than one hundred (100) feet; and

(b) The width of the buffer shall be measured from the edge of the stream bank.

(3) No vegetation within the natural buffer shall be removed or disturbed except for poisonous or non-native plant species.

(4) No fill or cutting activities, including the storage of materials or equipment shall be permitted in the natural buffer area.

(5) No impervious surfaces are permitted in the buffer.

(6) Trees located within the buffer area with a minimum six-inch (6") caliper can be used to meet the landscaping requirements.

(7) The maximum landscaping credit allowance is twenty-five percent (25%) of the landscaping requirements for trees.

106. Plant Installation Specifications

(1) Intent

All landscaping material shall be installed in a professional manner, and according to accepted planting procedures specified in the Arboricultural Specifications Manual available from the City Forester.

(2) Class I Shade Trees: These trees are used to meet the tree planting requirements specified in the Street Yard and Parking Lot sections. All Class I shade trees shall be installed at a minimum caliper of 2 inches as measured from 2-1/2 feet above grade level. Class I shade trees shall also have a minimum expected maturity height of at least 35 feet and a minimum canopy spread of 20 feet. Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.

(a) Recommended Species

| Common Name | Scientific Name |
|---|---|
| River Birch | Betula nigra |
| Princeton American Elm | Umlauts americana |
| Allee Elm | Ulmus parvifolia |
| Athena Elm | Ulmus parvifolia |
| Drake Elm | Ulmus parvifolia |
| Ginkgo | Ginkgo biloba (male) |
| Golden Raintree | Koelreuteria paniculata |
| Black Gum | Nyssa sylvatica |
| Sweetgum | Liquidambar styraciflua |
| Seedless Honey Locust | Gleditsia triacanthos cultivars |
| American Hophornbeam | Ostrya virginiana |
| American Hornbeam | Caprinus caroliniana |
| Europian Hornbeam | Carpinus betulus and cultivars |
| Katsura Tree | Cercidophyllum japonicam |
| Littleleaf Linden | Tilia cordata |
| Silver Linden | Tilia tomentosa |
| Red Maple | Acer rubrum and cultivars |
| Southern Sugar Maple | Acer barbatum |
| Sugar Maple | Acer saccharum and cultivars |
| English Oak | Quercus robur |

| | |
|---|---|
| Northern Red Oak | Quercus borealis |
| Overcup Oak | Quercus lyrata |
| Pin Oak | Quercus palustris |
| Red Oak | Quercus rubra |
| Sawtooth Oak | Quercus acutissima |
| Scarlet Oak | Quercus coccinea |
| Shumard Oak | Quercus shumardii |
| Swamp White Oak | Quercus bicolor |
| Water Oak | Quercus nigra |
| White Oak | Quercus alba |
| Willow Oak | Quercus phellos |
| Aristocrat Pear | Pyrus calleryana 'Aristocrat' |
| Cleveland Select Pear | Pyrus calleryana 'Cleveland Select' |
| Chinese Pistache | Pistacia chinensis |
| Japanese Pogodatree | Sophora japonica |
| Dawn Redwood | Metasequoia glyptostroboides |
| Japanese Zelkova | Zelkova serrata |
| Yellowwood | Cladrastis kentukea |

(3) Class II Shade Trees: These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class II shade trees shall be installed at a minimum caliper of one and one-half (1-1/2) inches as measured at two and one-half (2-1/2) feet above grade level from the base of the tree. Class II trees shall have a maximum expected maturity height of twenty (20) feet and a minimum canopy spread of ten (10) feet.

(a) Recommended Species:

| Common Name | Scientific Name |
|---|---|
| Autumn Flowering Cherry | Prunus subhirtella var. autumnalis |
| Okame Cherry | Prunus campanulata |
| Yoshino Cherry | Prunus yedoensis |
| Crapemyrtle | Lagerstroemia indica cultivars |
| Flowering Dogwood | Cornus florida and cultivars |
| Kousa Dogwood | Cornus kousa and cultivars |
| Thornless Cockspur | Crataegus crusgalli var. Hawthorne inermis |
| Winter King Hawthorne | Crataegus viridis 'Winter King' |
| Sweetbay Magnolia | Magnolia virginiana |
| Amur Maple | Acer ginnala |
| Hedge Maple | Acer campestre |
| Trident Maple | Acer buergeranum |
| Golden Raintree | Koelreuteria paniculata |
| Redbud | Cercis canadensis |
| Serviceberry | Amelanchier species |

(4) Screening Trees: Screening trees are used to meet the tree planting requirements of the Screening Section. All screening trees shall be installed at a minimum

height of five (5) to (6) six feet and have a minimum expected mature spread of eight (8) feet.

