

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, GENERAL REGULATIONS, SECTION 38-23, LOT SIZE NOT TO BE REDUCED EXCEPTION; AND ARTICLE VI, DIVISION 1, HEIGHT AND AREA EXCEPTIONS, SECTION 38-502 THROUGH 38-512, TO CLARIFY AND COMBINE ALL LOT OF RECORD REGULATIONS AND STANDARDS INTO ONE SECTION.

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 38-23, Lot Size not to be Reduced Exception, be amended by deleting this section in its entirety and substitute in lieu the following:

Sec. 38-23. Lot Size not to be Reduced Exception.

No yard or lot existing at the time of passage of the ordinance comprising this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yard or lots created after the effective date of the ordinance comprising this chapter shall meet at least the minimum requirements established in this chapter.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VI, Division 1, Height and Area Exceptions, be amended by deleting Sections 38-502 through 38-512 in their entirety and substitute in lieu the following:

Sec. 38-502. Lots of Record

- (1) **Definition-** A Lot of Record is 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.
- (2) **Lot Size-** Lot(s) may be created that do not meet the minimum lot size or frontage requirements established by this chapter when they are the result of the resubdivision and replatting of lot(s) of record and the newly created lot(s) are as large or larger than the previous lot(s). (Ord. No. 6938, 9/2/75; Code 1995, Appendix B, Art. IV, § 103; Ord. No. 11459, § 1, 09-16-03)
- (3) **Single family dwellings-** A single-family dwelling may be built on any 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, in any zone where dwellings are permitted, regardless of lot size.
- (4) If the "lot of record" is an interior lot:
 - (a) There shall be a front yard of not less than fifteen (15) feet,
 - (b) There shall be a side yard of not less than five (5) feet
 - (c) The rear yard shall conform to the setback requirements of the Zone where such lot is located.
- (5) Other than allowable eave overhang, no other permitted element of the building/structure or accessory building/structure shall be permitted within the five (5) foot side yard setback, including but not limited to heating, ventilation and air conditioning systems (HVAC), porches, decks, porticos, entry landings or similar structures.
- (6) For single family houses on "lots of record", off street parking shall be required according to the zone requirements where such lot is located.
- (7) A single-family dwelling may be built on any lot resulting from a re-subdivision of "lots of record"; provided that the re-subdivided lot(s) are as large or larger than the previous lot(s) and the lot thus created is located in a zone where dwellings are permitted. (Ord. No. 6938, 9/2/75; Code 1995, Appendix B, Art. VI, § 105; Ord. No. 10641, 11/18/97; Ord. No. 11199, 11/27/01; Ord. No. 12194, 12/16/08)

- (8) **Duplexes-** A duplex may be built on any lot which was a separate unit at the time of the passage of this Ordinance in any zone where duplexes are permitted, provided that the yard requirements are met and that the lot has an area of 7,500 square feet or more in the R-2 Zone and R-3MD Zone, or 5,000 square feet or more in the R-3 and R-4 Zones. For consideration by the Board of Zoning Appeals of a smaller lot size, see section 38-568(23) Special Permit for Two-Family or Multi-Family Dwellings on Lots of Record.
- (9) For duplexes on “lots of record”, off street parking shall be required according to the zone requirements where such lot is located. (Ord. No. 6554, 1/9/73; Code 1995, Appendix B, Art. VI, § 106; Ord. No. 11199, 11/27/01; Ord. No. 12194, 12/16/08; Ord. No. 12195, 12/16/08)
- (10) **Side Yards-** Where a corner lot was recorded by deed at the time of the passage of Zoning Ordinance No. 5149 on June 20, 1961, or on any corner lot legally platted on record with the Hamilton County Register of Deeds on or before June 20, 1961, the following minimum side yards on the street shall apply:

LOT WIDTH (in feet)	ZONES		
	A1, R1, R5	R2, R3, R4, RZ1, RT1, RTZ, R3MD	O1, C1, C2, C4, C5, C7, M1, M2, M3, M4
50' or less	10 feet	5 feet	5 feet
50.1' - to 60'	10 feet	10 feet	10 feet
60.1' or more	25 feet	25 feet	25 feet

- (11) For the lots listed above, the interior sidelines shall be permitted to have a side yard setback of five (5) feet. (Code 1995, Appendix B, Art. VI, § 108; Ord. No. 11199, 11/27/01; Ord. No. 12194, 12/16/08)

Sec. 38-503. Height of chimneys, etc.

