

CHATTANOOGA CITY CHARTER

Title 12

PLANNING, ZONING AND DEVELOPMENT

- Ch. I. Planning, §§ 12.1 – 12.20
- Ch. II. Zoning, §§ 12.21 – 12.37
- Ch. III. Plats And Subdivisions, § 12.38

CHAPTER I. PLANNING¹

Sec. 12.1 Municipal Planning.

The legislative body of the City is authorized to create and establish a Municipal Planning Commission with full authority to act on all zoning plans, plots, replots, recommendations, dedications, and utilities pursuant to laws of the State of Tennessee, including Priv. Acts 1923, Ch. 397, §§ 1 - 9 and as the same may have been amended, and other Private Acts of the Tennessee General Assembly and General Laws of the State which are applicable to the City of Chattanooga, and to provide appropriating funding and hiring of staff to perform duties of the Municipal Planning Commission. The legislative body of the City is further authorized to enter into Interlocal Agreements pursuant to State law for the funding of a Regional Planning Commission and/or Regional Planning Agency as authorized by State law. (Ord. No. 12677, § 23, 12-18-12)

State law reference-Municipal Planning Commission T.C.A. § 13-4-101 *et seq.*; Regional Planning Commission, T.C.A. § 13-3-101 *et seq.*

Sec. 12.2 – 12.20 – RESERVED.

CHAPTER II. ZONING²

Sec. 12.21 Zoning.

The legislative body of the City has been empowered with full authority pursuant to laws of the State of Tennessee, pursuant to Priv. Acts 1923, Ch. 402, §§ 1 - 7 and as the same may have been amended, including other Private Acts of the Tennessee General Assembly and General Laws of the State to establish zoning or land use regulations applicable to the City of Chattanooga, which regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land

¹**State law reference-**Municipal planning commissions generally, T.C.A. §§ 13-4-101 *et seq.*

² **Cross reference-**Zoning of filling stations, § 2.1(55).

State law reference-Zoning generally, T.C.A. §§ 13-7-201 *et seq.*

CHATTANOOGA CITY CHARTER

for trade, industry, residence, recreation, public activities and other purposes, and to identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities which the planning commission may determine that services are necessary in order for development to occur. The legislative body of the City has further been empowered to establish Special districts or zones in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure City residents eligibility for flood insurance under State and federal laws, as may be amended, or subsequent related laws or regulations promulgated thereunder. The legislative body has further been empowered to provide for the protection and encouragement of access to sunlight for solar energy systems which may be considered in promulgating zoning regulations and any other appropriate land use regulations which are authorized by the General Laws of the State. The legislative body may establish a Board of Appeals as authorized by State law to hear appeals from decisions by the City on zoning and land use decisions. (Ord. No. 12677, § 24, 12-18-12)

Sec. 12.22. Height, area regulations authorized generally; purposes.

Such legislative body may regulate by ordinance and limit the height and the bulk of the buildings hereafter erected, or hereafter altered as provided in the fifth section [section 12.25] hereof, and regulate and determine the percentage of land area to be devoted to yards, courts, and other open spaces, and for said purposes may divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purpose of this section. Such regulations shall be uniform for each class of buildings throughout each district, but the regulations in one or more districts may differ from those in another district.

Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements, and otherwise to promote the public safety, health, convenience, and the general welfare. Such regulations shall be further made with reasonable consideration to the character of the district, the character of the buildings then existing therein, and the value of the land therein, and the peculiar suitability of the district for particular uses, and with a further view to conserving the value of the buildings, stabilizing the value of land and encouraging the most appropriate use of land throughout such municipality, all for the purpose of promoting the public health, safety, convenience, and the general welfare. (Priv. Acts 1923, Ch. 402, § 2)

Sec. 12.23. Repealed. (Ord. No. 11309, §1, 08-22-02)

Editor's note-The repealed section dealt with recommendations of planning commission.

Sec. 12.24. Repealed. (Ord. No. 11309, §1, 08-22-02)

Editor's note- The repealed section dealt with changes in regulations

CHATTANOOGA CITY CHARTER

Sec. 12.25. Pre-existing uses and structures.

The lawful use of premises existing at the time of the adoption of an ordinance under the provisions of this Act [chapter], although such use does not conform to the provisions of such ordinance, may be continued; and the lawful use of a building existing at such time, although such use does not conform to the provisions of such ordinance, may be continued throughout the life of the building; provided, that no alteration thereof to a greater extent than fifteen per cent (15%) of the then value of such building, except those required or permitted by an ordinance adopted hereunder, are made therein; but if such nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of ordinance and regulations adopted under the authority of this Act [chapter].

When structural alterations greater in extent than fifteen per cent (15%) of the then value of the building are made in a building of nonconforming use, such building shall be altered in conformity with the provisions of ordinances and regulations adopted under the authority of this Act [chapter], for the district in which such building is located, and thereafter the use of such building shall be in accordance with ordinances adopted hereunder.

When the boundary line of any such district divides a parcel of ground in common ownership at the time of the adoption of an ordinance under the provisions of this Act [chapter], nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of ground, to the entire parcel, but for a distance of not greater than twenty-five (25) feet from such boundary line.

Nothing in this Act [chapter] shall be taken to prevent: (a) the erection of a building for which a permit shall have been issued previous to the passage of an ordinance under the provisions of this Act [chapter]; (b) the restoration of a building destroyed to the extent of not more than seventy-five per cent (75%) of its reasonable value, by fire, explosion, or other casualty, or act of God, or the public enemy, nor the continued occupancy or use of such building or part thereof after restored, which existed at the time of such partial destruction; (c) the restoration of a wall declared unsafe by the building inspector. (Priv. Acts 1923, Ch. 402, § 5)

Sec. 12.26. Advisory and appeals board.

The legislative body of such municipality may create a board whose duty it shall be to advise the mayor of such municipality or other officer having control over the enforcement of the provisions of an ordinance adopted under this Act [chapter], with reference to the proper enforcement and application of the provisions of such ordinance. Such board may be given power to hear appeals from the action of such building commissioner or other officer aforesaid, and determine the rights of such applicant. The decision of such board, however, shall be subject to review by the city council of such municipality. The board herein provided for may consist of the city planning commission, where such commission exists in any municipality, or any portion thereof as provided for by ordinance, such portion thereof to be selected by the mayor, by and with the consent of the legislative body of the municipality. (Priv. Acts 1923, Ch. 402, § 6; Ord. No. 11272, § 1, 05-02-02)

CHATTANOOGA CITY CHARTER

Sec. 12.27. Penalties and enforcement.

The legislative body of such municipality may fix such penalty or fine for the violation of any ordinance adopted hereunder as it may be authorized to do by charter or the general law, to be enforced and collected as provided by charter or general law; and in addition, such municipality shall have power to file a bill to restrain such threatened violation or to abate it once initiated or carried on. (Priv. Acts 1923, Ch. 402, § 7)

Secs. 12.28 -- 12.37. Reserved.

CHAPTER III. PLATS AND SUBDIVISIONS

Sec. 12.38. Plats and subdivisions.

The legislative body of the City has been authorized to provide for the development of plats and subdivisions for registration in the office of the County Register pursuant to Priv. Acts 1923, Ch. 405, §§ 1 - 2 and as the same may have been amended, including other Private Acts of the Tennessee General Assembly and General Laws of the State which are applicable to plats and subdivisions which are developed within the City of Chattanooga.

(Ord. No. 12677, § 25, 12-18-12)

State law reference-T.C.A. § 13-4-301 *et seq.*; T.C.A. § 13-3-401 *et seq.*