[Ordinance No. 10789 – 11/10/98]

(a) Recommended Species:

| Common Name | Scientific Name |
|---|---|
| Atlas Cedar | Cedrus atlantica |
| Deodar Cedar | Cedrus deodara |
| Eastern Red Cedar | Juniperus virginiana |
| Leyland Cypress | Cupressocyparis leylandii |
| Carolina Hemlock | Tsuga caroliniana |
| Canadian Hemlock | Tsuga canadensis |
| American Holly | Ilex opaca |
| Foster Holly | Ilex attenuata 'Fosteri' |
| Southern Magnolia | Magnolia grandiflora |
| Loblolly Pine | Pinus taeda |
| Virginia Pine | Pinus virginiana |
| White Pine | Pinus strobus |

(5) Screening Shrubs: All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and a mature spread of at least five (5) feet.

(a) Recommended Species

| Common Name | Scientific Name |
|---|---|
| Burford Holly | Ilex cornuta 'Burfordii' |
| English Holly | Ilex aquifolium |
| Nellie R. Stevens Holly | Ilex cornuta 'Nellie Stevens' |
| Cherrylaurel | Prunus caroliniana |
| English Laurel | Prunus laurocerasus |
| Fragrant Olive | Eleagnus pungens |
| Leatherleaf Viburnum | Viburnum rhytidophyllum |
| Wax Myrtle | Myrica cerifera |

(6) Prohibited Plants: The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, and nuisance:

| | |
|---|---|
| Kudzu Vine | Garlic Mustard |
| Purple Loosestrife | Paulownia |
| Japanese Honeysuckle | Multiflora Rose |
| Shrub Honeysuckle | Siberian Elm |
| Autumn Olive | Silver Poplar |
| Common Privet | Mimosa |
| Tree of Heaven | Mulberry |
| Lespedeza | Silver Maple |

107. Utility Easement Policy

(1) Intent

Any tree or shrub used to meet the requirements of this Article shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below.

(2) Special Exceptions

(a) Written permission has been obtained from the holder of the utility easement.

(b) Where overhead powerlines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the Plant Installation Specifications section as Class II Shade Trees) may be substituted.

(3) If none of the special exceptions apply, the following options shall be considered in order of priority:

(a) Priority #1: Plant the tree as close to the easement as possible.

(b) Priority #2: For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.

(4) Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

108. Maintenance

The property owner shall be responsible for the maintenance of all landscaping provided. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this Article.

109. Certificate of Occupancy/Bonding

(1) If the landscaping has not been installed and inspected for proper installation prior to receiving a Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:

(a) Property owner posts a performance bond or irrevocable letter of credit with the City Treasurer;

(b) The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a ten percent (10%) contingency cost, as shown on the submitted landscape plan;

(c) The costs of the landscaping shall be certified by a licensed contractor or determined using a general formula established by the landscape site reviewer (option of applicant).

[Ordinance No. 10789 – 11/10/98]

(2) After receiving the Certificate of Occupancy, the remaining landscape material shall be installed within six (6) months. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the six (6) month period and the funds applied to complete the landscaping work.

110. Appeals

Any person aggrieved by the administration, interpretation, or enforcement of this Article may appeal to the Board of Zoning Appeals within sixty (60) days of the decision. Decisions of the Board of Appeals may be appealed to a court of competent jurisdiction.

Should any court of competent jurisdiction find any portion of this Article unlawful or unconstitutional, such finding shall not affect this Article as a whole or any portion of it not found invalid.

111. Definitions

Caliper - a measurement of the tree trunk diameter measured six (6) inches above grade level.

[Ordinance No. 10789 – 11/10/98]

Class I Shade Trees - any plant having a central trunk, an expected maturity height of at least thirty-five (35) feet, and an expected minimum mature canopy spread of at least fifteen (15) feet.

Class II Shade Trees - any plant having a central trunk and a maximum expected maturity height of twenty-five (25) feet.

Gross Floor Area (GFA) - total interior space as defined by the Southern Building Code.

Impervious Surfaces - includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

Interior Bay - all parking bays that do not qualify as a perimeter bay.

Landscape Area/Landscaped Yard - an area to be planted with trees, grass, shrubs, or other natural living ground cover material. No impervious surfaces are permitted in these areas.

Landscaped Island - a landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped Peninsula - a landscaped area defined by a curb and surrounded by paving on three sides.

Landscaped Median - a landscaped area bordering two (2) adjoining parking bays.

Natural Buffer - an area of land set aside for preservation in its natural vegetative state. No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.

[Ordinance No. 10692 – 4/21/98]

New Development – construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

[Ordinance No. 10749 – 8/25/1998]

Parking Space/Parking Bay – includes spaces and areas for all vehicles except tractor trailers.

[Ordinance No. 10789 – 11/10/98]

Perimeter Bay - all parking bays that are adjacent to the perimeter of a development.

Screening Shrubs - evergreen shrubs that maintain their foliage year-round.

Screening Trees - evergreen trees that maintain their foliage year-round.

Street Yard - a designated landscaped area where private property abuts the public street right-of-way for the planting of grass, trees, and shrubs.