Chimneys, water tanks or towers, penthouses, scenery lofts, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, monuments, cupolas, domes, false mansards, parapet walls, similar structures, and necessary mechanical appurtenance may be erected to a height in accordance with existing or hereafter adopted Ordinance to the City of Chattanooga, Tennessee. (Code 1995, Appendix B, Art. VI, § 102; Ord. No. 12194, 12/16/08)

Sec. 38-504. Projections over yards.

Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches, except eaves which shall

not project more than thirty-six (36) inches. Heating, air conditioning, or mechanical equipment shall not project into the required side yard over 5 feet.

(1) Detached small storage building, private automobile storage garages, private shops for woodworking, metal working, ceramics, etc. and other similar accessory building or structures may be located in side and rear yards provided that the following requirements are met. Areas zoned C-3 are exempt from subsections (a), (b), (c) and (f) below:

- (a) the building or structure shall be set back at least five (5) feet from the side and rear lot lines; and
- (b) in the case of a corner lot, the accessory building or structure may not project into the side yard adjacent to the street; and
- (c) the buildings are not more than one (1) story in height; and
- (d) buildings used for agricultural purposes are allowed on tracts of land two (2) acres or more in size without a principal residential structure; and
- (e) detached accessory buildings or structures are to be separated by not less than three (3) feet from the principal structure on a lot; and
- (f) attic space within any accessory building shall be non-habitable and shall be a maximum of 6' from the highest point of the roof to the attic floor.

(2) A detached accessory building for purposes of storage only may be located on a separate, vacant lot abutting a lot on which the main building is located provided that the storage building is not larger than 12' x 12' and with a maximum height to the low point of the eaves of 6'. Said storage building shall also be subject to the provisions of Article VI, Section 38-393(1)(a), (b), and (c).

(Ord. No. 9077, 11/22/88; Code 1995, Appendix B, Art. VI, § 102; Ord. No. 12194, 12/15/08)

Sec. 38-505. Outside stairways, etc.

Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues may be permitted by the Building Inspector. (Code 1995, Appendix B, Art. VI, § 103; Ord. No. 12194, 12/15/08)

Sec. 38-506. Uncovered decks, porches, etc.

- (1) An uncovered deck may be located ten (10) feet from the rear property lines if it:
- (a) does not encroach on required side yards, easements, areas reserved for septic tank and field lines, and
 - (b) has a maximum deck elevation no greater than the average finished first floor elevation.

- (2) A porch, portico, entry landing or similar structure five (5) feet or less in width may extend into the front and rear required yards (setback areas) no more than five (5) feet.

(Ord. No. 9738, 6/23/92; Ord. No. 9883, 5/18/93; Ord. No. 9923, 7/20/93; Code 1995, Appendix B, Art. VI, § 104; Ord. No. 12194, 12/16/08)

Sec. 38-507. Altering existing buildings.

Nothing in this Ordinance is intended to prevent the conversion or alteration of existing buildings to include or accommodate more dwelling units or persons than previously included or accommodated provided the following requirements are met:

- (1) The building is located in a residential or the C-3 Commercial Zone;
- (2) All requirements of the Chattanooga Housing Code are met;
- (3) The proposed number of dwelling units does not exceed the number permitted for the zone in which it is located, or, in the case of lodging, boarding, fraternity or sorority houses, these uses are permitted in the zone in which the structure is located;
- (4) The dwelling shall meet the lot area requirements for the proposed number of dwelling units or lodgers for the zone in which the building is located.
- (5) Parking space shall be provided according to the requirements of the appropriate zone regulations.

(Code 1995, Appendix B, Art. VI, § 107; Ord. No. 11199, 11/27/01; Ord. No. 12194, 12/16/08)

Sec. 38-508. Side yards on corner lots.

On corner lots, in all zones, the side yard requirements on the street side shall be the same as the front yard requirements. See section 38-502 for lot of record requirements.

Sec. 38-509. Curbs, cuts, access to streets.

The location and design of all curb-cuts, points of access to and from all streets and parking and loading areas, parking and loading areas for all uses except single and two-family residences shall be submitted to and approved by the city traffic engineer before building permits can be issued.

