

City of Chattanooga Zoning Ordinance Amendments

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City Council Approved Amendments

ARTICLE I

ARTICLE II

Amend ARTICLE II. – DEFINITIONS AND RULES OF MEASUREMENT, Section 38-9 General Definitions to add the following as new definitions:

Basement. Any portion of a building having its floor subgrade (below ground level) on all sides.

Flood-related Erosion. The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related Erosion Area or Flood-related Erosion Prone Area. A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-related Erosion Area Management. The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

Person. Any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Special Hazard Area. An area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Amend ARTICLE II. – DEFINITIONS AND RULES OF MEASUREMENT, Section 38-9 General Definitions to by deleting and replacing New Manufactured Home Park or Subdivision with the following:

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

Passed March 2026

Amend ARTICLE II. DEFINITIONS & RULES OF MEASUREMENT, Section 38.8. General Abbreviations by adding the following:

DU is an abbreviation for “dwelling unit”

Passed December 2024

Amend ARTICLE II. DEFINITIONS & RULES OF MEASUREMENT, Section 38.9. General Definitions by adding the following:

Protected Zone: As relates to the Downtown Form-based Code, includes the following zones: A-1, RN-1-3, RN-1-5, RN-1-6, RN-1-7.5, RN-2 and RD.

Passed December 2024

Amend ARTICLE II. — DEFINITIONS AND RULES OF MEASUREMENT, Section 38-9 General Definitions to add new definitions:

Appeal. A request for a review of an interpretation of any provision of this Ordinance or a request for variance.

Addition (to an existing building). Any walled and roofed expansion to the perimeter or height of a building.

Area of Shallow Flooding. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-related Erosion Hazard. The land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood- related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

Elevated Building. A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Emergency Flood Insurance Program. A program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM. Also called Emergency Program.

Erosion. The process of the gradual wearing away of land masses. This peril is not “per se” covered under the Program.

Existing Construction (Floodplain). Any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community’s participation in the NFIP.

FEMA. Federal Emergency Management Agency.

Fill. Any material including but not limited to soil, gravel, sand, rock or similar materials that is placed, deposited, or graded by human activity to raise the ground surface to a desired elevation or grade.

Flood Elevation Determination. A determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. **Flood Elevation Study.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway.

Floodplain. Any land area susceptible to being inundated by water from any source (see definition of "flooding"). Also called Floodprone Area.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Storage. The volume or quantity of stormwater surface runoff temporarily or permanently held within the boundaries of the regulatory floodplain. Net increase of floodplain storage as a result of fill refers to the additional volume or quantity of stormwater surface runoff temporarily or permanently held within the boundaries of the regulatory floodplain that exists as a direct result of the fill materials added to the floodplain that would have otherwise not existed.

Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Exception (in Special Flood Hazard Areas). A waiver from the provisions of the Special Flood Hazard Area section of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to

be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

General Floodplain. Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 3.2, that are not VE or V zones, and that do not have a delineated floodway.

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

High Water Stage. The 100-year Floodplain Elevation.

Historic Structure. Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- 4) Individually listed on the City of Chattanooga, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

Letter of Map Change (LOMC). An official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include: **Letter of Map Amendment (LOMA).** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.

Conditional Letter of Map Revision Based on Fill (CLOMR-F). A determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

Letter of Map Revision Based on Fill (LOMR-F). A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.

Letter of Map Revision (LOMR). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially

revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

National Geodetic Vertical Datum (NGVD). As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

North American Vertical Datum (NAVD). As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Reasonably Safe from Flooding. Base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

Regulatory Flood Protection Elevation (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
Special Flood Hazard Area. The land in the floodplain within a community which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FFBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. Includes substantial improvements.

State Coordinating Agency. The Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Passed December 2025

ARTICLE III

Amend ARTICLE III. ZONES AND ZONING MAP, Sec. 38-12. - Zoning Map (b) Interpretation of Boundary Line the following as a new number (2) and renumber the remaining:

(2) When a public or private right-of-way is abandoned then the new zone boundary line is the prior centerline of that former right-of-way.

Passed December 2025

ARTICLE IV

Amend ARTICLE IV. – RESIDENTIAL ZONES, Table 18-16.5: Residential Zones Dimensional Standards- Setbacks, RN-1-5 and RN-1-3 Minimum Corner Setbacks by replacing with the following:

RN-1-5: Minimum Corner Setbacks from 15' to:

Side/Corner: alley 5'

Side/Corner: street 10'

RN-1-3: Minimum Corner Setbacks from 15' to:

Side/Corner: alley 5'

Side/Corner: street 10'

Passed July 2025

Amend Article IV. Residential Zones by adding a new subsection (a):

Developments participating in the Voluntary Incentives Program are subject to the lot area standard reductions and maximum height increases as detailed in Article XIX. Voluntary Incentives Program, Sec. 38-106 Incentives.