[Ordinance No. 10692 – 4/21/98]

## ARTICLE X. HAZARDOUS WASTE REGULATIONS

[Ordinance No. 9875 - 5/11/93]

100. Intent:

It is the purpose of this Article to establish reasonable regulation of all commercial hazardous waste management facilities and commercial medical waste facilities (as defined in this Ordinance) relative to appropriateness of location and method of operation in order to minimize the impact on the community adjacent to and surrounding such uses and to assure and maintain the public safety and general welfare.

This basic purpose can and should be achieved without precluding or discouraging the following objectives: (1) encourage innovation and the use of new technologies for waste minimization, storage and disposal, (2) increase collaborative activities among area industries which have common environmental concerns, and (3) facilitate access to international markets for products and technologies related to the environment while at the same time giving due concern for the environment, health and safety of the citizens of Hamilton County and all municipalities contained therein.

It is the further intent of the City to encourage the recycling, reclamation, and reuse of materials so as to remove such materials from the solid and hazardous waste stream. To this end, the City encourages the state and federal governments to revise their rules and regulations to encourage such recycling, reclamation and reuse, after which the City shall consider similar revisions.

101. Definitions:

(1) Commercial Hazardous Waste Management Facility: any hazardous waste management facility proposed for a new site, or through a change of operations at an existing site within this jurisdiction that stores, treats (including incineration), or disposes of hazardous waste, of which, more than ten percent (10%) by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage to be the percent of the amount generated off-site at the receiving facility during the corresponding time period of the preceding calendar year.

[Ordinance 10225 – 05/23/95]

(2) Generate: the act or process of producing hazardous wastes or medical wastes.

(3) Off-Site: any property that is not classified as on-site by these regulations.

(4) On-Site: on the site of generation. "On-site" further means the same or geographically contiguous property which may be divided by public or private right(s)-of-way. Noncontiguous property owned by the hazardous waste generator that is connected by a right-of-way which such hazardous waste generator controls and to which the public does not have access is also considered on-site property.

(5) Hazardous Waste: a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical chemical, or infectious characteristics may

(a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(6) Commercial Medical Waste Management Facility: any medical waste management facility proposed for a new site or through a change of operations at an existing site within this jurisdiction used for treatment (including incineration), storage or disposal of any medical waste generated off-site, except that a facility that receives medical waste that is generated only at a site or sites owned or operated by the same corporation, or subsidiaries of such corporation, or sites under contract to such corporation for medical wastes generated by the corporation shall not be deemed to be a commercial medical waste management facility provided that the volume of medical waste received from such sites and placed in storage for more than one calendar month does not exceed twenty-five percent (25%) of the storage capacity at the designated accumulation area of the facility, referred to at the definition of "storage" in Title 40 CFR 259.10(a), Revised as of July 1, 1991, regarding Standards for the Tracking and Management of Medical Waste, and identified as required in ARTICLE X, Section 102 of this zoning ordinance, and provided that during no calendar month may more than twenty-five percent (25%) of the total medical waste treated or disposed at the facility be from such sites, and the facility shall maintain records available for public inspection for two (2) years to demonstrate compliance.

(7) Medical Waste: solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease. All of the following types of wastes shall be considered to be medical wastes for the purposes of these regulations:

(a) Biological wastes and discarded materials contaminated with blood, excretion, exudates, or secretions from patients who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and

(b) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; and

(c) Human pathological wastes, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers; and

(d) Liquid waste human blood; products of blood; items saturated and/or dripping with human blood; or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals; and intravenous bags; and

(e) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are

other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips; and

(f) Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals; and

(g) The following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

(8) Storage: holding hazardous waste or medical waste for a period of more than ninety (90) days, at the end of which the hazardous waste or medical waste is treated, disposed of, or stored elsewhere. A commercial hazardous waste management facility or a commercial medical waste management facility shall not be subject to the ninety days restriction for the purposes of this definition and these zoning regulations if it either:

(a) Generates more than 100 kilograms and less than 1000 kilograms of hazardous waste or medical waste in a calendar month; and the quantity of waste accumulated on-site never exceeds 6000 kilograms; and the facility has complied with all other applicable provisions of 40 CFR 262.34(d), in which case accumulation on-site would constitute "storage" after 180 days.

In addition, if such a facility must transport its hazardous waste or medical waste or offer them for transportation over a distance of 200 miles or more for off-site treatment, storage or disposal, then accumulation on-site would constitute "storage" after 270 days; or

(b) Generates less than 100 kilograms of hazardous waste or medical waste in a calendar month; and generates one (1) kilogram or less of acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and generates 100 kilograms or less of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and the quantity of hazardous or medical waste accumulated on-site never exceeds 1000 kilograms; and the facility has complied with all other applicable provisions of 40 CFR 261.5, in which case accumulation on-site could continue indefinitely at a facility that is not otherwise a "commercial hazardous waste facility" or a "commercial medical waste facility" for the purposes of these zoning regulations.

