

**First Reading: October 12, 2021**  
**Second Reading: October 19, 2021**

ORDINANCE NO. 13732

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ARTICLE VI, HEIGHT AND OTHER SPECIAL EXCEPTIONS, DIVISION 1, HEIGHT AND AREA EXCEPTIONS, SECTION 38-502, LOTS OF RECORD, (3) SINGLE-FAMILY DWELLINGS AND SECTION 38-504, PROJECTIONS OVER YARD.

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**WHEREAS**, the Land Development Office of the City of Chattanooga has requested RPA staff to amend Section 38-502, Lot of Record, (3) Single-Family Dwellings, (b) in regards to projects into side yards; and,

**WHEREAS**, Section 38-502(3)(b) prohibits the projections into the five (5) side yard setback including heating, ventilation, and air conditioning systems (HVAC); and,

**WHEREAS**, Section 38-504, Projections of Yards, permits heating, air conditioning, or mechanical equipment shall not project into the required side yard over five (5') feet. This section causes conflicts and confusion with Section 38-502(3)(b); and,

**WHEREAS**, the Land Development Office would like to amend the Chattanooga Zoning Regulations to remove the inconsistency between Sections 38-502(3)(b) and Section 38-504 by amending Section 38-502(3)(b) to match the requirements of Section 38-504.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

**SECTION 1.** That Chattanooga City Code, Part II, Chapter 38, Article VI, Height and Area Exceptions and Other Special Exceptions, Division 1, Height and Area Exceptions, Section 38-502, Lots of Record, (3) Single-Family Dwellings, be amended by deleting subsection (b) in its entirety and substituting in lieu thereof the following:

- b) Every part of a required yard 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 may project into the required side yard but not over five (5') feet.

SECTION 2. That Chattanooga City Code, Part II, Chapter 38, Article VI, Height and Area Exceptions and Other Special Exceptions, Division 1, Height and Area Exceptions, Section 38-504, Projections over Yard, be amended by deleting same in its entirety and substituting in lieu thereof the following:

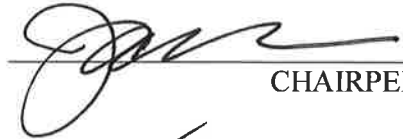
**Sec. 38-504. Projections over Yard.**

Every part of a required yard 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 may project into the required side yard but not over five (5') feet.

SECTION 3. That Chattanooga City Code, Part II, Chapter 38, Article VI, Height and Area Exceptions and Other Special Exceptions, Division 1, Height and Area Exceptions, Section 38-504, Projections over Yard, be amended by deleting subsection (4) in its entirety.

SECTION 4. 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 19, 2021

  
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CHAIRPERSON

APPROVED:  DISAPPROVED:

  
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MAYOR