Passed July 2025

Amend ARTICLE IV. RESIDENTIAL ZONES, Section 38-16. Residential Zone Dimensional Standards, Table 38-16.2: Residential Zones Dimensional Standards- Lot Standards by changing the Minimum Lot Width of TRN-3, SU to 25’.

Passed December 2024

ARTICLE V

Amend Sec. 38-20. - Mixed-Use and Commercial Zones Dimensional Standards by Deleting Table 38-20.1: Mixed-Use and Commercial Zones Dimensional Standards establishes the dimensional standards for the mixed-use and commercial zones. These regulations apply to all uses within each zone unless a different standard is listed for a specific use. And replacing with Table 38-20.1: Mixed-Use and Commercial Zones Dimensional Standards establishes the dimensional standards for the mixed-use and commercial zones. These regulations apply to all uses within each zone unless a different standard is listed for a specific use. Developments participating in the Voluntary Incentives Program are subject to the lot area standard reductions and maximum height increases as detailed in Article XIX. Voluntary Incentives Program, Sec. 38-106 Incentives.

Passed July 2025

ARTICLE VI

Amend ARTICLE VI. – DOWNTOWN FORM-BASED CODE, Section 38-739 Applicability, (2) Additions by deleting in its entirety and replacing with the following:

Sec. 38-379. Applicability, (2) Additions

- A. When an existing building, use or site is increased in gross floor area, or improved site area, by up to 25% cumulatively, the parking requirements of this Division apply to the additional floor or site area only.
- B. When an existing use, building or site is increased in gross floor area, or improved site area, by more than 25% cumulatively, both the existing building, use or site and the additional floor or site area, must conform to the parking requirements.
- C. Any combination of reconstruction, alteration or improvement to a building, taking place during a five-year period, in which the cumulative percentage of improvement equals or exceeds fifty-percent (50% of the current market value of the building.

Passed October 2025

Amend ARTICLE VI. – DOWNTOWN FORM-BASED CODE, Section 38-748(1) B Applicability by deleting in its entirety and replacing with the following:

B. Only Perimeter Planting is required for new parking areas with 4 to 19 spaces and only along the public right-of-way.

Passed September 2025

ARTICLE VII

Amend Article VII. Industrial Zones, Sec. 38-25. Industrial Zones Dimensional Standards

by adding a new subsection (c):

(c) Developments participating in the Voluntary Incentives Program are subject to the lot area standard reductions and maximum height increases as detailed in Article XIX.

Voluntary Incentives Program, Sec. 38-106 Incentives.

Passed July 2025

Amend ARTICLE VII. INDUSTRIAL ZONES, Section 38-26 I-MU Zone Development Standards, (c) Façade Design by deleting in its entirety the following and renumber the remaining:

(1) For facades that face a street, the waterfront, riverwalk, or a park of 100 feet or greater, facades must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change; such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.

Passed November 2024

Amend ARTICLE VII. INDUSTRIAL ZONES, Section 38-26 I-MU Zone Development Standards, (c) Façade Design by deleting in its entirety the following and renumber the remaining:

(2) Façades that face a street, the waterfront, the riverwalk, or a park of 100 feet in length or greater must be designed with consistent building materials and treatments.

(3) Facades that face a street, the waterfront, the riverwalk, or a park must include windows, projected or recessed entrances, overhangs, and other architectural features.

Passed November 2024

ARTICLE VIII

Amend ARTICLE VIII. – SPECIAL PURPOSE ZONES, Section 38-29. 1- INST Institutional Zone, Table 38-29.1: INST Zone Dimensional Standards by replacing the Minimum River Setback with the following:

Riverfront Buffer Zone: Structures within 100' of the Tennessee River floodway may not exceed 5 stories/60'

Passed July 2025

Amend ARTICLE VIII. SPECIAL PURPOSE ZONES, Section 38-29. INST Institutional Zone, Table 38-29.1 by replacing the title with the following:

Table 38-29.1 INST Zone Dimensional Standards Inside the Urban Overlay

Passed May 2025

Amend ARTICLE VIII. SPECIAL PURPOSE ZONES, Section 38-42 Principal Use Standards (I) Dwelling: Single-Unit Detached; Single-Unit Attached; Two-Unit by deleting in its entirety the following and renumber the remaining:

i. The dwelling must have an entrance from a façade facing the street. The front entry must be a dominate feature on the front elevation, using features such as porches, raised steps and stoops, or decorative railings to articulate the front façade. On a corner lot, only one façade facing the street requires a primary entrance.

