

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY  
CODE, PART II, CHAPTER 38, ZONING ORDINANCE,  
ARTICLE V, DIVISION 26, PLANNED UNIT  
DEVELOPMENT-INSTITUTIONAL.

---

WHEREAS, current regulations are not clear as to what specific items are to be included on a Preliminary Plan and a Final Plan of an Institutional Planned Unit Development (“PUD”); and

WHEREAS, the current practice is to require the Final PUD Plan to meet Final Subdivision Plat requirements; and

WHEREAS, the current process requires the Final PUD Plan to be reviewed by the City Council; and

WHEREAS, Final Subdivision Plan Final requirements are technical in nature and currently reviewed by professional staff of the Regional Planning Agency and approved by the Planning Commission; and

WHEREAS, it is more appropriate for professional staff of the Regional Planning Agency to review Final PUD Plans; and

WHEREAS, likewise, it is more appropriate for the Planning Commission to approve such technical plans; and

WHEREAS, currently, a Preliminary PUD Plan expires after two (2) years.

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, Section 38-419, Staging, is hereby amended by deleting this section in its entirety and substituting in lieu thereof the following:

**Sec. 38-419. Staging.**

- (1) The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.
- (2) The Planning Commission may recommend that the City Council require that development be done in stages if public facilities are not adequate to service the entire development initially.
- (3) Adjacent phases of the same PUD shall be connected with a street or street network.

SECTION 2. BE IT FURTHER ORDAINED, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-420, Changes and modifications; Major Changes, is hereby amended by deleting this section in its entirety and substituting in lieu thereof the following:

**Sec. 38-420. Changes and modifications.**

- (1) Major Changes- A major change is any one of the following:
  - a. Any increase in gross density;
  - b. Any change in the PUD boundary;
  - c. Changing the land use from Residential to Non-Residential, excluding open space;
  - d. Changing single-family detached dwelling to any other residential type;
  - e. Moving townhouses or multi-family dwellings closer to or adjacent to existing single-family dwellings;

- f. Increasing the amount of land dedicated to any use other than single-family detached dwellings and open space;
  - g. Increasing the number of units adjacent to existing single-family detached residential unit(s);
  - h. Any significant change to the location of access as determined by the City Traffic Engineer based on potential negative impacts, including, but not limited to, traffic patterns, traffic flow, and sight distance or relocating access to another existing public street; and
  - i. Any increase in building height one story or greater.
- (2) If a major change is made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body, it shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.
- (3) Minor Changes - A minor change is any change that is not found in the list of major changes. Minor changes made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body may be approved by the Planning Commission Staff. Staff shall have the right and responsibility to withhold approval and refer the PUD Plan to the Planning Commission in any situation where the various reviewing agencies, utilities, or Planning Commission member is in disagreement; or in cases involving unusual land features or patterns of development.

SECTION 2. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-421, Application procedure for institutional planned unit development, is hereby amended by deleting this section in its entirety and substituting in lieu thereof the following:

**Sec. 38-421. Application procedure for institutional planned unit development.**

(1) Pre-Application Meeting-

- a. The applicant shall attend a Pre-Application meeting with Regional Planning Commission staff before a PUD application is submitted and/or accepted; and
- b. Topics reviewed at the Pre-Application meeting shall include, but not be limited to, the following topics: reason for the proposal, PUD Development Plan, adjacent development patterns, transportation, open space areas, etc.

(2) PUD Development Plan-

- a. After the Pre-Application meeting, the applicant shall submit a PUD Development Plan along with an application for the Residential Planned Unit Development to the staff of the Regional Planning Commission.
- b. The PUD Development Plan shall be 11" X 17" drawn at a minimum scale of one inch equals one hundred feet (1"=100') and shall contain the following components:
  - i. Proposed PUD boundary line with dimensions;
  - ii. Surrounding land use and zoning;
  - iii. Zoning of proposed PUD site;
  - iv. Outline and label land uses: Single Family Homes, Town Homes, Multi Family Units, Non-Residential, Open Space, Detention Ponds, etc.;
  - v. Streets (do not show alleys);
  - vi. Sidewalks or paved internal pedestrian circulation system;
  - vii. Lot lines for single-family detached dwellings (no structures);

viii. Townhomes, multi-family, non-residential buildings; and

ix. Legend with Tax Map Number(s), Total Acres, Acreage of each land use, Density- permitted gross number of units per acre and proposed gross number of units per acre.