(9) Construction: in general, initiation of physical on-site construction activities on a management unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures. With respect to a change in the method of operation this term refers to those on-site activities, other than preparation activities, which mark the initiation of the change.

(10) 100-Year Floodplain: any land area which is subject to a one percent or greater chance of flooding in any given year from any source as defined in 44 Code of Federal Regulations Part 67, Final Flood Elevation Determinations and as effective on the date of issuance of the Flood Insurance Rate Map showing the 100-year flood elevations for the community.

(11) 500-Year Floodplain: any land area which is subject to a two tenths chance in one hundred (one chance in five hundred) of being flooded in any one-year period as shown on the Flood Insurance Rate Map.

(12) [deleted]

(13) Flood Insurance Rate Map: an official map of a community, on which the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. For the purposes of these regulations, the floodplains identified by FEMA in its Flood Insurance Rate Maps Numbers 47065C 0214F, 0217F, 0218F, 0219F, 0228F, 0229F, 0236F, 0237F, 0239F, 0243F, 0319F, 0326F, 0327F, 0328F, 0329F, 0331F, 0332F, 0333F, 0334F, 0336F, 0337F, 0338F, 0339F, 0341F, 0342F, 0343F, 0344F, 0351F, 0352F, 0353F, 0354F, 0356F, 0357F, 0358F, 0359F, 0361F, 0362F, 0363F, 0364F, 0366F, 0367F, 0368F, 0369F, 0378F, 0379F, 0383F, 0380F, 0386F, 0387F, 0388F, 0432F, 0451F, 0452F, 0456F, 0477F, 0481F. At least one copy of each map has been filed in the office of the city building inspector at least fifteen (15) days prior to adoption of these amendments to the Chattanooga Zoning Ordinance for public use, inspection and examination.

(14) Bedrock: the solid rock underlying unconsolidated surface material such as soil.

(15) Fault: a fracture along which strata on one side have been displaced with respect to that on the other, as shown on the East Central Sheet, Geologic Map of Tennessee, 1966, William D. Hardeman, State Geologist, compiled and edited by George D. Swingle, Robert A. Miller, Edward T. Luther, William D. Hardeman, Donald S. Fullerton, C. Ronald Sykes, and R. Keith Garman. At least one (1) copy of this map has been filed in the office of the city building inspector at least fifteen (15) days prior to adoption of these amendments to the Chattanooga Zoning Ordinance for public use, inspection and examination.

(16) Thrust Fault: a reverse fault in which the dip of the fault plane is at a low angle to horizontal and in which the hanging wall block (or upper plate) may have overridden the footwall block (or lower plate).

(17) Hanging Wall Block: the overlying surface of an inclined fault plane.

(18) Footwall Block: the underlying surface of an inclined fault plane.

(19) Sinkhole: a hollow in a limestone region in which drainage collects that communicates with a cavern or passage.

(20) Private Water Supply: all water supplies that are not public water supplies and which are primary drinking water sources.

(21) Public Water Supply: a system that supplies to the public piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year.

(22) Scenic, Cultural or Recreational Area: parks, forests, recreational areas, natural areas, museums, and wildlife management areas owned and/or operated by the Federal, State, and or local government (or agencies created by such government); sites included on the National Register of Historic Places established by the United States Department of Interior or forwarded for consideration for National Register listing to the United States Department of Interior by the Tennessee State Historical Commission State Review Board.

(23) Unit: a contiguous area of land on or in which hazardous or medical waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of waste management

units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

(24) Land-Based Unit: a unit subject to regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste including surface impoundments, landfills, waste piles, land treatment units, and hazardous waste management units. Units exempt from groundwater monitoring correction requirements under regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste and covered indoor waste piles in compliance with regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste are considered non-land-based units.

(25) Non-Land-Based Unit: an incinerator, tank and its associated piping and underlying containment system, or container storage area, hazardous waste management units and other similar units that are not subject to regulations for land-based units promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste.

(26) Unstable Area: a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of a commercial hazardous waste or medical waste treatment or storage facility's structural components responsible for preventing releases, including:

(a) subsidence prone areas (i.e., areas subject to the lowering or collapse of the land surface either locally or over broad regional areas);

(b) areas susceptible to mass movement (i.e., where the downslope movement of soil and rock under gravitational influence occurs);

(c) areas with weak and unstable soils (e.g., soils that lose their ability to support foundations as a result of expansion or shrinkage).

(27) Wetlands: lands which have hydric soils and a dominance (fifty percent [50%] or more of stem count based on communities) of obligate hydrophytes. They include the following generic types:

(a) Fresh water meadows;

(b) Shallow fresh water marshes;

(c) Shrub swamps with semi-permanent water regimes most of the year;

(d) Wooded swamps or forested wetlands;

(e) Open fresh water except farm ponds; and

(f) Bogs.