Passed November 2024

Amend ARTICLE VIII — SPECIAL PURPOSE ZONES, Section 38-38 F/W Floodway by deleting in its entirety and replacing with the [following](#): (Link to ALL amendments - ord. no. 14298)

Passed December 2025

ARTICLE IX

Amend ARTICLE IX. USES, Section 38-41 Use Matrix, Table 38-41.1: Use Matrix as follows:

1. Add “Children’s Home” as a permitted (P) use in the RN-1-7.5 Zone
2. Add “Children’s Home” as a permitted (P) use in the RN-1-5 Zone
3. Add “Children’s Home” as a permitted (P) use in the INST Zone

Passed December 2024

Amend ARTICLE IX. USES, Section 38-42 Principal Use Standards (I) Dwelling: Single-Unit Detached; Single-Unit Attached; Two-Unit by deleting in its entirety the following and renumber the remaining:

- i. The dwelling must have an entrance from a façade facing the street. The front entry must be a dominate feature on the front elevation, using features such as porches, raised steps and stoops, or decorative railings to articulate the front façade. On a corner lot, only one façade facing the street requires a primary entrance.

Passed November 2024

Amend ARTICLE IX. USES, Section 38-42 Principal Use Standards (I) Dwelling: Single-Unit Detached; Single-Unit Attached; Two-Unit by deleting in its entirety the following and renumber the remaining:

(1) A 10% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.

Passed November 2024

Amend ARTICLE IX. USES, Section 38-42 Principal Use Standards (m) Dwelling: Three-Unit; Four-Unit, Multi-Unit, Townhouse by deleting in its entirety the following and renumber the remaining:

(i) Street-facing building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.

Passed November 2024

Amend ARTICLE IX. USES, Section 38-42 Principal Use Standards (m) Dwelling: Three-Unit; Four-Unit, Multi-Unit, Townhouse by deleting in its entirety the following and renumber the remaining:

(iv) The following minimum transparency requirements apply to any façade facing a street and are calculated on the basis of the entire area of the façade:

a. Townhouse: 10%

b. Three-Unit, Four-Unit, Multi-Unit: 15%

Passed November 2024

Amend ARTICLE IX. – USES, Section 38-41.1 Use Matrix by adding crematorium as a special exception (SE) use in the C-N Neighborhood Commercial Zone, C-C Commercial Corridor Zone, C-R Regional Commercial Zone and I-MU Industrial Mixed-Use Zones.

Passed September 2025

Amend Article IX. - USES, Section 38-45 Use Definitions to add a new definition:

Crematorium. A standalone, enclosed facility where human or companion animal remains are cremated in a cremation retort. A crematorium may be an independent principal use and not associated with a funeral home. If a crematorium is used in association with a funeral home, then it is considered an accessory use to the funeral home.

Passed September 2025

Amend Article IX. Uses, Section 38-42. Principal Use Standards by adding the following and renumbering:

(j) Crematory

(1) Applicant must have an approved permit from the Hamilton County Air Pollution Control Bureau for said use at location prior to submitting an application for a Special Permit.

(2) All activity related to the dead shall be handled discreetly and screened from public view by a

Commercial Buffer, unless a more intense buffer is required by zoning code, including delivery and storage of remains.

Passed September 2025

Amend ARTICLE IX. USES, Sec. 38-41. — Use Matrix by adding Reception Facility (Indoor) as a new use in the table.

Passed December 2025

Amend ARTICLE IX. USES, Sec. 38-41. — Use Matrix by adding an “SE” for Reception Facility (Indoor) in the C-C Commercial Corridor Zone.

Passed December 2025

Amend ARTICLE IX. USES, Sec. 38-41. — Use Matrix by adding Drive-Through Facility, Standalone as a new use in the table.

Passed December 2025

Amend ARTICLE IX. USES, Sec. 38-41. — Use Matrix by adding an “SE” in the for Drive-Through Facility, Standalone in the C-C Zone, a “P” in the C-R, I-L, and I-MU Zone.

Passed December 2025

Amend ARTICLE IX. USES, Sec. 38-42 Principal Use Standards, by adding (k) Drive- Through Facility, Standalone and alphabetizing the other use standards that occur after the new addition of Drive-Through Facility, Standalone.

(k) Drive-Through Facility, Standalone.

1) All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Code. Further, additional internal queueing and stacking spaces and other access points to prevent disruption of traffic flow on adjacent streets may be required.

2) Stacking spaces provided for drive-through uses must be:

a. A minimum of ten feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 20 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.

b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a drive-through sign). Spaces must be placed in a single line behind each lane or bay.

3) All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods unless required for emergency or traffic safety reasons as determined by the Department of Public Works- Transportation Division and Fire Department.

4) The minimum width for a drive through lane is ten feet.

5) Drive-through facilities require a solid fence or wall a minimum of six feet to a maximum of

seven feet in height along the interior side and rear lot lines when such lot lines abut a residential zone, or the C-NT,C-N, or C-TMU Zones. One shrub, a minimum of three feet in height at maturity, is required every three linear feet, along such fence or wall, placed inside the fence toward the interior of the lot.