(3) Planning Commission Review-

- a. If the applicant has met the Pre-Application Meeting and PUD Development Plan requirements, the Planning Commission shall review the proposed Development Plan in the month following the application deadline at their next regularly scheduled meeting/public hearing; and
- b. Upon recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the PUD Development Plan shall be submitted to the City Council.

(4) City Council Review-

- a. The City Council shall review the PUD Development Plan for consideration, public hearing, and action only after it has been submitted to the Planning Commission; and
- b. The resolution by the City Council approving PUD Development Plan shall have attached thereto, as an exhibit, a copy of the approved PUD Development Plan.

(5) Subdivision Plat-

- a. Upon approval, or approval with conditions of the PUD Development Plan by the City Council, the applicant may submit a Preliminary or combined Preliminary and Final Subdivision Plat per the Chattanooga Subdivision Regulations. This is only necessary if the applicant desires to subdivide land based on an active Approved PUD Development Plan; and

- b. The Preliminary Plat or the combined Preliminary and Final Plat shall have a note indicating the City Council Resolution number which approved the PUD Development Plan.

(6) Enforcement-

- a. An Approved PUD Development Plan is considered "active" for sixty (60) months from and after its approval by the City Council, after which time it shall expire;
- b. An Approved PUD Development Plan may be revoked by the City Council upon written report by the Director of Codes Administration that the PUD is not being constructed in conformance with the Approved Development Plan;
- c. If the Approved PUD Development Plan expires or is revoked by the City Council, no other building permit shall be issued for any construction whatsoever upon the land area covered by the PUD Development Plan until a decision is made by the City Council as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated by chapter;
- d. If the Approved PUD Development Plan is revoked, the Director of Codes Administration shall have the responsibility for notifying the staff of the Planning Commission. The Building Official, after having given said notice, may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land;
- e. No building permit shall be granted until after approval of the PUD Development Plan;
- f. The Director of Codes Administration shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the staff of the Regional Planning Commission; and

- g. During such time as an Approved PUD Development Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within two (2) weeks from and after its passage as provided by law.

Passed on second and final reading: \_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

APPROVED:\_\_\_\_ DISAPPROVED:\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MAYOR

/mms



**A RESOLUTION TO AMEND THE CHATTANOOGA CITY CODE, CHAPTER 38  
ZONING ORDINANCE, ARTICLE V, DIVISION 26 PLANNED UNIT  
DEVELOPMENT: INSTITUTIONAL**

**WHEREAS**, current regulations are not clear as to what specific items are to be included on a Preliminary Plan and a Final Plan of an Institutional Planned Unit Development; and

**WHEREAS**, the current practice is to require the Final PUD Plan to meet Final Subdivision Plat requirements; and

**WHEREAS**, the current process requires the Final PUD Plan to be reviewed by City Council; and

**WHEREAS**, Final Subdivision Plat Final requirements are technical in nature and currently reviewed by professional staff of the Regional Planning Agency and approved by the Planning Commission; and

**WHEREAS**, it is more appropriate for professional staff of the Regional Planning Agency to review Final PUD Plans; and

**WHEREAS**, likewise, it is more appropriate for the Planning Commission to approve such technical plans; and

**WHEREAS**, currently, a Preliminary PUD Plan expires after two years.

**NOW THEREFORE, BE IT RESOLVED**, that the Chattanooga-Hamilton County Regional Planning Commission on July 8, 2013, does hereby recommend to the Chattanooga City Council that the Chattanooga Zoning Ordinance be amended as follows:

**Section 38-419, Staging; delete in its entirety and substitute in lieu thereof the following:**

**Section 38-419, Staging;**

- (1) ~~The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.~~
- (2) The Planning Commission may recommend that the City Council require that development be done in stages if public facilities are not adequate to service the entire development initially.
- (3) Adjacent phases of the same PUD shall be connected with a street or street network.

