

**First Reading: May 27, 2014**  
**Second Reading: June 3, 2014**

ORDINANCE NO. 12832

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 15, SECTION 38-229 AND ARTICLE IX, SECTION 38-595, TO ESTABLISH THE HEIGHT AND LANDSCAPE BUFFER REQUIREMENTS FOR STRUCTURES IN THE C-3 CENTRAL BUSINESS ZONE THAT ARE ADJACENT TO RESIDENTIALLY ZONE PROPERTY.

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WHEREAS, Downtown Chattanooga is predominantly zoned C-3 Central Business Zone, which promotes a strong urban form; and

WHEREAS, within the past year the Regional Planning Agency has received multiple rezoning requests for C-3 uses which abut R-4 Special Zone or other residential zones; and

WHEREAS, the current C-3 Central Business Zone has requirements which regulate the height of structures adjacent to an R-4 Special Zone or other residential zones through increased front and side yard setbacks and landscape buffers; and

WHEREAS, the Regional Planning Agency has determined that the current setbacks and landscape buffers have created large spaces between buildings that are not conducive to a coherent urban streetscape and desired urban form; and

WHEREAS, through review of recent variance requests, the Regional Planning Agency has determined that an increasing number of applicants with C-3 Central Business Zoned property must obtain multiple variances to build the desired urban form; and

WHEREAS, in consultation with the Land Development Office, the Regional Planning Agency has proposed an amendment to the C-3 Central Business Zone to eliminate increased setback requirements based on building height to allow simpler construction of the desired urban form, while still addressing appropriate transitions between C-3 Central Business Zone and residentially zoned properties; and

WHEREAS, in consultation with the Land Development Office, the Regional Planning Agency has proposed an amendment to the Zoning Ordinance to reduce landscape buffer requirements to allow simpler construction of the desired urban form, and also to increase consistency with existing setback requirements for C-3 Central Business Zone properties next to lower density residential properties, including R-1, R-2, and R-4 Special Zoned lots.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Division 15, Section 38-229, is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

**Sec. 38-229. Maximum building height.**

The following standards specify the minimum requirements by zoning code. If a proposed development does not meet these standards, the applicant can apply for a variance at the Board of Zoning Appeals.

- (1) Buildings or structures on C-3 Central Business Zone lots that share a property line with R-1 Residential or R-2 Residential lots, or any single-family detached use, shall not exceed two and a half (2½) stories in height, or 35 feet, whichever is less.
- (2) Except as provided in Sec. 38-229(1), the height of buildings or structures shall not exceed the height by more than two stories of the nearest building (does not include accessory structures or accessory buildings) on property zoned R-4 Special Zone that is within forty (40) feet of an interior shared side lot line. If there is not such a building on property zoned R-4 Special Zone within forty (40)

feet of an interior shared side lot line, then there shall be no limitation on the height of the buildings or structures unless zoning conditions restrict such height.

- (3) Radio, television, telephone and microwave towers are exempt from the requirements of this Section (see Article VIII, Section 38-568).

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article IX, Section 38-595, is hereby amended by adding (c) to subsection (4):

**Sec. 38-595. Screening requirements.**

- (c) Landscape screening is not required for C-3 Central Business Zone properties, except where a boundary is shared with any residential zone or R-4 Special Zone property with a single-family detached use, in which case a ten (10) foot wide landscape buffer shall be provided. At a minimum, the buffer shall consist of a double row of evergreen shrubs a minimum of three (3) feet and a maximum of six (6) feet in height.

SECTION 3. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article IX, Section 38-595, is hereby amended by adding an annotation to the chart that appears between subsections (5) and (6), in the cell intersecting the Commercial and High-Density Residential columns, and in the cell intersecting Commercial and Low-Density Residential columns, put an annotation next to the letter B as follows:

B<sup>1</sup> See Section 38-595(4)(c) for C-3 Central Business Zone exception.

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

Passed on second and final reading: June 3, 2014

  
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VICE CHAIRPERSON

APPROVED:  DISAPPROVED:

  
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MAYOR

KJR/mem