6) No drive-thru component, such as drive-up windows, lanes, or order box, is allowed within 50 feet of a residential use, excluding mixed-use developments, measured from the residential lot line to the closest point of the drive-thru lane.

Passed December 2025

Amend ARTICLE IX. USES, Sec. 38-45, Use Definitions by adding the following definitions:

Drive-Through Facility, Standalone. A business where transactions occur directly with customers via a service window, kiosk, or other configuration that allows customers to remain in their vehicle and that does not provide on-premise consumption on-site. Drive-Through Facility, Standalone are considered the principal use on the property and do not have any other principal uses and buildings. Drive-Through Facility, Standalone uses are not considered Eating and Drinking Establishments.

Reception Facility (Indoor Only). An indoor facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as an eating and drinking establishment with regular hours of operation. Reception Facility (Indoor) shall have no outdoor gathering places such as decks, balconies, covered areas, and patios. Parking lots shall not be used for outdoor gathering places related to the indoor Reception Facility. There shall be no outdoor use of an amplified sound system.

Passed December 2025

ARTICLE X

ARTICLE XII

AMEND ARTICLE XII. – OFF-STREET PARKING AND LOADING, Section 38-54. – Required Parking Flexibilities, Exemptions, and Reductions, (e) Off-Site Parking, (3) Agreement for Off-Site Parking by deleting in its entirety and replacing with the following:

(3) Agreement for Off-Site Parking

A copy of the recorded access easement between properties is required and must be submitted to the Land Development Office and any changes after shall be maintained on file with the Land Development Office.

Passed September 2025

Amend ARTICLE XII. – OFF-STREET PARKING AND LOADING, Sec. 38-53. -

Required Off-Street Vehicle and Bicycle Parking Spaces, (c) Vehicle Parking Space

Maximums by deleting (1) in its entirety and replacing with the following:

(1) Required off-street vehicle parking for nonresidential uses is subject to a parking maximum of 200%.except that the required off-street parking maximum for Medical/Dental Office/Clinic uses shall be calculated at a minimum number of parking spaces of 1 per 200sf GFA.

Passed July 2025

Amend Article XII. Off-Street Parking & Loading, Sec. 38-52 General Requirements by adding a new subsection (f):

(f) Voluntary Incentives Program

Developments participating in the Voluntary Incentives Program are subject to the parking reductions as detailed in Article XIX. Voluntary Incentives Program, Sec. 38-107 Parking Minimum Standards.

Passed July 2025

Amend ARTICLE XII. OFF-STREET PARKING & LOADING., Section 38-54. – Required Parking Flexibilities, Exemptions and Reductions by inserting the following:

(2) Properties zoned C-3 Central Business Zone prior to the effective date of the Official Zoning Map of the Chattanooga Zoning Ordinance adopted July 23, 2024, unless zoning conditions were placed on the property at the time of rezoning.

Passed December 2024

ARTICLE XIII

Amend ARTICLE XIII. – LANDSCAPE, Landscape Table 38-65.2: Buffer Yard Class by deleting the language as noted and replace with the following:

Change “Minimum Planting Requirements” to “Minimum Evergreen Requirements” with the following changes:

10-R Residential Buffer: from “All Planting minimum 25% Evergreen” to “25% Evergreen”

20-C Commercial Buffer: from “All Planting minimum 50% Evergreen” to “50% Evergreen”

30-M Industrial Buffer: from what it currently is to “One row of Evergreen Trees (ET) plus two rows of large trees (LT). OR One double row of Evergreen Large Shrubs (LS) plus two rows of Large trees (LT).

Passed October 2025

Amend ARTICLE XIII. – LANDSCAPE, Sec. 38-65. - Buffer Yards (b) by deleting in its entirety and replacing with the following:

(b) Buffer yards are located within rear and interior side setbacks along the lot lines when indicated in Table 38-65.1. Buffer Yard width maximum is equal to the setback for each zone.

Passed September 2025

Amend Article XIII. Landscape, Sec. 38-61 Landscape Plan by adding a new subsection

(e):

(e) Voluntary Incentives Program

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Developments participating in the Voluntary Incentives Program are subject to the landscaping reductions as detailed in Article XIX. Voluntary Incentives Program, Sec. 38-106 Incentives.

Passed July 2025

ARTICLE XIV

Amend Article XIV. ADMINISTRATORS, Section 38-69. Board of Appeals by deleting in entirety and substituting in lieu thereof the following:

Sec. 38-69. Board of Appeals

Membership

The Board of Appeals, also known as the Board of Zoning Appeals and referred to in this Article as the "Board", shall consist of nine (9) members and shall be appointed by the City Council for three (3) year terms. One member shall be appointed from each City Council District. In the case of a vacancy, a member shall be appointed to serve the unexpired term of the former member creating the vacancy. A member who has served for three (3) years shall continue to serve as an official member of the Board until the member has been reappointed or a new member has been appointed to represent that District. Members of the Board shall serve without compensation.

