

First Reading: February 11, 2025
Second Reading: February 18, 2025

ORDINANCE NO. 14202

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, THE CHATTANOOGA ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 14137 ON JULY 23, 2024, TO ADD ADDITIONAL DEFINITIONS, ADD OFFICE AS A PERMITTED USE IN THE RN-3 RESIDENTIAL NEIGHBORHOOD ZONE, AMEND VARIOUS SECTIONS OF REGULATIONS RELATED TO THE BOARD OF ZONING APPEALS, AND THE LAND USE PERMITTED TABLE TO MAKE CHANGES TO THE RETAIL SALES OF ALCOHOL.

WHEREAS, the City of Chattanooga adopted a new zoning ordinance, Ordinance No. 14137, on July 23, 2024; and

WHEREAS, the new zoning ordinance is now effective as of December 18, 2024, but amendments have been identified; and

WHEREAS, these amendments are to the new Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance and not the currently active Chapter 38, Zoning Ordinance; and

WHEREAS, previously amendments were reviewed and acted on by the Regional Planning Commission in October 2024 that addressed streamline processes, promoted objective standards, clarified permitted land uses, removed zone references and language that was modified during the development and adoption process, and added new standards as requested by Chattanooga City Council; and

WHEREAS, previously amendments were reviewed and acted on by the Regional Planning Commission in November 2024 that addressed added a definition of protected zones as it related to Form Based Codes, added Children's Home as a permitted use in the Institutional Zone, RN-1-5 and the RN-1-7.5 Zones, changed the minimum lot width for single-unit dwellings in the TRN-3 Zone, and provided parking flexibility and exemptions for properties zoned C-3 prior to the effective date of the Official Zoning Map.

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, be and the same hereby is amended as follows:

Amend ARTICLE XV. APPLICATION PROCESS, Section 38.71. Application, in Table 38-71.1 Submittals by changing Special Exceptions from Regional Planning Agency to Land Development Office. The new table for Table 38-71.1 is as follows:

Table 38-71.1: Submittals

Application	Administrator	
	Regional Planning Agency	Land Development Office
Amendment (Text and Map)	•	
Special Exception		•
Variance		•
Administrative Modification		•
Planned Unit Development	•	
Zoning Interpretation		•
Zoning Appeal		•

Amend ARTICLE XV. APPLICATION PROCESS, Section 38.72. Notice (c) Mailed Notice, by (1) by deleting in its entirety and replacing with the following:

- (c) Mailed Notice
- (1) For applications to the Board of Appeals, the Board of Appeals will mail written notice at least seven days in advance of the first scheduled action to all property owners within 300 feet of the property line of the subject property. The notice must include the date, time, place, and purpose of such action, the name of the applicant, and the address of the subject property.

Amend ARTICLE XVI. ZONING APPROVALS, Section 38.74. Zoning Text and Map Amendments, (3) Action by City Council by adding the following:

- iii. A petition for rezoning, closure and abandonment, or special permits shall not be accepted for a period of nine (9) months following a denial of a previous petition involving the same property or any part thereof.

Amend ARTICLE XVI. ZONING APPROVALS, Section 38.76. Variance, (d) Procedure by adding the following:

- (6) The Board of Appeals shall not rehear any case upon the same grounds within a minimum period of one (1) year of its previous hearing date.

Amend ARTICLE XVI. ZONING APPROVALS, Section 38.75. Special Exceptions by adding the following:

- (i) Rehear of Special Exceptions Applications

The Board shall not rehear any case for a Special Exceptions on the same site or parcel of property within a minimum period of one (1) year of its previous hearing date.

Amend ARTICLE XVI. ZONING APPROVALS, Section 38.76. Variance, by adding the following:

- (i) Appeal of Boards Decision

The action of the Board of Appeals shall be final on Special Exceptions, provided an appeal from the action of the Board may be taken to Hamilton County Chancery Court by any aggrieved, affected party.

Amend ARTICLE XVI. ZONING APPROVALS, Section 38.76. Variance, by adding the following:

- (h) Appeal of Boards Decision

The action of the Board of Appeals shall be final, provided an appeal from the action of the Board may be taken to Hamilton County Chancery Court by any aggrieved, affected party.

Amend ARTICLE XIII. LANDSCAPE, Section 38.65. Buffer Yards, Table 38-65.1: Required Buffer Yard Class, Zone of Lot Under Development, TRN-1, TRN-2, TRN-3 TRN-4, Development Type Required to Install Buffer Yard, by changing “Multi-family Development” to “Multi-Unit Dwellings”

Amend ARTICLE IX. USES, Section 38-16 Residential Zones Dimensional Standards, Table 38-16.5 Residential Zones Dimensional Standards – Setbacks, Minimum Front Setback for the Residential Zones Replace (See Sec. 2.4L) with (See Sec. 38-10 (I)(2)(iv). New table 38-16.5 to read as follows:

Table 38-16.5: Residential Zones Dimensional Standards - Setbacks

	RN-1-7.5	RN-1-6	RN-1-5	RN-1-3	RN-2	RN-3
Minimum Front Setback¹	25' or average setback (See Sec. 38-10 (l) (2) (iv)), whichever is less	25' or average setback (38-10 (l) (2) (iv)), whichever is less	15' or average setback (See Sec. 38-10 (l) (2) (iv)), whichever is less	15' or average setback (See Sec. 38-10 (l) (2) (iv)), whichever is less	15' or average setback (See Sec. 38-10 (l) (2) (iv)), whichever is less	15' or average setback (See Sec. 38-10 (l) (2) (iv)), whichever is less
	Where adjacent lots are not developed, 25'	Where adjacent lots are not developed, 25'	Where adjacent lots are not developed, 15'	Where adjacent lots are not developed, 15'	Where adjacent lots are not developed, 15'	Where adjacent lots are not developed, 15'
				From any Interior Public Street: Fifteen (15) feet; ten (10) feet if rear parking and loading is provided	From any Interior Public Street: Fifteen (15) feet; ten (10) feet if rear parking and loading is provided	From any Interior Public Street: Fifteen (15) feet; ten (10) feet if rear parking and loading is provided
						Structures 40' or less in height: 5'

Minimum Interior Side Setback	5'	5'	5'	5'	5'	Structures over 40' in height: 10' plus 1' of additional setback for each 2' of building height over 40'
Minimum Corner Side Setback	25'	15'	15'	15'	15'	15'
Minimum Rear Setback	25'	25'	25'	25'	25'	Structures 40' or less in height: 25' Structures over 40' in height: 35'

Amend Article IX. USES, Section 38-45 Use Definitions by adding the following:

Multi-Use Stadium/Area: An open, partially enclosed facility used or intended to be used primarily for spectator sports, entertainment events and other public gatherings

Amend Article IX. USES, Section 38-45 Use Definitions by adding the following:

Open Activation Related Uses: A commercial or non-commercial use situated in a public or private building or open space that provides temporary activation for an area.

Amend Article IX. USES, Section 38-45 Use Definitions by adding the following:

Entertainment Venue: Any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the pleasure of patrons, either independent or in conjunction with any other use. Such entertainment includes, but is not limited to vocal and instrumental music, dancing, karaoke, comedy, acting, weddings, corporate and charitable events, or other activities using amplified sound. Entertainment venues do not include country clubs, golf courses, or residential neighborhood amenity centers.

Amend Article IX. USES, Section 38-45 Use Definitions by adding the following:

Urban Agriculture: Land or structures used for the cultivation of fruits, vegetables, plants, flowers, or herbs, with the primary purpose of growing food for sale. No farm animals. Use for any fertilizer or pesticides should not present public health hazards or nuisances to adjacent properties.

Amend Article IX. USES, Section 38-41 Use Matrix (b) by adding the following:

(4) SE-C indicates that the use is a Special Exceptions by City Council.

Amend Article IX. USES, Section 38-41 Use Matrix (b) by adding the following:

(5) ** in the Office land use indicates that the Office use is a Permitted Use in the RN-3 Zone if zoned prior to December 18, 2024

Amend Article IX. USES, Section 38-41 Use Matrix by adding the following to Table 38-41.1 Use Matrix:

Add to the Title SE-C = Special Exceptions City Council

Amend Article IX. USES, Section 38-41 Use Matrix, Table 38-41.1 Use Matrix, Retail Sales of Alcohol in the CN and C-TMU Zones Change the following:

In the land use table for the Retail Sales of Alcohol in the CN and C-TMU Zones change from “SE” to “SE-C”

Amend Article IX. USES, Section 38-41 Use Matrix, Table 38-41.1 Use Matrix, Retail Sales of Alcohol in the C-C, C-R, C-MU1, C-MU2, I-L, and the I-MU Zone change the following:

In the land use table for the Retail Sales of Alcohol change from “P” to “SE-C”.

Amend Article IX. USES, Section 38-41 Use Matrix, Table 38-41.1 Use Matrix, Retail Sales of Alcohol by adding as a Special Exceptions – City Council in the I-H and I-X Zones.

Add “SE-C” in the land use table for the Retail Sales of Alcohol for the following Zones: I-H and I-X

Amend Article IX. USES, Section 38-41 Use Matrix, Table 38-41.1 Use Matrix, Use Standards in Retail Sales of Alcohol Permitted Land Use by adding the following:

Sec. 5-109b

Amend Article IX. USES, Section 38-41 Use Matrix, Table 38-41.1 Use Matrix, Office by adding as a permitted use in the RN-3 Zone as follows:

Add ** in the land use table for Office Uses.

Amend Article IX. USES, Section 38-41 Use Matrix, Table 38-41.1 Use Matrix, change “Retail Sales of Alcohol” to “Liquor Store”

Amend Article IX. USES, Section 38-45 Use Definitions add the following as a new use definition:

Liquor Store. Retail store selling package liquor.

Amend Article IX. USES, Section 38-45 Use Definitions by deleting in its entirety the definition for “Retail Sales of Alcohol”.

Amend Article IX. USES, Section 38-41 Use Matrix, Table 38-41.1 Use Matrix, add the following as a permitted use in the I-H Zone:


Add a “P” for Micro-Production of Alcohol in the I-H Zone.

Amend Article IX. USES, Section 38-41 Use Matrix, Table 38-41.1 Use Matrix, for “Gas Stations” change from “SE” to “P” in the C-C Zone.

Chapter 38 Chattanooga Zoning Code (New) – Various Amendments

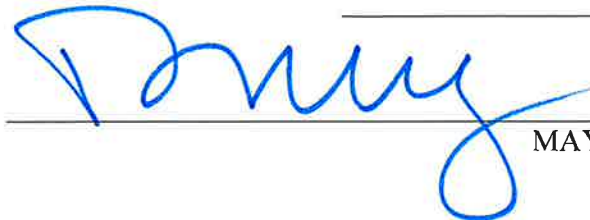
SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: February 18, 2025



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem/2025.02.06