

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

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, GENERAL REGULATIONS, SECTION 38-25, BY ADDING A PROVISION FOR A “HORIZONTAL PROPERTY REGIME”.

---

**WHEREAS**, the Tennessee Code Annotated (T.C.A. § 66-27-103) provides for horizontal property regimes to develop multiple dwellings on one lot with a master deed; and

**WHEREAS**, the current zoning regulations do not include standards that relate to this state law provision; and

**WHEREAS**, the City Land Development office has received several development proposals using the horizontal property regime provisions, but are restricted by the current zoning ordinance definition that each dwelling must reside on a parcel with its own public right of way access.

**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 38-25, Lots to Front Street; Exceptions, be deleted in its entirety and substitute in lieu thereof the following:

**Section 38-25. Lots to Front Street; Exceptions**

Residential

- (a) Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street, except for any recorded lot that is currently five (5) acres or larger in size and was five (5) acres or larger in size at the time it was annexed into the City of Chattanooga and has a recorded access easement that is at least fifteen (15) feet wide for each lot it serves but not required to exceed fifty (50) feet.

The Board of Zoning Appeals may grant a variance to this requirement if the following two (2) conditions apply:

- The recorded lot was smaller than five (5) acres at the time it was annexed into the City of Chattanooga.
- The recorded lot has a recorded access easement that is at least fifteen (15') feet wide for each lot it serves but not required to exceed fifty (50') feet.

- (b) Residential structure or structures may meet the definition of a Horizontal Property Regime (HPR) as defined in T.C.A. § 66-27-103. However, the residential structures shall comply with the permitted uses as defined within the individual zoning districts. The Horizontal Property Regime shall not be permitted in an R-1 Zone.

Non-Residential

Every non-residential building and/or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street or a permanent recorded easement approved by the City of Chattanooga Transportation Department.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks upon passage of second reading.

Passed on second and final reading:\_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

APPROVED:\_\_\_\_ DISAPPROVED:\_\_\_\_

\_\_\_\_\_  
MAYOR



**A RESOLUTION TO AMEND THE CHATTANOOGA CITY CODE,  
PART II, CHAPTER 38 ZONING ORDINANCE, ARTICLE IV GENERAL  
REGULATIONS, SECTION 38-25, BY ADDING A PROVISION FOR A  
"HORIZONTAL PROPERTY REGIME"**

**WHEREAS**, the Tennessee Code Annotated (TCA 66-27-103) provides for horizontal property regimes to develop multiple dwellings on one lot with a master deed; and

**WHEREAS**, the current zoning regulations do not include standards that relate to this state law provision; and

**WHEREAS**, the City Land Development office has received several development proposals using the horizontal property regime provisions, but are restricted by the current zoning ordinance definition that each dwelling must reside on a parcel with its own public right of way access.

**NOW THEREFORE, BE IT RESOLVED**, that the Chattanooga-Hamilton County Regional Planning Commission on July 13, 2015 does hereby recommend to the Chattanooga City Council that the following sections be amended as follows:

**Delete Section 38-25. Lots to Front Street; Exceptions in its entirety and substitute in lieu thereof the following:**

**Section 38-25. Lots to Front Street; Exceptions**

Residential

- (a) Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street, except for any recorded lot that is currently five (5) acres or larger in size and was five (5) acres or larger in size at the time it was annexed into the City of Chattanooga and has a recorded access easement that is at least fifteen (15) feet wide for each lot it serves but not required to exceed fifty (50) feet.

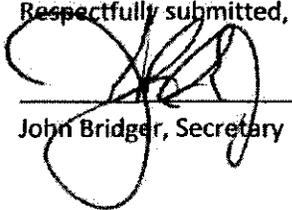
The Board of Zoning Appeals may grant a variance to this requirement if the following two (2) conditions apply:

- The recorded lot was smaller than five (5) acres at the time it was annexed into the City of Chattanooga.
- The recorded lot has a recorded access easement that is at least fifteen (15) feet wide for each lot it serves but not required to exceed fifty (50) feet.

(b) Residential structure or structures may meet the definition of a Horizontal Property Regime (HPR) as defined in TCA 66-27-103. However, the residential structures shall comply with the permitted uses as defined within the individual zoning districts.

Non-Residential

Every non-residential building and/or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street or a permanent recorded easement approved by the City of Chattanooga Transportation Department.

Respectfully submitted,  
  
John Bridger, Secretary

Date of Adoption: July 13, 2015

JB:GH:PD:sh

PropertyRegime

## 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:

2015-048 Pat Neuhoff or Neuhoff Taylor Architects and The Salvation Army. 902, 904, 910, 914, and 918 East 8<sup>th</sup> Street, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

2015-084 Dan Rose and Charles W. Hand, Jr. 20 East 14<sup>th</sup> Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-085 Valor. 7627, 7641, 7671, 7683, and 7691 Shallowford Road, from O-1 Office Zone to R-4 Special Zone, subject to certain conditions.

2015-088 Craig Kronenberg, JB Holdings, and Mark Jarvis. 801 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-089 John Murphy, Gary Fillers, and Jeffery and Nancy Fillers. 1701 Broad Street, from M-1 Manufacturing 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:

2015-087 Collier Construction and C. Richard Posey. 8118 Hitchcock Road, granting a Special Exceptions Permit for a Residential Planned Unit Development.

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) Amending Article VIII, Board of Appeals for Variances and Special Permits by adding Item (5) to Section 38-563.
- (b) Amending Section 38-25, Lots to Front Street; Exceptions in its entirety and substituting in lieu thereof.
- (c) Deleting Section 38-321, M-2 Light Industrial Zone, Use Regulations, (2), (v) in its entirety and substituting in lieu thereof.
- (d) Deleting Section 38-324, M-2 Light Industrial Zone Uses Permitted as Special Exceptions, in its entirety.
- (e) Deleting Section 38-528, Special Exception Permit for Ethanol Transfer Facility, in its entirety.

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 11, 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