

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

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 1, SECTION 38-43 RELATING TO SPECIAL EXCEPTIONS PERMIT FOR A TWO-FAMILY DWELLING IN THE R-1 RESIDENTIAL ZONE AND ARTICLE VI, DIVISION 2, SECTION 38-524 RELATING TO SPECIAL PERMIT FOR A TWO-FAMILY DWELLING IN THE R-1 RESIDENTIAL ZONE.

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**WHEREAS**, Section 38-43, item (4) was added to the Zoning Ordinance in 2007 to allow two-family dwellings (duplexes) in the R-1 Residential Zone with approval of a Special Exceptions Permit by the City Council; and

**WHEREAS**, eighteen (18) applications have been made for the Special Exceptions Permits since 2007, only one has been approved (in 2007); and

**WHEREAS**, two-family dwellings (duplexes) are currently permitted in the existing R-2 Residential Zone, R-3MD Moderate Density Zone, R-3 Residential Zone, R-4 Special Zone, and several other mixed use and commercial zones; and

**WHEREAS**, if the Special Exceptions Permit for Two-Family Dwellings (duplexes) is removed, property owners can request a zoning change to one of the above mentioned zones to accommodate a two-family dwelling; and

**WHEREAS**, allowing a Special Exceptions Permit for Two-Family Dwellings (duplexes) in an R-1 Residential Zone weakens the integrity, strength, and single-family character of the R-1 Residential Zone; and

**WHEREAS**, Special Exceptions Permits can be a useful tool in certain zones so as to allow certain additional uses in a zone by requiring an additional public review process; and

**WHEREAS**, the Special Exceptions Permit for Two-Family Dwellings (duplexes) in the R-1 Residential Zone was created with good intentions, the tool itself has proved to be more problematic than helpful.

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 1, Section 38-43, item (4), Special Exceptions Permit for a Two-Family Dwelling in the R-1 Residential Zone be deleted in its entirety and Article VI, Division 2, Section 38-524, Special Permit for a Two-Family Dwelling in the R-1 Residential Zone be deleted in its entirety.

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 V, DIVISION 1, SECTION 38-43 TO REMOVE ITEM  
(4) SPECIAL EXCEPTIONS PERMIT FOR A TWO-FAMILY DWELLING IN THE R-1  
RESIDENTIAL ZONE AND TO REMOVE ARTICLE VI, DIVISION 2, SECTION 38-524  
SPECIAL PERMIT FOR A TWO-FAMILY DWELLING IN THE R-1 RESIDENTIAL  
ZONE**

WHEREAS, section 38-43, item (4) was added to the Zoning Ordinance in 2007 to allow two-family dwellings (duplexes) in the R-1 Residential Zone with approval of a Special Exceptions Permit by the City Council; and

WHEREAS, eighteen applications have been made for the Special Exceptions Permits since 2007, only one has been approve (in 2007); and

WHEREAS, two-family dwellings (duplexes) are currently permitted in the existing R-2 Residential Zone, R-3MD Moderate Density Zone, R-3 Residential Zone, R-4 Special Zone, and several other mixed use and commercial zones; and

WHEREAS, if the Special Exceptions Permit for Two-Family Dwellings (duplexes) is removed, property owners can request a zoning change to one of the above mentioned zones to accommodate a two-family dwelling; and

WHEREAS, allowing a Special Exceptions Permit for Two-Family Dwellings (duplexes) in an R-1 Residential Zone weakens the integrity, strength, and single-family character of the R-1 Residential Zone; and

WHEREAS, Special Exceptions Permits can be a useful tool in certain zones so as to allow certain additional uses in a zone by requiring an additional public review process; and

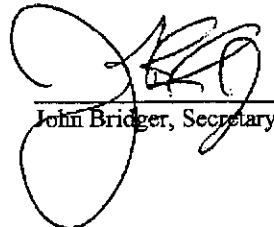
WHEREAS, the Special Exceptions Permit for Two-Family Dwellings (duplexes) in the R-1 Residential Zone was created with good intentions, the tool itself has proved to be more problematic than helpful.

NOW, THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on December 8, 2014, respectfully recommends to the Chattanooga City Council that the Chattanooga Zoning Ordinance be amended as follows:

**Delete in its entirety Section 38-43, item (4).**

**Delete in its entirety Section 38-524, Special Permit for a Two-Family Dwelling in the R-1 Residential Zone.**

Respectfully submitted,



John Bridger, Secretary

Date of Adoption: December 8, 2014  
JB:GH:PD:sh

## 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 denied:

2014-127 Charles Campbell Construction/Rajesh Chaudhari, 630 Shallowford Road, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone.

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

2014-130 Thomas Johnson, 1437 and 1439 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-134 Aaron White/MC Holdings, LLC, 751 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-136 GreenSpaces NextGen, LLC/Jim Wilson and Hamilton Avenue Partners, 677 and 703 Hamilton Avenue, from C-7 Northshore Commercial Mixed Use Zone and R-2 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line 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 in its entirety Section 38-43, Uses Permitted as Special Exceptions by the City Council, Item 4.
- (b) Deleting in its entirety Section 38-524, Special Permit for a Two-Family Dwelling in the R-1 Residential Zone.

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,

**January 13, 2015**

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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Nicole Gwyn  
Clerk to the City Council