102. Identification of Storage Areas:

A new or rebuilt facility, or an expanded portion of an existing facility, or any facility which changes its operations, proposed for use as a "commercial medical waste management facility", as defined in these zoning regulations notwithstanding the exclusions within the definition, shall be required, in both its building permit application prior to construction or reconstruction and in any required installation permit at the Chattanooga-Hamilton County Air Pollution Control Bureau, to identify in writing on its building and operating plans any and all portions of the proposed facility or portion of an existing facility through a change in operations or expanded portion of an existing facility proposed for "storage", as defined in these zoning regulations notwithstanding the

exclusions within the definition. Such identification of storage areas shall include the total cubic footage designated for accumulation of medical wastes at the "commercial medical waste management facility", as defined in these zoning regulations notwithstanding the exclusions within the definition.

103. Prohibited Uses:

No commercial hazardous waste management facility or commercial medical waste management facility unit shall be allowed to be constructed within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map. This restriction shall also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, so that such facility may not operate a commercial hazardous waste management facility or a commercial medical waste management facility within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map.

Any construction, alteration, repair, reconstruction, or improvement to a commercial hazardous waste management facility or commercial medical waste management facility on which the start of construction was begun after the effective date of these regulations shall meet all applicable requirements for new construction as contained in these regulations, except as provided in the next sentence.

Any commercial hazardous waste management facility unit or commercial medical waste management facility unit in existence prior to the effective date of this requirement that is hereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value may be reconstructed and used as before only if it is rebuilt in a manner that complies with all requirements in effect on the date the rebuilding commences and operates in that rebuilt portion of the unit in a manner that complies with all requirements in effect on the date that operation commences in the rebuilt commercial hazardous waste management facility unit or commercial medical waste management facility unit. In addition, the following requirements must be met:

(1) The reconstruction must not exceed the volume and external dimensions of the original structure or offer any greater obstruction to the flow of flood waters within the 500-year floodplain than did the original structure; and

(2) The lowest floor elevation (including basement) must be above the level of the 500-year floodplain or the structure must be floodproofed to a height above the level of the 500-year floodplain. Floodproofing measures shall be in accordance with the watertight performance standards of the publication Flood-Proofed Regulations prepared by the Office of the Chief of U.S. Army Corps of Engineers, Washington, D.C. dated March 31, 1992, which is hereby incorporated by reference as if fully set forth herein. One (1) copy of this document has been filed in the office of the City Clerk at least fifteen (15) days prior to adoption of these amendments to the Chattanooga Zoning Ordinance for public use, inspection and examination; and

(3) The reconstruction must commence within twelve (12) months after the damage first occurs, and the reconstruction must be completed within twenty-four (24) months after the damage first occurs. In the event of fire, flood, labor dispute, epidemic, abnormal weather conditions or acts of God, the reconstruction commencement time period and/or the reconstruction completion period will be

extended in an amount equal to time lost due to delays beyond the control of the owner or operator of the facility subject to this requirement.

These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit in existence prior to the effective date of these regulations that proposes to expand after the effective date of these regulations to the expanded portion of the facility. These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit which is built subsequent to the adoption of these zoning regulations and thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

These requirements also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, which is thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

104. Proximity of Commercial Hazardous Waste or Commercial Medical Waste Management Facilities to Other Uses:

All distances are to be measured from the "unit" as defined in this zoning ordinance to the nearest point of the property boundary line of the other land use.

(1) Groundwater and Public Drinking Water Supplies

(a) No commercial hazardous waste or commercial medical waste management facility unit shall be located within 2000 feet horizontally of a public drinking water supply well or public water supply intake point in a river, spring, lake, pond or reservoir, or within 1000 feet horizontally of a private drinking water supply well or private water supply intake point in a river, spring, lake, pond or reservoir.

(b) A commercial hazardous waste or commercial medical waste management facility unit shall not be constructed on a wetland or a sinkhole, nor drain into a sinkhole or into a wetland, and shall comply with all requirements necessary to obtain a National Pollution Discharge Elimination System (NPDES) permit.

(c) No commercial hazardous waste or commercial medical waste management facility unit shall be located within an area where the depth to the seasonally high water table in the uppermost saturated zone will rise to within five (5) feet of the ground surface.

(d) No commercial hazardous waste or commercial medical waste management facility unit at which hazardous or medical wastes are stored or treated below ground (e.g. underground tank, surface impoundment) shall be located or constructed in such a manner that the bottom of the liner system or secondary containment system is closer than ten (10) feet from the uppermost saturation area.

(e) Vertical Buffer Zones

1) Commercial hazardous waste or commercial medical waste management facility land-based units shall be located and constructed such that there is, between the bottom of the unit's liner system and the seasonably high groundwater elevation in the uppermost saturated zone underlying the unit, a buffer layer

of natural and/or emplaced soil meeting one of the following descriptions:

a) Ten (10) feet thick, with a saturated hydraulic conductivity of 1 x 10-5 centimeters/second, or

b) Five (5) feet thick, with a saturated hydraulic conductivity of 1 x 10-6 centimeters/second.

