

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

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO AMEND ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS; ADD AND AMEND ARTICLE II, DEFINITIONS; AND ADD TO ARTICLE V, ZONE REGULATIONS TO INCLUDE SPECIAL PERMIT FOR TWO-FAMILY OR MULTI-FAMILY DWELLINGS ON LOTS OF RECORD.

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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 VIII, Board of Appeals for Variances and Special Permits, by amending Section 38-568, by adding a part (23) as follows relative to Special Permit for Two-family or Multi-family Dwellings on Lots of Record:

**ARTICLE VIII. BOARD OF APPEALS FOR VARIANCES  
AND SPECIAL PERMITS.**

**Sec. 38-568. Powers, etc. of board; hearings.**

**(23) Special Permit for Two-family or Multi-family Dwellings on Lots of Record.**

**Purpose:** The purpose of this Special Permit is to support the development of infill housing by allowing an existing Lot of Record to be developed with Two-family (duplex) Dwellings or Multi-family Dwellings with lot sizes less than the required minimum lot area. The Lot of Record must be zoned appropriately for the dwelling proposed for the site. This permit does not allow for the creation of new lots with sizes smaller than the required minimum lot sizes.

Applicants should review Sec. 38-507 prior to pursuing this Special Permit as that section allows development of Two-family (duplex) Dwellings to be constructed on Lots of Record with reduced lot sizes.

Good neighborhoods contain buildings of many types and sizes, but they should be compatible. While the type of architecture may vary, compatibility can be addressed in part through similar orientation of houses to streets, front setbacks, and architectural features such as porches. Applicants should consider the existing neighborhood character in development of the site plan.

- 1) The applicant shall submit to the Board of Appeals a development plan of the proposed site showing at a minimum:
  - a. Location of proposed structure(s)
  - b. Size and use of structure(s), including number of dwelling units
  - c. Required front, side and rear setbacks
  - d. Curb cuts, driveways and on-site parking areas
  - e. Front and side elevation drawings with building height
- 2) The required front, side and rear yard setbacks for Lots of Record shall apply unless a variance per Sec. 38-567 is granted by the Board of Appeals.
- 3) Off-street parking is required per Division 29. Off-street Parking and Loading Space Requirements.
- 4) To assure new construction relates to the street in a manner that is similar to that seen traditionally in the City of Chattanooga's older developed areas and to help ensure compatibility, the following standards shall apply:
  - a. No parking shall be allowed in the required front yard.
  - b. Where an alley does not abut the side or rear of the lot, all attached and detached garages shall remain subordinate to the primary wall plane and should have a setback of a minimum of 12' behind the dwelling's main facade line.
- 5) The Board shall find that the proposed dwelling will not conflict with the developed character of the area; that the City Transportation Department has approved all plans for parking and access; and that the proposed use will not be in conflict with the adopted plans of the community.
- 6) If granted, the Special Permit shall be only for the residential use(s) permitted in the zone.
- 7) Development under the Special Permit, as granted, shall substantially conform to the development plan reviewed by the Board of Appeals at the time of its approval of the permit and any conditions that may be placed on the permit by the Board. If, in the opinion of an administrative official in the administration or enforcement of the zoning ordinance, proposed development is not in compliance with the action of the Board, that officer shall place another hearing regarding the Special Permit on the Board's agenda for its consideration.

SECTION 2. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Section 38-2, Definitions, be amended by adding a new definition in alphabetical order as follows:

Lot of Record: A lot that was recorded by deed at the time of the passage of Zoning Ordinance No. 5149 on June 20, 1961, or on any lot legally platted on record with the Hamilton County Register of Deeds on or before June 20, 1961.

SECTION 3. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Section 38-2, Definitions, to amend the definition name of Dwelling, Multiple to Dwelling, Multi-family.

SECTION 4. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-92, "R-2 Residential Zone, Uses permitted as special exceptions by the board of appeals" be amended by adding a new sub-section (5) entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

SECTION 5. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-102, "R-3MD Moderate Density Zone, Uses permitted as special exceptions by the board of appeals" be amended by adding a new sub-section (4) entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

SECTION 6. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-112, "R-3 Residential Zone, Uses permitted as special exceptions by the board of appeals" be amended by adding a new sub-section (7) entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

SECTION 7. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-122, "R-4 Special Zone, Uses permitted as special exceptions by the board of appeals" be amended by adding a new sub-section (15) entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

SECTION 8. 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 RECOMMENDING AN AMENDMENT TO THE  
CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE,  
TO AMEND ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS;  
ADD AND AMEND ARTICLE II, DEFINITIONS; AND ADD TO ARTICLE V, ZONE  
REGULATIONS TO INCLUDE SPECIAL PERMIT FOR TWO-FAMILY OR MULTI-FAMILY  
DWELLINGS ON LOTS OF RECORD**

**WHEREAS**, lots created prior to the passage of Zoning Ordinance No. 5149 on June 20, 1961 are Lots of Record; and

**WHEREAS**, many of these lots are within the City's urban areas or older suburbs; and

**WHEREAS**, some Lots of Record are in zones that allow two-family (duplex) and multi-family dwellings; and

**WHEREAS**, some Lots of Record are below the required minimum lot area (size) to allow any dwellings to be built other than single-family residences; and

**WHEREAS**, in order to support additional infill housing opportunities, there is a desire by the City of Chattanooga Office of Economic and Community Development to amend the zoning ordinance to allow the Board of Zoning Appeals to review two-family and multi-family development on Lots of Record that do not meet the minimum lot size requirement;

**NOW THEREFORE BE IT RESOLVED**, that the Chattanooga-Hamilton County Regional Planning Commission on October 13, 2014, does hereby recommend to the Chattanooga City Council to amend the Chattanooga Zoning Regulations as follows:

**Article VIII., Section 38-568. Powers, etc., of board; hearings, Add the following new sub-section:**

**(23) Special Permit for Two-family or Multi-family Dwellings on Lots of Record**

**Purpose:** The purpose of this Special Permit is to support the development of infill housing by allowing an existing Lot of Record to be developed with Two-family (duplex) Dwellings or Multi-family Dwellings with lot sizes less than the required minimum lot area. The Lot of Record must be zoned appropriately for the dwelling proposed for the site. This permit does not allow for the creation of new lots with sizes smaller than the required minimum lot sizes.