Officers and Meetings.

A Chairperson and Vice-Chairperson of the Board shall be elected from its own membership. A Secretary of the Board shall be provided by staff. The board shall fix its place of meeting and shall conduct at least one (1) regular meeting a month, provided there are applications to be reviewed by the Board. Other meetings of the Board shall be held upon the call of the Chairperson and at such times as the Board may determine. The presence of five (5) members shall constitute a quorum. In all other matters, the Board shall proceed according to its own rules of order for the conduct of business, such rules being of public record. The City Attorney or their designated representative shall be present at each Board meeting.

Powers.

The Board of Appeals has the following powers pursuant to this Code:

- (1) To make final decisions on any special exception request;
- (2) To make final decisions on any variance request;
- (3) To hear zoning appeals of the Director of the Land Development Office decisions; and

(4) To hear zoning appeals of Sign Code decisions by the Director of the Land Development Office.

Passed March 2026

ARTICLE XV

Amend ARTICLE XV. APPLICATION PROCESS, Sec. 38-72.-Notice, (c) Mailed Notice, (1) delete in its entirety and replace with the following:

- (1) The Regional Planning Agency 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.

Passed November 2024

Amend ARTICLE XV. APPLICATION PROCESS, Section 38-72. Notice, to delete in its entirety (c) Mailed Notice replace with the following:

- (2) The Regional Planning Agency will mail written notice at least fifteen (15) days in advance of the first scheduled action to all property owners within 300' 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.

Passed November 2024

ARTICLE XVI

Amend ARTICLE XVI. ZONING APPROVALS, Section 38-75. Special Exceptions, (d) Procedure to delete in its entirety (1) Filing and Notice and replace with the following:

- (1) Filing and Notice
All Applications must be filed per Section 38-71. Once it is determined that the application is complete, staff will schedule the application for consideration by the appropriate body. Notice is required per Section 38-72.

Passed November 2024

ARTICLE XVII

Amend Article XVII. Short Term Vacation Rentals, Section 38-85. Definitions be amended by deleting in its entirety the Editor's Note(s) including the legal description after the Editor's Note and replace with the following:

Editor's note(s): A copy of the Short-Term Vacation Rental Overlay District Map, referenced above as Exhibit A as amended from time to time, is available for inspection in the offices of the City Council Clerk. The map was amended to add an additional area within City Council District 1 effective June 11, 2024, and was amended to add an additional area with City Council District 5 effective October 21, 2025.

Passed October 2025

Amend ARTICLE XVII. SHORT-TERM VACATION RENTALS APPLICABILITY, Section 38.85. Definitions, by deleting Short-Term Vacation Rental in its entirety and replace with the following:

Short-Term Vacation Rental. Any or other structure containing no more than five bedrooms within permissible zones which is used, advertised, or held out to the public in part or its entirety to be a place where sleeping accommodations are supplied for pay and such accommodations are provided on a daily or weekly basis for not more than 30 days for overnight stay. For the purposes of this definition, any short-term vacation rental on a site located in the RN-1-7.5, RN-1-6, RN-1-5, RN-2 Zones, must contain no more than five bedrooms and excludes hotels, rooming houses, bed and breakfast, and boarding houses, or other licensed multi-unit dwellings for rent or lease, as defined in Section 21-67 and/or Section 11-186 and/or Section 38-45. No Multi-Unit Dwellings or Multi-Unit Developments can exceed a maximum of 25% of the total units.

Passed May 2025

ARTICLE XVIII

Amend ARTICLE XVIII. – NONCONFORMITIES, Section 38-97, (c) Discontinuation of Abandonment by amending the following:

- (1) If a nonconforming nonresidential use is discontinued for a continuous period of one hundred (100) consecutive days, the nonconforming use terminates automatically. Any subsequent use of such land or structure must comply with all regulations of the zone in which the structure is located.
- (2) If a nonconforming use of an on or off premise sign is discontinued for a continuous period of one hundred (100) days, the nonconforming use terminates automatically, regardless of the intent of the landowner to continue or discontinue when such nonconforming use. The nonconforming use of an on or off premise sign continues with the owner of the sign structure rather than the landowner or any other tenant of the landowner.
- (3) A nonconforming residential use is not subject to any discontinuance or abandonment.

