

First Reading: November 9, 2021
Second Reading: November 16, 2021

ORDINANCE NO. 13743

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
ADDRESS EXTERIOR BUILDING MATERIAL
REQUIREMENTS.

WHEREAS, the State of Tennessee approved Public Chapter 332 which included a new subdivision (T.C.A. § 68-120-101(b)(7)(D)) that states “[a] regulation, ordinance, or code adopted pursuant to this subdivision (b)(7) shall not prohibit a particular construction material that is approved by a national building code or the State Fire Marshal”; and

WHEREAS, this new regulation prevents the City of Chattanooga from prohibiting any construction material that is approved for use by a national building code or the State Fire Marshal; and

WHEREAS, Public Chapter 332 has the effect of allowing materials that might have previously been prohibited by the City’s Historic Zoning or Local District Design Guidelines or the Chattanooga Zoning Ordinance;

WHEREAS, Chattanooga City Code, Chapter 38, Zoning Ordinance does regulate building materials in several sections; and

WHEREAS, the City of Chattanooga is recommended to take action to meet the requirements of the new provisions of this law; and

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 38, be amended by amending Article IV, General Regulations, by adding new Section 38-37, Exterior Building Materials, as follows:

Sec. 38-37. Exterior Building Materials.

Pursuant to TCA § 68-120-101(b)(7) no regulation, ordinance, or code adopted pursuant to this subdivision (b)(7) shall prohibit a particular construction material that is approved by a national building code or the State Fire Marshal.

If certain building materials are to be restricted, not prohibited, in the construction of buildings within the Chattanooga Zoning Ordinance, including the Form-based Code, the consideration of a requirement pertaining to construction materials must be by separate vote as required by T.C.A. § 68-120-101(b)(7).

More specifically, if the requirement is to be part of a general ordinance or resolution, then the requirement pertaining to restricting the use of certain construction materials must be severable from the rest of the action taken by either the Chattanooga-Hamilton County Regional Planning Commission and the Chattanooga City Council and voted on separately.

SECTION 2. That Chattanooga City Code, Part II, Chapter 38, be amended by amending Section 38-13 within Division 4, Brainerd Overlay Zone entitled Brainerd Overlay Standards, (5) New Development, (c) Storefront/Building Zone, v. Building Materials by deleting the current language in subsection a. which states “Pre-engineered metal buildings shall be prohibited” and renumbering the remaining subsections within (c) Storefront/Building Zone, v. Building Materials in order.

SECTION 3. That Chattanooga City Code, Part II, Chapter 38, be amended by amending Section 38-18 within Division 5, Aviation/Airport District Overlay Zone entitled Lovell Field Gateway Overlay Zone Regulations, (5) New Development, (h) Storefront/Building Zone, (iv) Building Materials by deleting the current language in subsection (1) which states “Pre-engineered

metal buildings shall be prohibited”, and renumbering the remaining subsections within (h) Storefront/Building Zone, (iv) Building Materials in order.

SECTION 4. That Chattanooga City Code, Part II, Chapter 38, be amended by amending Section 38-74 within Division 4, RZ-1 Zero Lot Line Residential Zone entitled Height, area and building regulations, by deleting the current language in subsection (7) which states “The wall on the zero-foot setback must be constructed of maintenance free, solid masonry and no portion can project over any property line. For the purpose of this regulation, acceptable building materials shall include brick, block or siding of a ceramic, glass or cementitious nature including prefabricated boards or stucco but not including vinyl, foam or cellulose fiber based siding.” and inserting in lieu thereof the following new subsection (7) as follows:

(7) The wall on the zero-foot setback must be constructed of fire retardant materials which are approved by the national building codes or the state fire marshal as required by Tennessee law.

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: November 16, 2021

VICE CHAIRPERSON
APPROVED:____ DISAPPROVED:____

MAYOR

/mem