

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V,
DIVISION 26, SECTIONS 38-411 THROUGH 38-419,
PLANNED UNIT DEVELOPMENT: INSTITUTIONAL.

WHEREAS, the current Institutional Planned Unit Development is a Special Permit which can only be used in conjunction with the R-4 Special Zone; and

WHEREAS, using an institutional PUD is most advantageous when needing to expand an institutional use and gain flexibility in parking standards, building arrangement, and lot configuration and size; and

WHEREAS, development in an Institutional Planned Unit Development must be consistent with a specific site plan; and

WHEREAS, an "inactive" Institutional Planned Unit Development expires after five (5) years which limits the expansion, change or creation of institutional campuses; and

WHEREAS, it is not clear or specific in the current ordinance what constitutes an "inactive" Institutional Planned Unit Development and makes administration difficult.

NOW, THEREFORE

SECTION 1. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zone Regulations, Sections 38-411 through 38-419, are hereby amended by deleting in its entirety and substituting in lieu thereof as follows:

Sec. 38-411. Purpose/Intent.

The purpose of the Institutional Planned Unit Development (sometimes hereinafter referred to as Institutional PUD) is to provide opportunities to create desirable institutional campus environments through under a professionally prepared comprehensive site plan. The Institutional PUD is intended to allow for long-term planning, flexibility in development standards, and efficient use of public services and infrastructure for while maintaining compatibility with the community in which it exists by regulating uses, parking, site area, and building placement. The scale and mass of new campus buildings should be sensitive to the scale, mass, and character of bordering communities. Blank walls should be minimized on neighborhood-facing facades. The tallest buildings should be located toward the center of the campus, where possible.

(Code 1995, App. B, Art. V, §§ 1301, 1303)

Sec. 38-412. Classification.

- 1) An Institutional PUD may be located in any zone.
- 2) An Institutional Planned Unit Development will be shown on the zoning maps when the Institutional PUD Plan has been approved by the City Council.
- 3) The regulations for the Institutional Planned Unit Development are set forth in the remaining sections of this division below.

(Code 1995, App. B, Art. V, §§ 1302, 1303)

Sec. 38-413. Principal Permitted uses.

- 1) Colleges, universities, public schools, private schools, and parochial schools
- 2) Nursing homes, assisted living facilities, medically assisted living facilities, residential homes for the handicapped and/or aged
- 3) Churches, synagogues, religious facilities, and other places of worship
- 4) Hospitals and nursing homes, except that these uses and their accessory permitted uses shall **not** be permitted in the R-1, RT-1, RZ-1, R-T/Z, R-2, R-3MD, and R-3 underlying zones.

Sec. 38-414. Accessory Permitted Uses.

The following may be permitted if subordinate in use and site area to any existing principal permitted use.

- 1) Student and faculty Housing (e.g., single-family homes, two-family homes, and multi-family residential dwelling units, dormitories)
- 2) Kindergartens, day care centers and day care homes
- 3) Social agencies and other non-commercial and semi-public uses
- 4) Professional, medical, or dental offices and clinics
- 5) Laboratories and research centers
- 6) Offices
- 7) Book stores, gift shops, cafes (if permitted in the underlying zone or not advertised or held out to the public)

- 8) Restaurants, hotels, guest accommodations/overnight lodging (if permitted in the underlying zone or not advertised or held out to the public)
- 9) Professional and/or hobby clubs
- 10) Fraternity and/or sorority houses
- 11) Parks, playgrounds, recreation facilities, athletic facilities
- 12) Other uses or buildings that are customarily incidental and subordinate to a principal permitted use.

(Code 1995, App. B, Art. V, § 1304; Ord. No. 11459, § 2, 9-16-03)

Sec. 38-415. Prohibited Uses.

- 1) Single-Wide Manufactured Homes (factory manufactured mobile homes constructed as a self-contained unit and mounted on a single chassis)

(Code 1995, App. B, Art. V, § 1306)

Sec. 38-416. Development standards.