Amend ARTICLE XVIII. – NONCONFORMITIES, Section 38-98. Nonconforming Structure to add a new section (f):

(f) Fenestration as part of Exterior Modification in a Form-based Code District

A nonconforming structure that does not conform to Sec. 38-698 Measurements and Exceptions, (5) Public Realm, A. Openings shall be allowed to have nonconforming fenestration if the following conditions are met:

- **Would not create any new nonconformity or increase the degree of the previously existing nonconformity.**
- **Meets the intent of the Form-based Code per Sec. 38-692 (5) Intent.**

Passed July 2025

Amend ARTICLE XVIII. NONCONFORMITIES, Section 38-97 Nonconforming Use, by deleting in its entirety (c) Discontinuation or Abandonment, (1) and replace with the following:

- (1) If a nonconforming nonresidential use is discontinued for a continuous period of 100 consecutive days, the nonconforming use terminates automatically. Any subsequent use of such land or structure must comply with all regulations of the zone in which the structure or land is located.

Passed November 2024

ARTICLE XIX

Add New ARTICLE XIX. – VOLUNTARY INCENTIVES PROGRAM and renumber ARTICLE XIX. – ENFORCEMENT to ARTICLE XV. – ENFORCEMENT and renumber accordingly

ARTICLE XIX. VOLUNTARY INCENTIVES PROGRAM

Sec. 38-100. Intent.

Ordinance No. 14185 created a Voluntary Attainable Housing Incentive Program (VIP) for the purpose of authorizing certain incentives to be provided to property owners who seek to build multi-unit attainable housing pursuant to Tenn. Code Ann. § 13-3-603.

The VIP waives certain zoning and land use requirements for multi-unit developments in exchange for providing rental housing attainable to low- and moderate-income households. This voluntary program is designed to increase the overall number of attainable rental units created in Chattanooga by allowing more efficient permitting and flexible, by-right land use and zoning entitlements for qualifying developments.

The City shall not compel any property owner to participate in the program.

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All projects constructed under the Voluntary Incentives Program shall be deed restricted to ensure that the attainable housing continues for a period of 30 years.

Sec. 38-101. Applicability.

The incentives will apply to any development of five (5) or more attached or semi-attached residential units in any zone permitting development of five (5) or more residential

units.

The incentives provided through this program are available to any developer that volunteers to comply with program requirements and provide a certain amount of attainable housing for a period of 30 years.

Sec. 38-102. VIP Definitions.

For the purposes of Article X. Voluntary Incentives Program, the following definitions shall be used:

(a) **Attainable Multi-Unit Housing.** Housing accommodations that are designed principally for residential use and consist of not less than 5 rental units on one site, provided that such units may not be detached, as required by Tennessee State Code, Section 13-3-601. Attainable housing is defined as income restricted housing providing rents not to exceed one third gross monthly income for a household earning 80% Area Median Income or less. Attainable rents will be determined according to the annually updated Department of Housing and Urban Development income and rent limits for the Chattanooga-Hamilton County Metro Statistical Area.

(b) **Area Median Income (AMI).** The Department of Housing and Urban Development (HUD) develops income limits based on Median Family Income estimates at the Metro Statistical Area (MSA) level. The Chattanooga, TN-GA MSA contains the following areas: Catoosa County, GA; Dade County, GA; Walker County, GA; Hamilton County, TN; Marion County, TN; and Sequatchie County, TN.

(c) **Income restricted housing.** Housing units with rents or sales prices set according to a

certain AMI level to achieve a certain “level of affordability.” Tenants of income-restricted rental units will periodically be required to provide proof of income to

demonstrate they qualify for income-restricted housing.

(d) **Program requirement period.** Qualifying developments must remain in compliance with the program requirements for a period of 30 years, following the issuance of a certificate of occupancy.

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(e) **Qualifying Development.** Any development of 5 or more attached or semi-attached residential units in Chattanooga City limits within a zone permitting development of 5 or more residential units that have been certified through the process outlined in Sec. 38-108 Certification Process.

Sec. 38-103. Qualifying Development Types.

(a) **Type 1 – Attainable Multi-Unit Housing - Medium.** Any development with 5-9 attached or semi-attached residential units. This may include townhouse developments with 5 or more units.

(b) **Type 2 – Attainable Multi-Unit Housing - Large.** Any development with 10 or more attached or semi-attached residential units.

(c) Type 3 – Attainable High Opportunity Development. Any development with 10 or more attached or semi-attached residential units that is located within 500 feet of a CARTA transit stop, AND located within an “A, B, C, or D” market in the most recent Chattanooga Market Value Analysis as designated by the City of Chattanooga Office of Housing and Community Development.

Sec. 38-104. Program Requirements.

To participate in the Voluntary Incentives Program for Attainable Housing, applicants will ensure that they comply with one of the following types of attainable housing criteria and maintain required attainable housing units for a period of 30 years.

(a) Type 1 – Attainable Multi-Unit - Medium (5-9 Units)

One (1) or more units must be affordable to households with incomes at or below eighty percent (80%) AMI, according to the most recently available HUD Income Limits. These terms shall be recorded on the deed for the development.