**Section 38-420, Changes and modifications; Major Changes; delete this section in its entirety and substitute in lieu thereof the following:**

**Section 38-420, Changes and modifications.**

- (1) Major Changes- A major change is any one of the following:
  - a. Any increase in gross density;

- b. Any change in the PUD boundary;
  - c. Changing the land use from Residential to Non-Residential, excluding open space;
  - d. Changing single-family detached dwelling to any other residential type;
  - e. Moving townhouses or multi-family dwellings closer to or adjacent to existing single-family dwellings;
  - f. Increasing the amount of land dedicated to any use other than single-family detached dwellings and open space;
  - g. Increasing the number of units adjacent to existing single-family detached residential unit(s)
  - h. Any significant change to the location of access as determined by the City Traffic Engineer based on potential negative impacts, including, but not limited to, traffic patterns, traffic flow, and sight distance or relocating access to another existing public street.
  - i. Any increase in building height one story or greater.
- (2) If a major change is made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body, it shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.
- (3) Minor Changes - A minor change is any change that is not found in the list of major changes. Minor changes made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body may be approved by the Planning Commission Staff. Staff shall have the right and responsibility to withhold approval and refer the PUD Plan to the Planning Commission in any situation where the various reviewing agencies, utilities, or Planning Commission member is in disagreement; or in cases involving unusual land features or patterns of development.

---

**Section 38-421, Application procedure for institutional planned unit development;** delete this section in its entirety and substitute in lieu thereof the following:

---

**Section 38-421. Application procedure for institutional planned unit development.**

- (1) Pre-Application Meeting-
- a. The applicant shall attend a Pre-Application meeting with Regional Planning Commission staff before a PUD application is submitted and/or accepted.
  - b. Topics reviewed at the Pre-Application Meeting shall include, but not be limited to, the following topics: reason for the proposal, PUD Development Plan, adjacent development patterns, transportation, open space areas, etc.
- (2) PUD Development Plan-
- a. After the Pre-Application meeting, the applicant shall submit a PUD Development Plan along with an application for the Residential

Planned Unit Development to the staff of the Regional Planning Commission.

- b. The PUD Development Plan shall be 11" X 17" drawn at a minimum scale of one inch equals one hundred feet (1"=100') and shall contain the following components:
  - i. Proposed PUD boundary line with dimensions
  - ii. Surrounding land use and zoning
  - iii. Zoning of proposed PUD site
  - iv. Outline and label land uses: Single Family Homes, Town Homes, Multi Family Units, Non-Residential, Open Space, Detention Ponds, etc.
  - v. Streets (do not show alleys)
  - vi. Sidewalks or paved internal pedestrian circulation system
  - vii. Lot lines for single-family detached dwellings (no structures)
  - viii. Townhomes, multi-family, non-residential buildings
  - ix. Legend with Tax Map Number(s), Total Acres, Acreage of each land use, Density- permitted gross number of units per acre and proposed gross number of units per acre

(3) Planning Commission Review-

- a. If the applicant has met the Pre-Application Meeting and PUD Development Plan requirements, the Planning Commission shall review the proposed Development Plan in the month following the application deadline at their next regularly scheduled meeting/public hearing.
- b. Upon recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the PUD Development Plan shall be submitted to the City Council.

(4) City Council Review-

- a. The City Council shall review the PUD Development Plan for consideration, public hearing, and action only after it has been submitted to the Planning Commission.
- b. The resolution by the City Council approving PUD Development Plan shall have attached thereto, as an exhibit, a copy of the approved PUD Development Plan.

