

**A RESOLUTION TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING REGULATIONS OF THE CITY OF CHATTANOOGA,
TENNESSEE, BY AMENDING SECTION 502 AND ADDING NEW SECTIONS
13 AND 528 TO IDENTIFY CERTAIN AREAS OF SCENIC VALUE AND
ESTABLISH A SPECIAL EXCEPTIONS PERMIT RELATIVE TO THE
REGULATION OF STRUCTURE HEIGHTS IN SUCH AREAS**

WHEREAS, it has been determined that the Chattanooga Zoning Ordinance should be amended to include additional protection of certain scenic and historic resources in the City of Chattanooga; and

WHEREAS, Chattanooga's scenic and historic topography are vital contributors to the health, safety and welfare of the community by creating a more attractive environment for business owners, residents, and visitors; and

WHEREAS, Areas of Scenic Value were identified as portions of Missionary Ridge, Orchard Knob, Lookout Mountain, Billy Goat Hill and Stringer's Ridge and extending one-thousand (1,000) feet from the defined base of these topographic features as depicted on the accompanying maps; and

WHEREAS, the current zoning ordinance provides inadequate scenic viewshed protections in these areas from building and structure heights that exceed thirty-five (35) feet; and

WHEREAS, it has been determined that prior to the issuance of a building permit, there is a need to establish a special exceptions permit requiring that new development exceeding thirty-five (35) feet in building height be reviewed for impact and compatibility with Areas of Scenic Value; and

WHEREAS, new development exceeding thirty-five (35) feet in height in these areas may be permitted as a special exception by the City Council after review by the planning staff of the Chattanooga-Hamilton County Regional Planning Agency.

NOW, THEREFORE, BE IT RESOLVED that the Chattanooga-Hamilton County Regional Planning Commission on November 8, 2010 does respectfully recommend to the Chattanooga City Council to amend the Chattanooga Zoning Regulations as follows:

Amend Article III, Zones and Boundaries, by adding a new Division 4 , Section 13 as follows:

DIVISION 4. AREAS OF SCENIC VALUE

Section 38-13. Intent

(1) Chattanooga's scenic and historic topography are vital contributors to the health, safety and welfare of the community by creating a more attractive environment for business owners, residents, and visitors. The purpose of this regulation is to preserve and enhance key views of and within certain areas of recognized scenic value by ensuring that new development exceeding thirty-five (35) in building height is reviewed for impact and compatibility with the natural views land forms and historic scenic sites.

(2) Areas of Scenic Value Established

There are hereby established Areas of Scenic Value which by virtue of their documented historic and scenic importance are created to preserve and enhance the attractiveness, health, safety and welfare of the City.

a) Missionary Ridge

Portions of the City of Chattanooga lying within the following area: Beginning at the Tennessee/Georgia state line, the eastern boundary follows the eight-hundred (800) foot elevation contour of the eastern side of the ridge north to the southern boundary of the Tennessee Valley Railroad right of way, thence westward along the southern boundary of said right of way until intersecting with the eight-hundred (800) foot elevation contour on the western side of Missionary Ridge, thence southward along said contour line to the Tennessee/Georgia state line, thence east along the Tennessee/Georgia state line to the beginning point as generally depicted on the accompanying map.

b) Billy Goat Hill

Beginning at the northern right of way of Bonny Oaks Drive at the intersection of the eight-hundred (800) foot elevation contour line east of Billy Goat Hill and west of Young Road and following said elevation in a northerly direction in a manner so as to arrive at the northern right-of-way of Campbell Street, thence east along the northern boundary of the Campbell Street right of way continuing along the northern boundary of Bonny Oaks Drive until reaching the beginning point as generally depicted on the accompanying map.

c) Lookout Mountain

Portions of the City of Chattanooga lying within the following area: Beginning on the western side of Lookout Mountain at the Tennessee/Georgia state line at the intersection of the eight-hundred (800) foot elevation contour and following said contour in a northerly direction until reaching the southern right of way of Cummings Highway, thence crossing said right-of-way and continuing in a easterly direction while continuing to follow the eight-hundred (800) foot elevation contour until once again intersecting the Cummings Highway right-of way, crossing said right-of-way and continuing in a southerly direction along the eight-hundred (800) foot elevation contour until reaching the Tennessee/Georgia state line and thence west until reaching the beginning point as generally depicted on the accompanying map.

(d) Stringers Ridge

Portions of the City of Chattanooga lying within the following area: Beginning at the northern right of way of the Norfolk Southern Rail Line and following said right of way until reaching the western right of way of US Route 27, thence northward along said right of way until the point of intersection with the eight-hundred (800) foot elevation contour line, thence following the said elevation contour along the western slopes of Stringer's Ridge, thence continuing to follow the eight-hundred (800) foot elevation contour in a southerly direction across the right-of-way of US Highway 27, thence continuing in a southerly direction until the vicinity of Brelsford and Whitehall Roads, thence continuing to follow said elevation contour in a northeasterly direction along the eastern slope of Stringer's Ridge, thence crossing the right-of-way of US Highway 27 once again, thence continuing to follow said elevation contour until reaching the beginning point as generally depicted on the accompanying map.