2) Commercial hazardous waste or commercial medical waste management facility non-land-based units shall be located and constructed such that there is, between the bottom of the unit's secondary containment system and the seasonably high water elevation in the uppermost saturated zone underlying the unit, a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:

a) Four feet thick, with a saturated hydraulic conductivity of 1 x 10-5 centimeters/ second, or

b) Two feet thick, with a saturated hydraulic conductivity of 1 x 10-6 centimeters/ second, or

c) A buffer layer of other material, mechanically separate from the secondary containment system which will provide protection to fluid movement equivalent or superior to (e) 2)a) or b).

3) Hydraulic conductivity measurements are to be measured by the ASTM D5084 soil permeability test.

4) No commercial hazardous waste or commercial medical waste management facility unit or on-site access road to it shall be located within an area on the hanging wall block of a thrust fault line such that a vertical line as determined by a plumb line drilled by core drill to a depth of two hundred (200) feet will intersect a fault plane.

(2) <u>County Septic Tank Pumper Permanent Dumping Sites</u>

No commercial hazardous waste or commercial medical waste management facility unit shall be located within 1000 feet of any septic tank pumper permanent dumping site authorized by the Chattanooga-Hamilton County Health Department Rules and Regulations governing subsurface sewage disposal, including open-air disposal of septic tank effluent through land absorption.

(3) <u>Scenic, Cultural and Recreational Areas</u>

No commercial hazardous waste or commercial medical waste management facility unit shall be located within, or within 500 feet of, a scenic, cultural or recreational area in existence on the date a completed building permit application is submitted.

(4) <u>Structures</u>

To minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding areas, the following minimum separation distances shall be required of any commercial hazardous waste or commercial medical waste management facility unit:

(a) It shall not be located within 2000 feet of existing schools, hospitals, or day care centers, residences or residential zones.

(b) It shall not be located within 200 feet of any commercial buildings, other than those which are part of the facility.

(c) It shall not be located within 1000 feet of existing churches and non-commercial buildings, other than those which are part of the facility.

(d) A commercial hazardous waste management facility or commercial medical waste management facility unit shall not be located within 200 feet of the facility's property boundaries.

(e) It shall not be located within 2000 feet of an existing commercial hazardous waste management facility or commercial medical waste management facility unit or site specifically designated as a superfund site by either state or federal regulations, provided this restriction does not apply to a site which is temporarily used to ameliorate an adjacent site.

(f) Except for the purposes of Structures (4)(d)., distance measurements shall be from the nearest point in a property line of a parcel containing the non-hazardous or non-medical waste management facility use to the nearest point of the "unit" as defined in this zoning ordinance.

(5) Unstable Areas

No commercial hazardous or medical waste management facility unit shall be located or constructed in an unstable area.

105. Exceptions:

A. The following solid wastes are not hazardous wastes:

(1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this definition, if such facility:

(a) Receives and burns only

1) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources) and

2) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

(b) Such facility does not accept hazardous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

(2) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

(a) The growing and harvesting of agricultural crops.

(b) The raising of animals, including animal manures.

(3) Mining overburden returned to the mine site.

(4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other

fossil fuels, except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste.

(5) Drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy.

(6) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in Title 40 Code of Federal Regulations Part 261, subpart D due to the presence of chromium which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

(a) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

(b) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

(c) The waste is typically and frequently managed in non-oxidizing environments.

(7) Specific wastes which meet the standard in Section 105 A (6)(a), (b), and (c) (so long as they do not fail the test for Toxicity Characteristic, and do not fail the test for any other characteristic) are:

(a) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retain/wet finish; no beamhouse; through-the-blue; and shearling.

(b) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(c) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue.

(d) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(e) Waste water treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/ retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(f) Waste water treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrometan/ retan/wet finish; and through-the blue.

(g) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

(h) Waste water treatment sludges from the production of TiO2 pigment using chromium-bearing ores by the chloride process.

(8) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste. For purposes of 40 CFR 261.4(b)(7), beneficiation of ores and minerals is restricted to the following activities: Crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving) and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ton exchange; solvent extraction; electro-winning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purpose of 40 CFR 261.4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes:

(a) Slag from primary copper processing;

(b) Slag from primary lead processing;

(c) Red and brown muds from bauxite refining;

(d) Phosphogypsum from phosphoric acid production;

(e) Slag from elemental phosphorus production;

(f) Gasifier ash from coal gasification;

(g) Process wastewater from coal gasification;

(h) Calcium sulfate wastewater treatment plant sludge from primary copper processing;

(i) Slag tailings from primary copper processing;

(j) Fluorogypsym from hydrofluoric acid production;

(k) Process wastewater from hydrofluoric acid production;

(l) Air pollution control dust/sludge from iron blast furnaces;

(m) Iron blast furnace slag;

(n) Treated residue from roasting/leaching of chrome ore;

(o) Process wastewater from primary magnesium processing by anhydrous process;

(p) Process wastewater from phosphoric acid production;

(q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;

(r) Basic oxygen furnace and open hearth furnace slag from carbon steel production;

(s) Chloride process waste solids from titanium tetrachloride production;

(t) Slag from primary zinc processing.

