

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, GENERAL REGULATIONS, SECTION 38-25 TO ESTABLISH EXCEPTIONS FOR ANNEXED LOTS NOT FRONTING PUBLIC STREETS.

WHEREAS, Article IV, Section 38-25 requires that every residential building erected, reconstructed or structurally altered shall be located on a lot fronting a street; and

WHEREAS, There are recorded residential lots within the City of Chattanooga that do not front a street; and

WHEREAS, There recorded residential-zoned lots within the City of Chattanooga that do not front a street cannot be issued a building permit; and

WHEREAS, There is no current process by which annexed recorded residential-zoned lots without street frontage can be considered for development.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article IV, Section 38-25, is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 38-25. Lots to front street; exceptions.

Residential

Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street, except for any recorded lot that is currently five (5) acres or larger in size and was five (5) acres or larger in size at the time it was annexed into the City of Chattanooga and has a recorded access easement that is at least fifteen (15) feet wide for each lot it serves but not required to exceed fifty (50) feet.

The Board of Zoning Appeals may grant a variance to this requirement if the following two conditions apply:

- The recorded lot was smaller than five (5) acres at the time it was annexed into the City of Chattanooga.
- The recorded lot has a recorded access easement that is at least fifteen (15) feet wide for each lot it serves but not required to exceed fifty (50) feet.

Non-Residential

Every non-residential building and/or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street or a permanent recorded easement approved by the City of Chattanooga Transportation Department.

SECTION 2. 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

/mem

**A RESOLUTION TO AMEND THE CHATTANOOGA CITY CODE,
CHAPTER 38 ZONING ORDINANCE, ARTICLE IV GENERAL
REGULATIONS, SECTION 38-25 TO ESTABLISH EXCEPTIONS FOR
ANNEXED LOTS NOT FRONTING PUBLIC STREETS**

WHEREAS, Article IV, Section 38-25 requires that every residential building erected, reconstructed or structurally altered shall be located on a lot fronting a street; and

WHEREAS, There are recorded residential lots within the City of Chattanooga that do not front a street; and

WHEREAS, There recorded residential-zoned lots within the City of Chattanooga that do not front a street cannot be issued a building permit; and

WHEREAS, There is no current process by which annexed recorded residential-zoned lots without street frontage can be considered for development.

NOW THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on June 9, 2014, does hereby recommend to the Chattanooga City Council that the Chattanooga Zoning Ordinance be amended as follows:

Section 38-25. Lots to front street; exceptions. Delete in its entirety and substitute in lieu thereof the following:

Sec. 38-25. Lots to front street; exceptions:

Residential

Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street, except for any recorded lot that is currently 5-acres or larger in size and was 5-acres or larger in size at the time it was annexed into the City of Chattanooga and has a recorded access easement that is at least 15 feet wide for each lot it serves but not required to exceed 50 feet.

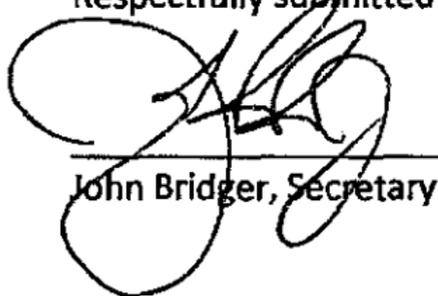
The Board of Zoning Appeals may grant a variance to this requirement if the following two conditions apply:

- The recorded lot was smaller than 5 acres at the time it was annexed into the City of Chattanooga.
- The recorded lot has a recorded access easement that is at least 15 feet wide for each lot it serves but not required to exceed 50 feet.

Non-Residential

Every non-residential building and/or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street or a permanent recorded easement approved by the City of Chattanooga Transportation Department.

Respectfully submitted



John Bridger, Secretary

Date of Adoption: June 9, 2014

JB: GH

NOTICE

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

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

2014-046 Wallace and Nancy Braud. 1329 and 1349 Gunbarrel Road, from R-1 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2014-050 Patrick Johnson. 5209 St. Elmo Avenue, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2014-051 RTB Holdings, LLC/Parks Properties, LLC. 614 East Main Street (at rear of parcel), from M-3 Warehouse and Wholesale Zone to C-3 Central Business Zone, subject to certain conditions.

2014-054 Hixson Investors, LLC/Wells Fargo Bank and Raymond L. Hassler. 6308, 6338, 6348, 6352 Grubb Road and 5851 Highway 153, from C-2 Convenience Commercial Zone to R-4 Special Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

2014-043 Chattanooga Construction Company/Lighthouse Enterprises, LLC. 5336, 5344, and 5050 Hunter Road, for a proposed Residential Planned Unit Development (PUD), subject to certain conditions.

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

2014-055 Hixson Investors, LLC/Wells Fargo Bank and Raymond Hassler. 6308 Grubb Road and 5851, 5861, and 5857 Highway 153, so as to lift conditions from Ordinance No. 11827 of previous Case No. 2006-028 and to lift conditions from Ordinance No. 11946 of previous Case No. 2007-022.

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) Deleting in its entirety Section 38-25, Lots to front street; exceptions, and substituting in lieu thereof; and
- (b) Adding a new Division 4 to Article III, Zones and boundaries, Brainerd Road Streetscape Overlay Zone (BR-SO).

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,

July 8, 2014

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 _____, 2014.

Sandra Freeman
Clerk to the City Council