- 1) The minimum site area shall be two (2) acres.
- 2) Off-street surface parking areas, parking structures, and the service drives may be located anywhere within the Institutional PUD but shall not exceed thirty-five (35%) percent of the total development area.
- 3) The development site shall meet the off-street parking requirements of Article V, Division 29 of this ordinance, except a reduction in spaces may be approved by the Chattanooga Transportation Department.
- 4) New buildings shall be no closer than ten (10) feet to any adjacent residential-zoned lot.
- 5) Space between buildings shall be required per the City of Chattanooga Building Code.
- 6) New buildings shall be set back from streets, intersections, and driveways as required by the City of Chattanooga Code and City of Chattanooga Transportation Department.
- 7) Other than the above situations, no other building setbacks shall be required.
- 8) Building height shall be limited to two (2) stories when adjacent to a single-family zone or lot(s) with a single-family structure, except that a building may exceed two stories provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from the affected property line(s).

- 9) Multiple buildings, including single-family dwelling, shall be permitted on a single lot.
- 10) On-site usable recreation and open space shall be provided. Such areas shall be set aside for open space or recreation purposes only. It is intended to serve as a respite for the owners, tenants, and users of the Institutional PUD area, and should, therefore, be easily accessible to them.
- 11) Said open space shall be maintained in one of the following methods:
 - a) By the developer or management authority of the Institutional PUD.
 - b) By the City of Chattanooga upon approval of the dedication to the City as public open space.
 - c) By the owner of the land on which the Institutional PUD is located.
- 12) There shall be sidewalks constructed to City standards, if adjacent to public right-of-way.
- 13) Streets, whether public or private, shall be constructed to City standards as required the City of Chattanooga Code, Chapter 32.
- 14) All infrastructure including, but not limited to storm water, fire hydrants, sewers, and landscape buffer shall be built and/or installed per the City of Chattanooga standards.
- 15) The City Council may add requirements with conditions as part of an Institutional PUD request.
- 16) A bond, the amount of which to be determined by the City Engineer, may be required of the applicant to assure the construction of all planned site improvements.

(Code 1995, App. B, Art. V, § 1308)

Sec. 38-417. Staging.

- 1) The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.
- 2) The Planning Commission may recommend that the City Council require that development be done in stages if public facilities are not adequate to service the entire development initially.
- 3) Adjacent phases of the same PUD shall be connected with a street or street network.

(Code 1995, App. B, Art. V, § 1310; Ord. No. 12750, § 1, 8-20-13)

Sec. 38-418. Changes and modifications.

- 1) Major Changes — A major change is any one (1) of the following:
 - a) Any increase in gross density;
 - b) Any change in the PUD boundary;
 - c) Changing the land use from Residential to Non-Residential, excluding open space;
 - d) Changing single-family detached dwelling to any other residential type;
 - e) Moving townhouses or multi-family dwellings closer to or adjacent to existing single-family dwellings;
 - f) Increasing the amount of land dedicated to any use other than single-family detached dwellings and open space;
 - g) Increasing the number of units adjacent to existing single-family detached residential unit(s);
 - h) Any significant change to the location of access as determined by the City Traffic Engineer based on potential negative impacts, including, but not limited to, traffic patterns, traffic flow, and sight distance or relocating access to another existing public street; and
 - i) Any increase in building height one (1) story or greater.
- 2) If a major change is made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body, it shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.
- 3) Minor Changes — A minor change is any change that is not found in the list of major changes. Minor changes made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body may be approved by the Planning Commission Staff. Staff shall have the right and responsibility to withhold approval and refer the PUD Plan to the Planning Commission in any situation where the various reviewing agencies, utilities, or Planning Commission member is in disagreement; or in cases involving unusual land features or patterns of development.

(Code 1995, App. B, Art. V, § 1311; Ord. No. 10322, 10-24-95; Ord. No. 12160, 9-16-08; Ord. No. 12750, § 2, 8-20-13)

Sec. 38-419. Application procedure for institutional planned unit development.

