

**First Reading: August 9, 2022**  
**Second Reading: August 16, 2022**

ORDINANCE NO. 13880

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, ZONING REGULATIONS, DIVISION 14, UGC URBAN GENERAL COMMERCIAL ZONE, SECTION 38-208, BUILDING HEIGHT AND MASS; SECTION 38-212, AUTO ORIENTED USES; SECTION 38-213, APPEALS FROM THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION; AND DIVISION 16, C-4 PLANNED COMMERCE CENTER ZONE, SECTION 38-253, MAXIMUM BUILDING HEIGHT DEVIATION.

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**WHEREAS**, the Chattanooga Zoning Regulations was amended in 2007 to add Division 14, UGC Urban General Commercial Zone; and

**WHEREAS**, the UGC Urban General Commercial Zone includes minimum development standards for building height and mass, setbacks, and setbacks for auto-oriented uses; and

**WHEREAS**, the UGC Urban General Commercial Zone includes a process for exceptions or deviations to the development standards for building height and mass, and setbacks for auto-oriented uses; and

**WHEREAS**, the UGC Urban General Commercial Zone process for exceptions or deviations is reviewed by the Chattanooga-Hamilton County Regional Planning Commission; and

**WHEREAS**, Tennessee Code Annotated does not provide powers to planning commissions the authority to grant exceptions, deviations, or variance requests to development standards incorporated into zoning regulations; and

**WHEREAS**, Tennessee Code Annotated Section 13-7-207, Powers of Board of Appeals  
(3)

provides that variances to the strict application of zoning regulations is the power of the Board of Appeals; and

**WHEREAS**, this amendment to delete the process of exceptions and deviations from the Chattanooga Zoning Regulations will be in compliance with the provisions of Tennessee Code Annotated; and

**WHEREAS**, during the review of the UGC Urban General Commercial Zone, it was determined, based on previously approved exceptions and deviations that an amendment to the maximum building height and massing needs to be amended as part of this text amendment.

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, Zoning Regulations, Division 14, UGC Urban General Commercial Zone, Section 38-208, Building Height and Mass, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

**Sec. 38-208. Building Height and Mass.**

- 1) Minimum Building Height: Two (2) stories (as defined by the Building Code) or an eighteen (18') foot minimum height.
- 2) Maximum Building Height: Five (5) stories (as defined by the Building Code).
- 3) Building Mass: There is no maximum building mass requirements for properties rezoned to UGC Urban General Commercial Zone after the August 30, 2022, which is the effective date of the adoption of this amendment by the City Council.

For properties zoned UGC Urban General Commercial prior to August 30, 2022, the following applies, unless a deviation to building mass was granted:

Although there are no maximum residential density requirements, in order to regulate building mass and scale to be in keeping with urban commercial centers, building footprints for new construction shall not exceed twelve thousand (12,000') square feet.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 14, UGC Urban General Commercial Zone, Section 38-212, Auto Oriented Uses, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

**Sec. 38-212. Auto Oriented Uses.**

- 1) General Restrictions for Auto-Oriented uses:
  - (a) The only off-street parking allowed between the primary building frontage and the primary street is for temporary parking (for drop-offs, etc.) and/or handicapped spaces.
  - (b) When a setback deeper than fifteen (15') feet is proposed, in addition to requiring street trees planted along a sidewalk, an additional a street yard, buffer plantings or other landscape treatments (as outlined in the City Landscape Ordinance, see Section 38-593(3) and Section 38-395(5) for details and standards) is required.
  - (c) Small scaled, stand-alone drive-throughs or “drive-ups” are not allowed.
  - (d) Canopies should be designed as secondary (in size, scope, and use) to the primary building.
  - (e) Roof signs, billboards and/or other off premise signs are not permitted.
  - (f) The sides and tops of canopies cannot be illuminated or include additional signage.
  - (g) Lighting must be directed downwards to reduce excessive glare and light pollution.
  - (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.
  - (i) The display and/or sale of vehicles (excluding scooters, bicycles, and other non-motorized craft) requires a street edge treatment at the public right-of-way as described in Section 38-208(1). The following shall be screened from view from all public rights-of-way: the outdoor storage of equipment and products, other apparatus related to vehicular sales and/or repairs; and loading and parking areas for large, heavy-use vehicles, dump trucks, repair vans and/or fleets.
  - (j) Garage doors and loading docks shall not front or be visible from the primary street.

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 14, UGC Urban General

Commercial Zone, Section 38-213, Appeals from the Chattanooga-Hamilton County Regional Planning Commission, be amended by deleting same in its entirety.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 16, C-4 Planned Commerce Center Zone, Section 38-253, Maximum Building Height Deviation, be amended by deleting same in its entirety.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: August 16, 2022

  
CHAIRPERSON

APPROVED:  DISAPPROVED:

  
MAYOR

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