(9) Cement kiln dust waste, except as provided by 40 CFR 266.112 for facilities that burn or process hazardous waste.

(10) Solid waste which consists of discarded wood or wood products which fails the test for the Toxicity Characteristic solely for arsenic and which is not a hazardous waste for any other reason or reasons, if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.

(11) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of 40 CFR 261.24 (Hazardous Waste Codes D018 through D042 only) and are subject to the corrective action regulations under 40 CFR 280.

(12) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in 40 CFR 261.24 that is re-injected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until January 1, 1993. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:

a) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and

b) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

(13) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

(14) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery.

(15) Any waste from any facility sited within Hamilton County, which waste is excluded from Title 40 Code of Federal Regulations Part 261.3 or the lists of hazardous wastes in Title 40 Code of Federal Regulations Part 261, Subpart D, by the United States Environmental Protection Agency pursuant to Title 40 Code of Federal Regulations Part 260.20 or Part 260.22 and published in either the Federal Register or in Title 40 Code of Federal Regulations Part 261, Appendix IX, or in both.

B. For purposes of this definition and these zoning regulations, "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial,

commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 33 U.S.C. 1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923)[42 U.S.C.A. Section 2011 et. seq.].

C. The following materials are not solid wastes for the purpose of this definition:

(1) Domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(2) Industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the Clean Water Act, as amended. This exclusion applies only to the actual point source discharge. It does not exclude industrial waste waters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

(3) Irrigation return flows.

(4) Source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et.seq.

(5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.

(6) Pulping liquors (i.e. black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(c).

(7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(c).

(8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

a) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

b) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

c) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

d) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(9) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and waste waters from the wood preserving process that have been reclaimed and are reused to treat wood.

(10) When used as a fuel, coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, EPA Hazardous Waste K087. The process of producing coke and coal tar from

such decanter tank tar sludge in a coke oven is likewise excluded from regulation.

(11) Materials that are reclaimed from solid waste and that are used beneficially are not solid wastes and hence are not hazardous waste unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

D. A facility that reclaims materials that are used beneficially as provided in Section 105 C(11) from solid waste it created is not a commercial hazardous waste management facility for the purpose of this Ordinance, unless that facility also stores or disposes of hazardous waste of which more than twenty-five percent (25%) by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage to be the percent of the amount generated on-site at the receiving facility during the corresponding time period of the preceding calendar year.

106. Zoning Requirements:

Commercial Hazardous Management Facilities and Commercial Medical Waste Management Facilities shall be permitted only in the M-1 Manufacturing Zone subject to the requirements of the M-1 Zone and the provisions of ARTICLE X.

107. Building Permit Application Requirements:

Application for a building permit shall be accompanied by a site plan indicating method and hours of operation, building and structure location and function, extent and nature of all screening and buffer areas, type and volume of waste materials, proximity to waterways and drainage characteristics, location and type of surrounding land use. Additional information, if required, shall be submitted upon request by the Director of Codes Administration.

108. Severability:

If any provision of these zoning regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to that end the provisions of these zoning regulations are declared to be severable.

[Ordinance No. 9875 - 5/11/93]

## ARTICLE XI. PLATS

100. Each application for a building permit for a new building or to enlarge an existing building shall be accompanied by a plat drawn to scale, showing:

- The actual dimensions of the lot to be built upon,
- The size, shape and location of the building to be erected or enlarged and such other information as may be necessary to provide for the enforcement of this Ordinance.

A record of such application and plat shall be kept in the office of the City Building Inspector.

Where application is made to enlarge an existing non-conforming use, the application shall be accompanied by an affidavit giving the description of the premises owned at the date of the passage of this Ordinance.

## ARTICLE XII. INTERPRETATION, PURPOSE, AND CONFLICT

100. In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by the Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the height of buildings, or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or by easements, covenants, the provisions of this Ordinance shall control. If, because of error or omission in the zoning map, any property in the City of Chattanooga, Tennessee, is not shown as being in a zoning zone, the classification of such property shall be R-2 Two Family Zones, unless changed by amendments to the Zoning Ordinance; provided, however, that property annexed to the City of Chattanooga shall be temporarily reclassified from its former zoning classification as follows:

[Ordinance No. 6528 - 11/21/72]
[Ordinance No. 6737 - 3/26/74]

| FORMER CLASSIFICATION | TEMPORARY CLASSIFICATION |
|---|---|
| A-1 Agricultural District<br>R-1 Single – Family Residential District | To R-1 Residential Zone |
| RT-1 Residential Townhouse District | To RT-1 Residential Townhouse Zone |
| R-2 Urban Residential District<br>R-2A Rural Residential District | To R-2 Residential Zone |
| R-3 Apartment – Townhouse District<br>MH Manufactured Home Park District | To R-3 Residential Zone |
| R-3 MD Moderate Density Apartment – Townhouse District | To R-3MD Moderate Density Zone |
| R-5 Single Lot Manufactured Home District | To R-5 Residential Zone |
| O-1 Office District | To R-4 Special Zone |
| C-1 Tourist Court & Motel District | To C-2 Convenience Commercial Zone |
| C-2 Local Business Commercial District<br>C-3 General Business District | To C-2 Convenience Commercial Zone |
| M-1 Industrial District | To M-1 Manufacturing Zone |
| M-2 Wholesale & Light Industrial District | To M-2 Light Industrial Zone |
| M-3 Warehouse and Wholesale District | To M-3 Warehouse and Wholesale Zone |
| F/H Flood Hazard District | To F/H Flood Hazard District |

101. The temporary classifications shall be and remain in full force and effect during the interim period between the effective date of the annexation and the adoption of an official zoning plan for the area by the City Council, as hereinafter provided, and the building inspector may issue building permits during said interim based upon such temporary zoning.

[Ordinance No. 6737 - 3/26/74]

102. It shall be the duty of the Planning Commission, within ninety (90) days of the effective date of annexation, to recommend a zoning plan for the newly annexed

areas to the City Council. Following the receipt of the recommendation of such a zoning plan from the Planning Commission, the City Council after giving notice as required in Article XI regarding changes and amendments to the zoning ordinance, shall thereafter adopt a zoning plan as an amendment to the official zoning map for the newly annexed area.

[Ordinance No. 5993 - 1/21/69]

103. This ordinance shall apply only to property annexed by the city after March 4, 1969, it being the intent of the City Council that this ordinance shall have only prospective application.

[Ordinance No. 6108 - 2/18/69]

104. To assure continuity of land use control, major amendments to the text of zoning regulations shall, as a rule, be considered as constituting a corresponding amendment to the official zoning map and a re-adoption of the limits of all affected zones. Unless otherwise provided, property shown on the official zoning map as being within a zoning zone which is identified by an alphanumeric symbol such as R-1, C-2, M-3, etc., shall be subject to the amended zoning regulations which are identified by the same alphanumeric symbol in the text of the zoning ordinance. Legal structures or other land uses which were in existence and permitted by zoning regulations prior to any amendment but which are disallowed by newly adopted regulations shall be subject to the provisions for non-conforming uses as set forth in Article VII of these regulations. Specifically, for amendments to the text of the commercial zone regulations, as adopted by the Chattanooga City Commission on January 9, 1979, all property within the former commercial zones as shown on the official zoning map shall be subject to the corresponding amended zoning regulations in the text of the zoning ordinance, as specified below:

| **Former Classification** | **Amended Classification** |
|---|---|
| C-1 Tourist Service Commercial District | C-1 Highway Commercial Zone |
| C-2 Convenience Commercial District | C-2 Convenience Commercial Zone |
| C-3 Central Business District | C-3 Central Business Zone |

At the time of adoption of the amended Commercial Zoning Regulations, no property was classified under the C-4 Planned Commerce Center Zone or the C-5 Neighborhood Commercial Zone. Accordingly, property is to be added to these zones through the normal process of amendments to the official zoning map.

[Ordinance No. 7462 - 1/9/79]

## ARTICLE XIII. CHANGES AND AMENDMENTS

100. The City Council of the City of Chattanooga, Tennessee, may, from time to time, amend, supplement, or change the regulations and zones herein or subsequently established; but no amendment shall become effective unless it be first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the City Council.

101. Method of Procedure:

(1) A proposed change or amendment may originate with the City Council, with the Planning Commission, or on petition. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. Following the receipt of a recommendation from the Planning Commission, the City Council shall give at least fifteen (15) days' prior notice of the time and place for a public hearing which shall be held in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City. The cost of such notice will be borne by the petitioner.

(2) Provided, however, that a petition for rezoning or to close and abandon shall not be accepted for a period of nine (9) months following denial of a previous petition involving the same property or any part thereof.

[Ordinance No. 10330 – 11/21/95]

## ARTICLE XIV. ENFORCEMENT, VIOLATIONS, AND PENALTIES

100. The Building Inspector is hereby designated and authorized to enforce this Ordinance. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not less than two ($2.00) dollars nor more than fifty ($50.00) for each offense. Each day a violation exists shall constitute a separate offense.

## ARTICLE XV.VALIDITY

100. Should any section, sub-section, phrase, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

## ARTICLE XVI. EFFECTIVE DATE

100. This Ordinance shall take effect two weeks from and after its passage, the public welfare requiring it.

PASSED on third and final reading 6-20-61. (On roll call vote.)