

ORDINANCE NO. 13366

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, ZONE REGULATIONS, DIVISION 16, C-4 PLANNED COMMERCE CENTER ZONE, BY DELETING SECTION 38-252, MAXIMUM HEIGHT STRUCTURE IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF, AND BY ADDING A NEW SECTION 38-253, MAXIMUM BUILDING HEIGHT DEVIATION.

WHEREAS, the intent of the C-4 Planned Commerce Center Zone is to promote flexibility and diversity in the development and maintenance of planned commerce centers which are complementary and appropriate to the surrounding neighborhood; and

WHEREAS, it is further intended to provide conditions and safeguards 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; and

WHEREAS, the C-4 Planned Commerce Center Zone maximum building height of thirty-five (35) feet is not consistent with other similar commercial and mixed use zones such as the MXU Mixed Use Zone, which has a maximum building height of five (5) stories or seventy (70) feet by right;

WHEREAS, a maximum building height deviation option has been created for the C-4 Planned Commerce Center Zone to allow on a case by case basis the review of proposed buildings that are located (500) feet or more from the internal boundary line of the C-4 Planned Commerce Center Zone a taller maximum building height;

WHEREAS, the intent of the maximum building height deviation option is not to remove or create a process that bypasses the powers of the Chattanooga Board of Zoning Appeals to review and approve or denial variances based on the 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;

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, Zone Regulations, Division 16, C-4 Planned Commerce Center Zone, by deleting Section 38-252, Maximum Height Structure, in its entirety and substituting in lieu thereof the following:

Sec. 38-252. Maximum height of structure.

No building or structure except radio, television, telephone and microwave towers (See article VIII, section 38-568), shall exceed two and one-half stories or thirty-five (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 thirty-five (35') feet the building or structures shall be set back one (1) additional foot from all property lines, or seek a maximum building height deviation from the requirements of Sec. 38-253 of this Article V. Division 16. Telecommunication Facilities shall be subject to the setback requirements set forth in article VIII.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zone Regulations, Division 16, C-4 Planned Commerce Center Zone, be amended by adding the following:

Sec. 38-253 Maximum Building Height Deviation

Specific site features (topographic changes, lot size or irregular dimension, physical barriers or easements) may create conditions that make compliance with the specific standard impractical or undesirable.

It is also recognized that alternative design solutions may achieve the stated intent and general standards of the Zone. This section establishes the procedures for considering requests for deviations to the maximum building height in the C-4 Planned Commerce Center Zone.

It is the responsibility of the applicant to clearly demonstrate compliance with the intent of the Zone and to provide sufficient documentation to meet one of the three review criteria noted in Section (5) Deviation Review Criteria below.

- (1) **Applicability:** The deviation request is applicable for lots and/or parcels located within the C-4 Planned Commerce Center Zone. The deviation option is not applicable to any proposed building that is five hundred (500) feet or less from any residentially zoned property or use. For purposes of these regulations the R-4 Special Zone shall be considered the same as any other non-residential zone if developed with non-residential uses. The R-4 Special Zone shall be considered the same as any other residential zone, if undeveloped or developed with residential uses.
- (2) **Maximum Permitted Height:** The maximum building height permitted through the deviation request is exempt from the required setback of one (1) additional foot from all property lines for buildings taller than thirty-five (35) feet.

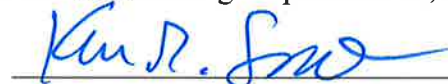
The maximum building height permitted by the deviation is seven (7) stories or seventy (70) feet, including parapets.
- (3) **Reviewing Body:** The deviation request will be reviewed by the Chattanooga-Hamilton County Regional Planning Commission.
- (4) **Site Plan:** A site plan shall be submitted with the deviation request to the Chattanooga-Hamilton County Regional Planning Commission and shall show the following:
 - (a) Site plan drawn to scale and no less than 1" = 100'
 - (b) If applicable, the distance, in feet, of the proposed building to the closest residential zone, or use.
 - (c) Existing or proposed lot size or parcel size.
 - (d) Required and/or proposed building setback requirements.
 - (e) Proposed building height in stories and feet.
 - (f) Distance from the proposed building to existing buildings.
 - (g) Height of adjacent buildings and existing land uses.

(5) Deviation Review Criteria: The Chattanooga-Hamilton County Regional Planning Commission decision to approve or deny a request for a deviation is based on the following considerations:

- (a) The physical conditions on the property such as steep slopes, floodplains, drainage, small or irregular lot shape, and easements makes compliance with the requirement 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 impossible.
- (b) The deviation will not significantly impact adjacent property owners, the character of the area, traffic conditions, parking, public infrastructure, water quality management, and other matters affecting the public health, safety, and general welfare; and
- (c) The deviation is compatible with the character of the area where it is proposed, and with the size and location of the buildings in the vicinity.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: September 18, 2018



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem/Alternate Version