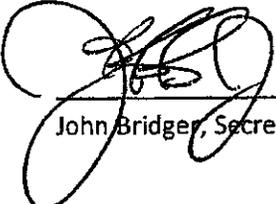
(5) Subdivision Plat-

- a. Upon approval, or approval with conditions of the PUD Development Plan by the City Council, the applicant may submit a Preliminary or combined Preliminary and Final Subdivision Plat per the Chattanooga Subdivision Regulations. This is only necessary if the applicant desires to subdivide land based on an active Approved PUD Development Plan.
- b. The Preliminary Plat or the combined Preliminary and Final Plat shall have a note indicating the City Council Resolution number which approved the PUD Development Plan.

(6) Enforcement-

- a. An Approved PUD Development Plan is considered "active" for sixty (60) months from and after its approval by the City Council, after which time it shall expire.
- b. An Approved PUD Development Plan may be revoked by the City Council upon written report by the Director of Codes Administration that the PUD is not being constructed in conformance with the Approved Development Plan.
- c. If the Approved PUD Development Plan expires or is revoked by the City Council, no other building permit shall be issued for any construction whatsoever upon the land area covered by the PUD Development Plan until a decision is made by the City Council as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated by chapter.
- d. If the Approved PUD Development Plan is revoked, the Director of Codes Administration shall have the responsibility for notifying the staff of the Planning Commission. The Building Official, after having given said notice, may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land.
- e. No building permit shall be granted until after approval of the PUD Development Plan.
- f. The Director of Codes Administration shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the staff of the Regional Planning Commission.
- g. During such time as an Approved PUD Development Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

Respectfully submitted,



John Bridger, Secretary

Date of Adoption: July 8, 2013

JB:GH:PD:sh

PUDResJuly82013

## NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2013-073 John R. Anderson/Dallas and Beverly Bunton. 2910 Silverdale Road, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

2013-089 Jacob Becker/PTC Properties. 503 Hamilton Avenue and 502 North Market Street, from R-4 Special Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

2013-091 Britt Goodson/State of Tennessee. 5528 and 5530 Hwy. 153, from R-2 Residential Zone to C-2 Convenience Commercial Zone.

2013-096 Jody Shea/Shea Properties, LLC. 1800 E. 25<sup>th</sup> Street, from R-2 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2013-097 David Jones/Hamilton Avenue Properties. 677 Hamilton Avenue, from RT-1 Residential Townhouse Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2013-099 Caressa Martin. 3820 Montview Drive, from R-1 Residential Zone to R-3MD Moderate Density Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions be lifted:

2013-079 Continental 171 Fund, LLC/Ken Liem, Fenella Pinewood, LLC, K&L Enterprises, Inc. 7400 block of Pinewood Drive, lifting Condition #1 of Ordinance No. 12305 from previous Case No. 2009-129 and upon Staff Determination possibly Condition #2 and Condition #5, subject to certain conditions.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Amending Section 38-2, Definitions, by adding “Kennel”;
- (b) Amending Section 38-394, Height and area regulations, by deleting items (2) and (3) in their entirety and substituting in lieu thereof;
- (c) Amending Section 38-395, General provisions, by deleting item (1) in its entirety and substituting in lieu thereof;
- (d) Amending Section 38-400, Staging, by adding item (3);
- (e) Amending Section 38-401, Changes and modifications, by deleting same in its entirety and substituting in lieu thereof;
- (f) Amending Section 38-402, Application procedure for planned unit development, by deleting same in its entirety and substituting in lieu thereof;
- (g) Amending Section 38-419, Staging, by deleting same in its entirety and substituting in lieu thereof;
- (h) Amending Section 38-420, Major Changes, by deleting same in its entirety and substituting in lieu thereof; and
- (i) Amending Section 38-421, Application procedure for institutional planned unit development, by deleting same in its entirety and substituting in lieu thereof;

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

**August 13, 2013**

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the \_\_\_\_ day of \_\_\_\_\_, 2013.

---

Sandra Freeman  
Clerk to the City Council