

First Reading: October 10, 2017
Second Reading: October 17, 2017

ORDINANCE NO. 13234

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLES II, III, V, AND VI, RELATING TO HEIGHT AND AREA EXCEPTIONS AND OTHER SPECIAL EXCEPTIONS TO PROVIDE FOR THE USE OF SMALL SCALE ALTERNATIVE ENERGY SYSTEMS.

WHEREAS, the Regional Planning Agency was requested by the Mayor's Office through the Director of Sustainability to address encumbrances within the zoning code for small scale alternative energy systems to be added by the public; and,

WHEREAS, the City of Chattanooga is endeavoring to become a SolSmart designated city; and,

WHEREAS, it is of benefit to the general public to ensure our zoning codes clearly describe the by right use of small scale solar structures in residential, commercial, and industrial settings; and,

WHEREAS, there is a need to create a concise definition for small scale alternative energy structures for the City's code enforcement staff to rely on; and,

WHEREAS, the Chattanooga Land Development Office requested to similarly clarify the appropriate location of pools as accessory structure; and,

WHEREAS, the screening requirements for utilities creates a conflict with small scale alternative energy systems and should be removed; and,

WHEREAS, the addition of language limiting the size and location of small scale alternative energy systems is appropriate; and,

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Article II, Definitions, be amended as follows:

Amend Article II. Definitions, by adding a definition for “Small Scale Alternative Energy System” in correct alphabetical order to read as follows:

Small scale alternative energy system: An accessory use, structure, equipment, device, or construction technique used for the production or storage of heat, light, or electricity on site and may be attached to or separate from the principal structure. This includes roof-mounted, building integrated, mounted over a parking lot, or ground-mounted systems which do not function as the principal use on a lot. All systems must meet applicable height, setback, and related zoning standards for the zone it is located within. Examples of (including, but not limited to) solar panels, wind systems, solar water heaters, etc.

SECTION 2. BE IT FURTHER ORDAINED, That Article III, Zones and Boundaries, Division 4, Brainerd Overlay Zone, be amended as follows:

Amend Article III. Zones and Boundaries, Division 4. Brainerd Overlay Zone, Section 38-13 Brainerd Overlay Zone Standards, (9) New-Development – Parking Zone, (f) Screening of Utilities by deleting in its entirety and replacing in lieu thereof the following:

Screening of Utilities - Completely screen dumpsters, loading areas, mechanical equipment, outdoor storage areas, and other visible utilities, excluding small scale alternative energy systems, with an opaque wall or fence as follows:

- i. The height of the screen shall be a minimum of six (6') feet, or twelve (12") inches taller than the object, whichever is higher, and adequate to completely conceal the dumpster or equipment.
- ii. Chain link fences or slats shall not be permitted.
- iii. Screens shall consist of masonry, stucco, stone, wood, or decorative metal.
- iv. Landscaping, including shrubs, trees, perennials, or green screens, shall be added to screening to soften the appearance of screening walls or fences.

SECTION 3. BE IT FURTHER ORDAINED, That Article V, Zoning Regulations, Division 14, UGC Urban General Commercial Zone, be amended as follows:

Amend Article V. Zone Regulations, Division 14. UGC Urban General Commercial Zone, Section 38-212 Auto-Oriented Uses, (2) General Restrictions for Auto-Oriented Uses, by deleting item (h) in its entirety and replacing in lieu thereof the following:

(h) All mechanical equipment, whether on the ground or rooftop, excluding small scale alternative energy systems, shall be screened from all public rights-of-way.

SECTION 4. BE IT FURTHER ORDAINED, That Article VI, Height and Area Exceptions and Other Special Exceptions, Division 1, be amended as follows:

Amend Article VI. Height and Area Exceptions and Other Special Exceptions, Division 1. Height and Area Exception, Section 38-503. Height of Chimneys, etc. by deleting in its entirety and replacing in lieu thereof the following:

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, **small scale alternative energy systems**, similar structures, and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted Ordinance to the City of Chattanooga, Tennessee.

SECTION 5. BE IT FURTHER ORDAINED, That Article VI, Height and Area Exceptions and Other Special Exceptions, Division 1, be amended as follows:

Amend Article VI. Height and Area Exceptions and Other Special Exceptions, Division 1. Height and Area Exception, Section 38-504. Projections over yards, by deleting in its entirety and replacing in lieu thereof the following:


Every part of a required side and rear yard setback 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 five (5') feet.

1. Detached small storage building, private automobile storage garages, pools, private shops for woodworking, metal working, ceramics, etc. and other similar accessory building or structures may be located in side and rear yards provided that the following requirements are met. Areas zoned C-3 are exempt from subsections (a), (b), (c) and (f) below:
 - a. The building or structure shall be set back at least five (5') feet from the side and rear lot lines; and
 - 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

- 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
 - f. Attic space within any accessory building shall be non-habitable and shall be a maximum of six (6') feet from the highest point of the roof to the attic floor.
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 twelve (12') feet by twelve (12') feet and with a maximum height to the low point of the eaves of six (6') feet. Said storage building shall also be subject to the provisions of Article VI, Section 38-393(1)(a), (b), and (c).
 3. The footprint of all ground mounted small scale alternative energy systems shall not exceed seventy-five (75%) percent of the footprint of the primary use structure. The ground mounted small scale alternative energy system shall not be located in the front yard and shall be setback at a minimum of five (5') feet from all side and rear lot lines.
 4. Heating, air conditioning, or mechanical equipment shall not project into the required side yard setback over five (5') feet.

SECTION 6. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: October 17, 2017



 CHAIRPERSON
 APPROVED: DISAPPROVED:



 MAYOR