(e) Orchard Knob

Beginning at the point where the seven-hundred (700) foot elevation contour intersects the northern right-of-way of East 5th Street and following said elevation contour in a southerly direction crossing the right-of-way of North Orchard Knob Avenue, thence continuing across the Ivy Street right-of-way in a westerly direction until crossing the North Hawthorne Street right-of-way in a northerly direction before crossing the Ivy Street right-of-way once again,

thence continuing in a northerly direction, crossing the East 5th Street right-of-way, and continuing in a northerly direction before turning northeast and then crossing the North Hawthorne Street right-of-way, then continuing in an easterly direction until reaching the beginning point as generally depicted on the accompanying map.

Amend Article VI, Height and Area Exceptions and Other Special Exceptions, Section 502, Height of chimneys, etc. by adding a second paragraph as follows:

Additional requirements as provided in Article VI, Section 38-528 pertaining to Special Exceptions Permit requirements for structures within Areas of Scenic Value may apply.

Amend Article VI, Height and Area Exceptions and Other Special Exceptions; Division 2, Other Special Exceptions, by adding sections 528 and 529 as follows:

38-528. Special Exceptions for building heights in designated Areas of Scenic Value.

(1) Applicability

- (a) This permit applies to new construction of structures including buildings, spires, towers and other appurtenances that exceed thirty-five (35) feet and are located within areas of enhanced scenic value. This regulation shall apply to parcels or lots located within a defined Area of Scenic Value, or entirely or partially within one thousand (1,000) feet as measured outward from the geographic base of a defined Area of Scenic Value.

(2) General Regulations

- (a) No building or other structure within a designated Area of Scenic Value or located on a parcel wholly or partially within one-thousand (1,000) feet of a designated Area of Scenic Value as measured outward from its geographic base linear fashion, may hereafter be erected or altered to exceed thirty-five (35) feet in height.
- (b) The City Council may permit buildings or other structures exceeding thirty-five (35) feet within designated Areas of Scenic Value as a special exception prior to the issuance of a building permit or certificate of occupancy.

- (c) The planning staff of the Chattanooga-Hamilton County Regional Planning Agency shall conduct an analysis of the proposed building or structure which will include, but shall not be limited to, the following:
 - (i) A land use survey of the surrounding development;
 - (ii) Evaluation of the potential impact of the proposed building or structure on the historic, natural or scenic character of the surrounding area.
 - (d) The Planning Commission shall submit the findings of the Chattanooga-Hamilton County Regional Planning Agency to the Chattanooga City Council.
- (3) Application Procedure
- (a) The applicant shall apply for the Special Exceptions Permit to the City Council through the Chattanooga-Hamilton County Regional Planning Agency to be reviewed by the Planning Commission followed by final action by the City Council.
 - (b) The applicant shall submit building elevations for all proposed buildings and/or structures that will exceed thirty five (35) feet in height on the site.
 - (c) The applicant shall submit a site plan drawn at a minimum scale of one inch equals one hundred feet (1"=100') and shall include:
 - (i) The location, size and existing zoning of the proposed site;
 - (ii) The location(s) of all proposed structures on the site which will exceed thirty-five (35) feet in height.
 - (iii) The adjacent types of development, including the location and height of existing structures.
 - (iv) in addition to the above, the Planning Commission or City Council may require such other additional information as may be determined necessary to adequately review the proposed development.
- (4) Evaluation
- (a) The planning staff of the Chattanooga-Hamilton County Regional Planning Agency shall conduct an analysis of the proposed development site which will include, but shall not be limited to the following:
 - (i) A land use survey of the surrounding development;
 - (ii) Zoning of site and surrounding parcels;
 - (iii) The location (if applicable) of existing structures exceeding thirty-five (35) feet in height;
 - (iv) Location of the site in relation to designated historic districts;
 - (v) Distance from known Civil War battlefield sites or reservations;
 - (vi) Distance from preserved lands;

- (vii) Distance from established or proposed greenways;
- (viii) Adherence to adopted land use plans.

- (5) The Planning Commission shall submit the findings of the Chattanooga-Hamilton County Regional Planning Agency staff, along with the recommendation of the Chattanooga-Hamilton County Regional Planning Commission, to the City Council for consideration and action.
- (6) The recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval or disapproval of a Special Exception Permit. This report is to include, but is not limited to, the following:
 - (a) The potential effect on the character of the Area of Scenic Value based on the review criteria,
 - (b) Consistency of the proposal with adopted land use plans,
 - (c) The consistency of the proposal with the intent and purpose of the Ordinance to promote, preserve and enhance the public health, safety, and general welfare;
 - (d) Additional requirements which are needed in order to make the development more compatible with the surrounding character of the Area of Scenic Value
- (7) The City Council of the City of Chattanooga shall hold a public hearing on the request for the Special Exceptions Permit. The notice and publication of the public meeting shall conform to the procedures as prescribed in Article XI hereof for hearings before the Council on changes and amendments.

38-529 Definitions

- (1) Historic Site- A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events with local, regional, statewide or national significance.
- (2) Scenic Feature- A geographically definable natural topographic formation such as a mountain, hill or ridgeline contributing to the attractive scenic character of the community.
- (3) Contour Line- A line depicted on a topographic map representing points of equal elevation measured in feet above mean sea level. Contour lines are derived from the most recent United States Geological Survey 7.5 minute

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quadrangle maps and may be digitally rendered in a Geographic Information System (GIS).

- (4) Area of Scenic Value- A historic site and/or scenic feature defined by topographic bounds.

Respectfully submitted,

Karen Rennich, Interim Secretary

Date of Adoption: November 8, 2010

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