(b) Type 2 – Attainable Multi-Unit Housing - Large (10+ Units)

At least ten percent (10%) of all units included on the site must be attainable to households with incomes at or below eighty percent (80%) AMI, according to the most recently available HUD Income Limits. These terms shall be recorded on the deed for the development.

(c) Type 3 – Attainable High Opportunity Development (10+ Units)

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At least ten percent (10%) of all units included on the site must be attainable to households with incomes at or below eighty percent (80%) AMI, according to the most recently available HUD Income Limits. These terms shall be recorded on the deed for the development.

Sec. 38-105. General Requirements.

(a) If the number of units required in this section includes less than a whole unit, the unit number is rounded up to the nearest whole unit.

(b) Qualifying developments must remain in compliance with the program requirements for a period of 30 years, following the issuance of a certificate of occupancy.

(c) Tenants residing in attainable units shall be provided equal access to parking and other onsite amenities consistent with what is provided to other tenants.

(d) Income-restricted units shall be comparable to market rate units in quality, size, configuration, and location.

(e) Property owners shall comply with all applicable fair housing laws.

(1) Prior to receiving a certificate of occupancy, applicants must provide documentation of having completed a Fair Housing Training with a nationally certified training organization.

(f) Program participants must verify rents and incomes through a third-party, such as a project management company, affordable housing consultant, or HUD contractor on an

annual basis for the first 15 years of the program. See Sec. 38-111 Annual Review and Fees for further information.

Sec. 38-106. Incentives.

Applicants that have been determined to meet program requirements outlined above through the process outlined in Section 38-104 shall be eligible for the following incentives.

(a) Type 1 Attainable Housing Incentives: Developments that comply with the Type 1 VIP requirements above will be eligible for all of the following incentives:

a. Waiver of off-street Vehicle Parking requirements in Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements and waiver of Off-street Vehicle Parking in the Form Based Code, Sec. 38-741. Vehicle Parking

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i. These waivers shall only apply to non-ADA, residential parking requirements

ii. Qualifying developments must provide at least .5 parking spaces for every non-ADA housing unit unless less parking is required by the base use or zone

b. Thirty percent (30%) decrease of minimum lot area standards required for base zoning district

(b) District Type 2 Attainable Housing Incentives: Developments that comply with the Type 2 VIP requirements above will be eligible for the following incentives:

a. Waiver of off-street Vehicle Parking requirements in Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements and waiver of Off-street Vehicle Parking in the Form Based Code, Sec. 38-741. Vehicle Parking

i. These waivers shall only apply to non-ADA, residential parking requirements

ii. Qualifying developments must provide at least .5 parking spaces for every non-ADA housing unit unless parking is required by the base use or zone

b. Waiver of Interior Parking Lot Landscape Requirements (Section 38-63.C - Parking Lot Landscape)

c. Thirty percent (30%) decrease of minimum lot area standards required for base zoning district

(c) Type 3 Attainable Housing Incentives: Developments that comply with the Type 3 VIP requirements above will be eligible for the following incentives, including the addition of a height bonus.

a. Waiver of off-street Vehicle Parking requirements in Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements and waiver of Off-street Vehicle Parking in the Form Based Code, Sec. 38-741. Vehicle Parking

i. These waivers shall only apply to non-ADA, residential parking requirements

ii. Qualifying developments must provide at least .5 parking spaces for every non-ADA housing unit unless less parking is required by the base use or zone

b. Waiver of Interior Parking Lot Landscape Requirements (Section 38-63.C - Parking Lot Landscape)

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c. Thirty percent (30%) decrease of minimum lot area standards required for base zoning district

d. Thirty percent (30%) increase of maximum height permitted for base zoning district

Sec. 38-107. Parking Minimum Standards.

(a) Applicants shall provide a parking plan as part of their application.

(b) Applicants shall provide the required number of ADA compliant parking spaces, per Section 38-52.d Accessible Spaces Required.

(c) Applicants must provide at least .5 parking spaces for every non-ADA housing unit.

a. This standard shall not apply to permanent supportive housing developments.

b. This standard shall not apply if less parking is required by the base use or zone.

(d) Applicants may utilize one of the following flexible parking options in the zoning code to meet the minimum requirement of .5 non-ADA parking spaces

a. On Street Spaces, per Article 12, Section 3.C, AND/OR

b. Off-site Parking, per Article 12, Section 3.E, AND/OR

c. Collective and Shared Parking per Article 12, Section 3.F

(e) In the Urban Overlay Zone and Form Based Code areas, applicants may also receive one vehicle parking space credit for every two long-term bike parking spaces provided on-site for up to 25% of total required minimum parking. Long-term bicycle parking must be located in an enclosed area providing protection from weather and must be accessible to intended users.

Sec. 38-108. Certification Process.

Per Tennessee State Code, Tenn. Code Ann. § 13-3-603 Applicants are required to provide written notice of interest for consideration under the program to the Office of Housing and Community Investment (HCI) within the Office of Economic Development and to the Regional Planning Agency (RPA). The City shall not compel any property owner to participate in the program.