(Code 1995, Appendix B, Art. VI, § 109; Ord. No. 12194, 12/16/08)

Sec. 38-510. Access to commercial, industrial or other non-residentially zoned property.

- (1) Access to commercial, industrial or other non-residentially zoned property shall be permitted only through a non-residential zone.
- (2) Access to residentially zoned or developed property may be through any other zone.

- (3) The R-3 Residential Zone, for purposes of access, shall be considered a nonresidential zone if developed with multi-family residences.
- (4) The R-4 Special Zone, for purposes of access, shall be considered a residential zone if undeveloped or developed residentially; it shall be considered a nonresidential zone if developed with non-residential uses as multi-family residential uses.

(Code 1995, Appendix B, Art. VI, § 115; Ord. 10244, 06/20/95 ; Ord. No. 12046. § 2, 11-20-07; Ord. No. 12194, 12/16/08)

Sec. 38-511. Setbacks in commercial and manufacturing zones.

The following rule shall apply to commercial and/or manufacturing zones that abut the R-4 Special Zone:

- (1) For purposes of setback, the R-4 zone shall be considered the same as any other non-residential zone if developed with non-residential uses. The R-4 zone shall be considered the same as any other residential zone, if undeveloped or developed with residential uses.

(Ord. No. 12005, § 2, 9/18/07; Ord. No. 12046. § 2, 11-20-07; Ord. No. 12194, 12-16-08)

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 THE CHATTANOOGA CITY CODE,
PART II, CHAPTER 38 ZONING ORDINANCE, ARTICLE VI, DIVISION
1 HEIGHT AND AREA EXCEPTIONS, SECTION 38-502 THROUGH
38-512, TO CLARIFY AND COMBINE ALL LOT OF RECORD
REGULATIONS AND STANDARDS INTO ONE SECTION OF THE
ORDINANCE**

WHEREAS, The Lots of record have specific and unique permissions and exemptions; and

WHEREAS, The regulations and standards for lots of record are located in various sections of the City of Chattanooga Zoning Ordinance; and

WHEREAS, The regulations and standards for lots of record are often confusing and difficult to interpret; and

WHEREAS, Some elements of lots of record are not addressed.

NOW THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on February 9, 2015 does hereby recommend to the Chattanooga City Council that the following sections be amended as follows:

Amend Article IV, GENERAL REGULATIONS, by deleting Section 38-23, Lot Size not to be Reduced Exception in its entirety and replace in lieu of the following:

No yard or lot existing at the time of passage of the ordinance comprising this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yard or lots created after the effective date of the ordinance comprising this chapter shall meet at least the minimum requirements established in this chapter.

Amend Article VI, DIVISION 1 HEIGHT AND AREA EXCEPTIONS, by deleting Sections 38-502 through 38-512 in their entirety and substituting in lieu thereof the following:

Sec. 38-502. Lots of Record

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- (3) The proposed number of dwelling units does not exceed the number permitted for the zone in which it is located, or, in the case of lodging, boarding, fraternity or sorority houses, these uses are permitted in the zone in which the structure is located;
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(4) The R-4 Special Zone, for purposes of access, shall be considered a residential zone if undeveloped or developed residentially; it shall be considered a nonresidential zone if developed with non-residential uses as multi-family residential uses.

(Code 1995, Appendix B, Art. VI, § 115; Ord. 10244, 06/20/95 ; Ord. No. 12046. § 2, 11-20-07; Ord. No. 12194, 12/16/08)

Sec. 38-511. Setbacks in commercial and manufacturing zones.

The following rule shall apply to commercial and/or manufacturing zones that abut the R-4 Special Zone:

(1) For purposes of setback, the R-4 zone shall be considered the same as any other non-residential zone if developed with non-residential uses. The R-4 zone shall be considered the same as any other residential zone, if undeveloped or developed with residential uses.

(Ord. No. 12005, § 2, 9/18/07; Ord. No. 12046. § 2, 11-20-07; Ord. No. 12194, 12-16-08)

Amend Article VIII BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS, Section 38-568(23) by replacing the "38-507" reference in the second paragraph with "38-502(8)."

Respectfully submitted,

John Bridger, Secretary

Date of Adoption: February 9, 2015

JB:GH:PD:sh

Lot of Record