- 1) Pre-Application Meeting-
 - a) The applicant shall attend a Pre-Application meeting with Regional Planning Commission staff before a PUD application is submitted and/or accepted; and

- b) Topics reviewed at the Pre-Application meeting shall include, but not be limited to, the following topics: reason for the proposal, PUD Development Plan, adjacent development patterns, transportation, open space areas, etc.
- 2) PUD Development Plan-
- a) After the Pre-Application meeting, the applicant shall submit a PUD Development Plan along with an application for the Residential Planned Unit Development to the staff of the Regional Planning Commission.
 - b) The PUD Development Plan shall be eleven (11) inches by seventeen (17) inches drawn at a minimum scale of one (1) inch equals two hundred (200) feet (1" = 200') and shall contain the following components:
 - i. Proposed PUD boundary line with dimensions;
 - ii. Surrounding land use and zoning;
 - iii. Zoning of proposed PUD site;
 - iv. Outline and label land uses: Single Family Homes, Town Homes, Multi Family Units, Non-Residential, Open Space, Detention Ponds, etc.;
 - v. Streets (do not show alleys);
 - vi. Sidewalks or paved internal pedestrian circulation system;
 - vii. Lot lines for single-family detached dwellings (no structures);
 - viii. Townhomes, multi-family, non-residential buildings; and
 - ix. Legend with Tax Map Number(s), Total Acres, Acreage of each land use, Density- permitted gross number of units per acre and proposed gross number of units per acre.
- 3) Planning Commission Review-
- a) If the applicant has met the Pre-Application Meeting and PUD Development Plan requirements, the Planning Commission shall review the proposed Development Plan in the month following the application deadline at their next regularly scheduled meeting/public hearing; and
 - b) Upon recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the PUD Development Plan shall be submitted to the City Council.
- 4) City Council Review-
- a) The City Council shall review the PUD Development Plan for consideration, public hearing, and action only after it has been submitted to the Planning Commission; and

- b) The resolution by the City Council approving PUD Development Plan shall have attached thereto, as an exhibit, a copy of the approved PUD Development Plan.
- 5) Subdivision Plat-
- a) Upon approval, or approval with conditions of the PUD Development Plan by the City Council, the applicant may submit a Preliminary or combined Preliminary and Final Subdivision Plat per the Chattanooga Subdivision Regulations. This is only necessary if the applicant desires to subdivide land based on an active Approved PUD Development Plan; and
 - b) The Preliminary Plat or the combined Preliminary and Final Plat shall have a note indicating the City Council Resolution number which approved the PUD Development Plan.
- 6) Enforcement-
- a) An Approved PUD Development Plan may be revoked by the City Council upon written report by the Director of Codes Administration that the PUD is not being constructed in conformance with the Approved Development Plan;
 - b) If the Approved PUD Development Plan is revoked by the City Council, no other building permit shall be issued for any construction whatsoever upon the land area covered by the PUD Development Plan until a decision is made by the City Council as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated by chapter;
 - c) If the Approved PUD Development Plan is revoked, the Director of Codes Administration shall have the responsibility for notifying the staff of the Planning Commission. The Building Official, after having given said notice, may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land;
 - d) No building permit shall be granted until after approval of the PUD Development Plan;
 - e) The Director of Codes Administration shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the staff of the Regional Planning Commission; and

- f) No building permit for any other construction purpose not in accordance with an approved PUD Development Plan shall be issued.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within two (2) weeks upon its passage.

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 V, DIVISION
26 PLANNED UNIT DEVELOPMENT: INSTITUTIONAL**

WHEREAS, the current Institutional Planned Unit Development is a Special Permit which can only be used in conjunction with the R-4 Special Zone; and

WHEREAS, using an Institutional PUD is most advantageous when needing to expand an institutional use and gain flexibility in parking standards, building arrangement, and lot configuration and size; and

WHEREAS, development in an Institutional Planned Unit Development must be consistent with a specific site plan; and

WHEREAS, an "inactive" Institutional Planned Unit Development expires after 5 years which limits the expansion, change or creation of institutional campuses; and

WHEREAS, it is not clear or specific in the current ordinance what constitutes an "inactive" Institutional Planned Unit Development and makes administration difficult.