(a) Upon receipt of a potential applicant's written notice of interest by the planning commission staff, a pre-application conference shall be held between the HCI and the Regional Planning Agency and the potential applicant before a complete application for housing incentives is filed. The purpose of the pre-application conference is to determine

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whether a potential project satisfies all of the requirements set out in the ordinance created under § 13-4-402 and program requirements within this section of the Zoning Code.

(b) Upon the conclusion of the pre-application conference, the Regional Planning Agency either:

a. Determine the proposed project satisfies the requirements to receive housing incentives as set out in the ordinance established under § 13-4-402, and thereafter prepare a conference summary document that shall include at a minimum

i. the parameters of the project, including the timeframe for completing the project,

ii. the incentives being offered,

iii. a finding that the potential project conforms to the ordinance and state law, and

iv. a recommendation to the planning commission; or

b. Determine that the proposed project does not conform to the ordinance and state law or that the property owner is no longer interested in participation in the Voluntary Incentives Program. When the proposed project is determined to not meet the requirements of the ordinance, the property owner may either request another meeting within 60 days of the pre-application conference or move forward with the proposed project without the requested incentives.

c. Any finding referenced in Sec. 38-108(b)(a) by the Regional Planning Agency is not binding and does not create any vested property rights for the property owner.

(c) Upon receipt of the pre-application conference summary document, the potential

applicant may submit a complete application and applicable fee to the Chattanooga-Hamilton County Regional Planning Commission for participation in the Voluntary

Incentives Program.

a. Such an application shall include a copy of the pre-application conference summary document and an attestation that the applicant is willingly participating in a voluntary program and will construct and complete the project in a manner outlined and reviewed in the pre-application conference.

b. The applicant must submit a completed application to the planning commission within one hundred twenty (120) days of receiving the pre-application conference summary document for the completed application to be considered.

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c. VIP applications before the Regional Planning Commission are not subject to the requirements of Sec. 38-72 Notice. VIP applications shall be individually listed as part of the Regional Planning Commission legal notice.

(d) The Planning Commission shall make the final decision on whether to approve the completed application at the next available public meeting after the completed application is submitted.

- a. For the purposes of this Article, “next available public meeting”, is the one following the submittal of a completed application, payment of fee(s), and availability to add to a Planning Commission agenda and advertise as such.
- b. Planning Commission shall review the completed application to determine if it is compliant with the parameters of the pre-application conference summary document. If the completed application is determined to be within the parameters of the pre-application conference summary document, the completed application shall not be denied based on any provisions set out in the document.
- c. Planning Commission may deny the application based upon any legal issue subsequently identified during the review of the completed application.
 - i. An applicant may correct the legal issue and be placed on a future agenda.

Sec. 38-109. Deed Restrictions.

- (e) All multi-family facilities, buildings and structures constructed under the Voluntary Incentives Program shall be deed restricted to ensure that the attainable housing continues for a period of 30 years
 - (1) Deed restrictions shall be reviewed by Office of Housing and Community Development and approved for recording by that office prior to recording of the deed by the applicant.

Sec. 38-110. Appeals.

- (a) Any reduction in landscaping, parking, height or lot size received through the VIP and approved by the Chattanooga-Hamilton County Regional Planning Commission is not subject to additional reduction in the applicable standard from the Board of Zoning Appeals.
- (b) The action of the Regional Planning Commission shall be final, provided an appeal from the action of the Commission may be taken to Hamilton County Chancery Court by any aggrieved, affected party.

Sec. 38-111. Annual Review and Fees.

- (a) All qualifying developments shall be deed restricted to ensure that the attainable housing requirements are maintained for a period of 30 years, in accordance with Tenn. Code Ann. § 13-3-603(f).
- (b) Housing and Community Investment (HCI) staff will monitor rents and incomes on an annual basis for the first 15 years of the program. After 15 years of operation, HCI will request rent and income verification periodically at a frequency of not less than every 5 years.
- (c) Program participants must submit rent and income verification for all units contributing to eligibility for this program. The Housing and Community Investment (HCI) division shall handle ongoing monitoring and compliance for affordability requirements for this program, and communications regarding compliance documentation will be provided by HCI.

(1) In accordance with the City of Chattanooga's Program Compliance Policies and Guidelines, documents verifying incomes and rents for attainable units must be provided through a third party, such as a project management company, affordable housing consultant, or HUD contractor.

(d) Properties found to be out of compliance with committed attainable rents and unit counts will be subject to a penalty fee of \$5,000 per non-compliant unit per year of noncompliance, which shall be collected and placed in the Chattanooga Affordable Housing Fund.

Passed July 2025

Pending Amendments

***These Amendments have been passed by Planning Commission, but not brought in front of City Council.*