

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, GENERAL REGULATIONS SECTION 38-32 LOT SIZE, LOT FRONTAGE, AND SETBACK NOT TO BE REDUCED; EXCEPTIONS TO PROVIDE CLARIFICATION AS TO WHEN A VARIANCE WILL BE REQUIRED FOR EXISTING STRUCTURE SETBACKS.

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, General Regulations, Section 38-32, Lot Size, Lot Frontage, Setback not to be reduced; exceptions, be amended by deleting this section in its entirety and substitute in lieu the following:

Sec. 38-32. Lot Size, Lot Frontage, Setback not to be reduced; exceptions

Lot size, lot frontage for new lots being created as part of a new proposed subdivision, or existing legally recorded lots not considered to be lots of record that are being consolidated or re-subdivided shall not have less than the required minimum lot standard as specified in this zoning ordinance, unless approval for such variance is obtained by the Chattanooga-Hamilton County Regional Planning Commission or if the Urban Infill Lot Compatibility Option is used.

An existing structure setback variance will be required in situations where new lot lines are proposed and the existing structure does not comply with required setbacks from the new lot lines.

A variance request for lot size, lot frontage, and existing structure setback shall be submitted to the Regional Planning Agency per Section 309 of the Chattanooga Subdivision Regulations.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately upon passage on second reading.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

**A RESOLUTION TO AMEND CHATTANOOGA CITY
CODE, CHAPTER 38, ZONING ORDINANCE, ARTICLE
IV, GENERAL REGULATIONS SECTION 38-32 LOT
SIZE, LOT FRONTAGE, AND SETBACK NOT TO BE
REDUCED EXCEPTIONS TO PROVIDE CLARIFICATION
AS TO WHEN A VARIANCE WILL BE REQUIRED FOR
EXISTING STRUCTURE SETBACKS**

WHEREAS, lot size, lot frontage, and setback are closely related to land use and subdivision of land;

AND WHEREAS, the Chattanooga-Hamilton County Regional Planning Commission has the authority to review and approve subdivision related activity and variances;

AND WHEREAS, on May 18, 2010 the Chattanooga City Council amended the Chattanooga Zoning Ordinance to require that any proposed creation of a lot as part of a new subdivision which does not meet the lot size, frontage, or setback requirements of the Chattanooga Zoning Ordinance would require a variance from the Chattanooga-Hamilton County Regional Planning Commission before any subdivision plat is approved;

AND WHEREAS, Section 38-32 of the Chattanooga Zoning Ordinance needs to be amended to provide clarification as to when an existing structure setback variance will be required as part of a new subdivision.

NOW, THEREFORE BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on February 09, 2015, does hereby recommend to the Chattanooga City Council that the Chattanooga Zoning Ordinance be amended as follows:

Delete in its entirety Article IV. General Regulations Section 38-32. Lot Size, Lot Frontage, Setback not to be reduced; exceptions and replace with the following:

Section 38-32. Lot Size, Lot Frontage, Setback not to be reduced; exceptions
Lot size, lot frontage for new lots being created as part of a new proposed subdivision, or existing legally recorded lots not considered to be lots of record that are being consolidated or re-subdivided shall not have less than the required minimum lot standard as specified in this zoning ordinance, unless approval for such variance is obtained by the Chattanooga-Hamilton County Regional Planning Commission or if the Urban Infill Lot Compatibility Option is used.

An existing structure setback variance will be required in situations where new lot lines are proposed and the existing structure does not comply with required setbacks from the new lot lines.

A variance request for lot size, lot frontage, and existing structure setback shall be submitted to the Regional Planning Agency per Section 309 of the Chattanooga Subdivision Regulations.

Respectfully Submitted,

John Bridger, Secretary

Date of Adoption: February 09, 2015
JB:GH:PD:SH:bs
SetbackExcepts

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:

2015-016 Wesley Johnson, Jr./Dawghouse Holdings, LLC. 2847 Calhoun Avenue, from R-2 Residential Zone to M-1 Manufacturing Zone.

2015-018 University Housing Group/Westview Drive, LP. 1428 Riverside Drive, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-019 Hometown Folks, LLC c/o MAP Engineers/Walter & Sharon Willis. 13 South Moore Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2015-020 Thomas Palmer/Dan Rose. 1472 and 1474 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-022 Mike Doucoumes. 1428 Crawford Street, from R-1 Residential Zone to R-4 Special Zone.

2015-026 John Parrish/Carlson Consulting Engineers/Suntrust Bank, Alvin Cannon, William Voiles, Cornerstone Auto Broker, LLC. 8607, 8613, and 8619 North Hickory Valley Road and 5317, 5321, 5323, 5325, 5327, 5329, and 5331 Highway 58, from R-3 Residential Zone and C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2. 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 Article IV, Section 38-23 in its entirety and substituting in lieu thereof.

- (b) Deleting Article VI, Sections 38-502 through 38-512 in their entirety and substituting in lieu thereof.
- (c) Replacing in Article VIII, Section 38-568(23), the “38-507” reference in the second paragraph with “38-502(8).”
- (d) Deleting Article IV, Section 38-32 in its entirety and substituting in lieu thereof.
- (e) Adding a new item (6) to Article V, Section 38-104.

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,

March 10, 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 _____, 2015.

Nicole Gwyn
Clerk to the City Council