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- 1) The applicant shall submit to the Board of Appeals a development plan of the proposed site showing at a minimum:
  - a. Location of proposed structure(s)
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  - c. Required front, side and rear setbacks
  - d. Curb cuts, driveways and on-site parking areas
  - e. Front and side elevation drawings with building height
- 2) The required front, side and rear yard setbacks for Lots of Record shall apply unless a variance per Sec. 38-567 is granted by the Board of Appeals.
- 3) Off-street parking is required per Division 29. Off-street Parking and Loading Space Requirements.
- 4) To assure new construction relates to the street in a manner that is similar to that seen traditionally in the City of Chattanooga's older developed areas and to help ensure compatibility, the following standards shall apply:
  - a. No parking shall be allowed in the required front yard.
  - b. Where an alley does not abut the side or rear of the lot, all attached and detached garages shall remain subordinate to the primary wall plane and should have a setback of a minimum of 12' behind the dwelling's main facade line.
- 5) The Board shall find that the proposed dwelling will not conflict with the developed character of the area; that the City Transportation Department has approved all plans for parking and access; and that the proposed use will not be in conflict with the adopted plans of the community.
- 6) If granted, the Special Permit shall be only for the residential use(s) permitted in the zone.
- 7) Development under the Special Permit, as granted, shall substantially conform to the development plan reviewed by the Board of Appeals at the time of its approval of the permit and any conditions that may be placed on the permit by the Board. If, in the opinion of an administrative official in the administration or enforcement of the zoning ordinance, proposed development is not in compliance with the action of the Board, that officer shall place another hearing regarding the Special Permit on the Board's agenda for its consideration.

**Article II., Section 38-2: Definitions; use of words and terms, Add the following new Definition in alphabetical order:**

Lot of Record: A lot that was recorded by deed at the time of the passage of Zoning Ordinance No. 5149 on June 20, 1961, or on any lot legally platted on record with the Hamilton County Register of Deeds on or before June 20, 1961.

**Article II., Section 38-2: Definitions; use of words and terms, Amend the following existing Definition:**

Change Definition name of Dwelling, Multiple to Dwelling, Multi-family.

**Add new sub-sections to the following:**

**Article V., Section 38-92: R-2 Residential Zone, Uses permitted as special exceptions by the board of appeals.**

Add subsection **(5)** Special Permit for Two-family or Multi-family Dwellings on Lots of Record.

**Article V., Section 38-102:** R-3MD Moderate Density Zone, Uses permitted as special exceptions by the board of appeals.

Add subsection **(4)** Special Permit for Two-family or Multi-family Dwellings on Lots of Record.

**Article V., Section 38-112:** R-3 Residential Zone, Uses permitted as special exceptions by the board of appeals.

Add subsection **(7)** Special Permit for Two-family or Multi-family Dwellings on Lots of Record.

**Article V., Section 38-122:** R-4 Special Zone, Uses permitted as special exceptions by the board of appeals.

Add subsection **(15)** Special Permit for Two-family or Multi-family Dwellings on Lots of Record.

Respectfully submitted,

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John Bridger, Secretary

Date of Adoption: October 13, 2014

JB:KR:GH:PD:sh

SpPrmtLOR

## 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 petitions to rezone be approved:

2014-105 Charles Ankar/Joyce Douglas. 1812, 1816, and 1818 Madison Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-108 Alan Haniszewski/HP Partners. 1200 South Watkins Street, 1206 Lyerly Street, and 2308 East 12<sup>th</sup> Street, from M-1 Manufacturing Zone and R-2 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2014-110 Polestar Development, LLC/Sarah Henshall Rutherford. 7911 East Brainerd Road, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-111 Polestar Development, LLC/First Cumberland Presbyterian. 1505 North Moore Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

2014-112 Passpointe Engineering, PLLC/Walnut Street Enterprises/Marvin Berke/Claudette C. Braley. 102 Walnut Street and 213 East Aquarium Way, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

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

2014-107 Southern Land Company/Obar Investments, LLC. 900 block of River Gorge Drive, for a Residential Planned Unit Development, subject to certain conditions.

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

2014-109 Hixson Investors, LLC/Mary Eastman. 6300, 6302, and 6306 Grubb Road and part of 5800 block of Highway 153, lifting conditions 1 through 9 from Ordinance No. 11827 of previous Case No. 2006-028, 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) Adding a new sub-section (23) to Article VIII, Section 38-568 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (b) Adding a new definition in alphabetical order to Article II, Section 38-2 entitled, "Lot of Record."
- (c) Amending definition in Article II, Section 38-2 by changing the definition name entitled, "Dwelling, Multiple to Dwelling, Multi-family."
- (d) Adding a new sub-section (5) to Article V, Section 38-92 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (e) Adding a new sub-section (4) to Article V, Section 38-102 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (f) Adding a new sub-section (7) to Article V, Section 38-112 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (g) Adding a new sub-section (15) to Article V, Section 38-122 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

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,

**November 11, 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