

First Reading: 8/12/14  
Second Reading: \_\_\_\_\_

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 25, RESIDENTIAL PLANNED UNIT DEVELOPMENT, SECTION 38-393, PERMITTED USES, TO ALLOW ALL USES PERMITTED IN THE UNDERLYING ZONE(S) AND SECTION 38-398, PERMITTED DENSITY.

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**WHEREAS**, The Planned Unit Development is a special exceptions use granted by the Chattanooga City Council; and

**WHEREAS**, The Planned Unit Development currently only permits residential uses, schools, and churches even in zones that typically permit other uses; and

**WHEREAS**, The Planned Unit Development could be utilized as a tool to allow mixed use development with both residential and non-residential uses; and

**WHEREAS**, The Planned Unit Development site plan illustrates and regulates how the development will occur; and

**WHEREAS**, The Planned Unit Development site plan is a legal, enforceable document; and

**WHEREAS**, Permitting the uses in the zone underlying a Planned Unit Development will permit mixed use development with both residential and non-residential uses.

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 V, Division 25, Residential Planned Unit Development, Section 38-393, Permitted Uses, to Allow all Uses Permitted in the Underlying Zone(s) by deleting Item 11 in its entirety and substituting in lieu thereof the following:

**Sec. 38-393. Permitted uses in all PUD's.**

(11) All uses permitted in the underlying zone(s).

SECTION 2. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Division 25, Residential Planned Unit Development, Section 38-398, Permitted Density be deleted in its entirety and substituted in lieu thereof with the following:

**Sec. 38-398. Permitted density.**

- (1) The maximum number of dwelling units in a PUD to be located in an R-1 Residential Zone shall be computed by multiplying the gross acreage to be developed by five (5), excluding any area to be developed as a church or school.
- (2) The maximum number of dwelling units of a PUD to be located in an R-3, R-4, or any commercial zone in which dwellings are permitted, except for the C-5 Neighborhood Commercial Zone, shall be computed by multiplying the gross acreage to be developed by twenty-four (24), excluding any area to be developed as a church, school, or other non-residential use.
- (3) The maximum number of dwelling units in a PUD to be located in a C-5 Neighborhood Commercial Zone shall be computed by multiplying the gross acreage to be developed by eight (8), excluding any area to be developed as non-residential.
- (4) The maximum number of dwelling units of a PUD to be located in all other zones shall be computed by multiplying the gross acreage to be developed by eight (8), excluding any area to be developed as a church, school, or other non-residential use.

- (5) Where zone boundaries for two or more residential zones divide one tract of land proposed for a PUD, the maximum number of dwelling units shall be computed by multiplying the gross acreage within each zone by the densities given above, and adding the numbers for the whole tract. The allowed maximum number of dwelling units may be located anywhere within the tract, in accordance with the regulations of this chapter.
- (6) The maximum number of dwelling units to be developed under a PUD in the A-1 Urban Agricultural Zone shall be computed by multiplying the gross acreage to be developed, excluding set asides, as described in article V, section 38-456, Subsections (2) and (3), by eight (8).

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,  
PART II, CHAPTER 38 ZONING ORDINANCE, ARTICLE V, DIVISION  
26, RESIDENTIAL PLANNED UNIT DEVELOPMENT, SECTION 38-  
393 PERMITTED USES, TO ALLOW ALL USES PERMITTED IN THE  
UNDERLYING ZONE(S)**

**WHEREAS,** The Planned Unit Development is a special exceptions use granted by the Chattanooga City Council; and

**WHEREAS,** The Planned Unit Development currently only permits residential uses, schools, and churches even in zones that typically permit other uses; and

**WHEREAS,** The Planned Unit Development could be utilized as a tool to allow mixed use development with both residential and non-residential uses; and

**WHEREAS,** The Planned Unit Development site plan illustrates and regulates how the development will occur; and

**WHEREAS,** The Planned Unit Development site plan is a legal, enforceable document; and

**WHEREAS,** Permitting the uses in the zone underlying a Planned Unit Development will permit mixed use development with both residential and non-residential uses.

**NOW THEREFORE, BE IT RESOLVED,** that the Chattanooga-Hamilton County Regional Planning Commission on July 14, 2014, does hereby recommend to the Chattanooga City Council that the following sections be amended as follows:

**Article V, Section 38-393. Permitted Uses in all PUDs be amended by deleting Item 11 in its entirety and substituting in lieu thereof the following:**

- 11) All uses permitted in the underlying zone(s)

**Article V, Section 38-398. Permitted Density be deleted in its entirety and replaced in lieu of with the following:**

- (1) The maximum number of dwelling units in a PUD to be located in an R-1 Residential Zone shall be computed by multiplying the gross acreage to be developed by 5, excluding any area to be developed as a church or school.

- (2) The maximum number of dwelling units of a PUD to be located in an R-3, R-4, or any commercial zone in which dwellings are permitted, except for the C-5 Neighborhood Commercial Zone, shall be computed by multiplying the gross acreage to be developed by 24, excluding any area to be developed as a church, school, or other non-residential use.
- (3) The maximum number of dwelling units in a PUD to be located in a C-5 Neighborhood Commercial Zone shall be computed by multiplying the gross acreage to be developed by 8, excluding any area to be developed as non-residential.
- (4) The maximum number of dwelling units of a PUD to be located in all other zones shall be computed by multiplying the gross acreage to be developed by 8, excluding any area to be developed as a church, school, or other non-residential use.
- (5) Where zone boundaries for two or more residential zones divide one tract of land proposed for a PUD, the maximum number of dwelling units shall be computed by multiplying the gross acreage within each zone by the densities given above, and adding the numbers for the whole tract. The allowed maximum number of dwelling units may be located anywhere within the tract, in accordance with the regulations of this chapter.
- (6) The maximum number of dwelling units to be developed under a PUD in the A-1 Urban Agricultural Zone shall be computed by multiplying the gross acreage to be developed, excluding set asides, as described in article V, section 38-456, Subsections (2) and (3), by 8.

Respectfully submitted,

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John Bridger, Secretary

Date of Adoption: July 14, 2014

JB:GH:PD:sh

CityPUDAmend71414

## 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:

2014-023 Elemi Architecture, LLC/Matt Winget/Paul Teruya/ALC Holdings, LLC. 1690 Silvels Lane, 109 Old Mountain Road, and 1605 W. 39<sup>th</sup> Street, from R-1 Residential Zone, R-2 Residential Zone, and C-2 Convenience Commercial Zone to UGC Urban General Commercial Zone, as amended per site plan.

2014-068 Neuhoff Taylor Architects/YMCA Association of Metro Chattanooga. 7502 Shallowford Road, from R-1 Residential Zone and R-4 Special Zone to C-4 Planned Commerce Center Zone, subject to certain conditions.

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

2014-061 TC Development, LLC/Trey Stanley. 2506 Ocoee Street, from R-1 Residential Zone to R-2 Residential Zone.

3. 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 Item 11 of Article V, Section 38-393, Permitted Uses in all PUDs in its entirety and substituting in lieu thereof; and
- (b) Deleting Article V, Section 38-398, Permitted Density 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 12, 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.

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Sandra Freeman  
Clerk to the City Council