NOW THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on February 8, 2016 does hereby recommend to the Chattanooga City Council that the following sections be amended as follows:

Article V, Zone Regulations: Delete Division 26 Planned Unit Development Institutional in its entirety and replace in lieu thereof the following:

Sec. 38-411. Purpose/Intent.

The purpose of the Institutional Planned Unit Development (sometimes hereinafter referred to as Institutional PUD) is to provide opportunities to create desirable institutional campus environments through under a professionally prepared comprehensive site plan. The Institutional PUD is intended to allow for long-term planning, flexibility in development standards, and efficient use of public services and infrastructure for while maintaining compatibility with the community in which it exists by regulating uses, parking, site area, and building placement. The scale and mass of new campus buildings should be sensitive to the scale, mass, and character of bordering communities. Blank walls should be minimized on neighborhood-facing facades. The tallest buildings should be located toward the center of the campus, where possible.

(Code 1995, App. B, Art. V, §§ 1301, 1303)

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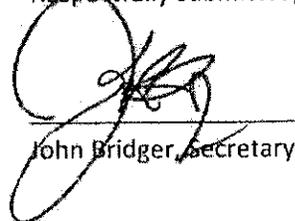
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 - b) Topics reviewed at the Pre-Application meeting shall include, but not be limited to, the following topics: reason for the proposal, PUD Development Plan, adjacent development patterns, transportation, open space areas, etc.
- 2) PUD Development Plan-
 - a) After the Pre-Application meeting, the applicant shall submit a PUD Development Plan along with an application for the Residential Planned Unit Development to the staff of the Regional Planning Commission.
 - b) The PUD Development Plan shall be eleven (11) inches by seventeen (17) inches drawn at a minimum scale of one (1) inch equals two hundred (200) feet (1" = 200') and shall contain the following components:
 - i. Proposed PUD boundary line with dimensions;
 - ii. Surrounding land use and zoning;
 - iii. Zoning of proposed PUD site;
 - iv. Outline and label land uses: Single Family Homes, Town Homes, Multi Family Units, Non-Residential, Open Space, Detention Ponds, etc.;
 - v. Streets (do not show alleys);
 - vi. Sidewalks or paved internal pedestrian circulation system;
 - vii. Lot lines for single-family detached dwellings (no structures);
 - viii. Townhomes, multi-family, non-residential buildings; and
 - ix. Legend with Tax Map Number(s), Total Acres, Acreage of each land use, Density- permitted gross number of units per acre and proposed gross number of units per acre.
- 3) Planning Commission Review-
 - a) If the applicant has met the Pre-Application Meeting and PUD Development Plan requirements, the Planning Commission shall review the proposed Development Plan in the month following the application deadline at their next regularly scheduled meeting/public hearing; and
 - b) Upon recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the PUD Development Plan shall be submitted to the City Council.
- 4) City Council Review-
 - a) The City Council shall review the PUD Development Plan for consideration, public hearing, and action only after it has been submitted to the Planning Commission; and
 - b) The resolution by the City Council approving PUD Development Plan shall have attached thereto, as an exhibit, a copy of the approved PUD Development Plan.
- 5) Subdivision Plat-

- a) Upon approval, or approval with conditions of the PUD Development Plan by the City Council, the applicant may submit a Preliminary or combined Preliminary and Final Subdivision Plat per the Chattanooga Subdivision Regulations. This is only necessary if the applicant desires to subdivide land based on an active Approved PUD Development Plan; and
 - b) The Preliminary Plat or the combined Preliminary and Final Plat shall have a note indicating the City Council Resolution number which approved the PUD Development Plan.
- 6) Enforcement-
- a) An Approved PUD Development Plan may be revoked by the City Council upon written report by the Director of Codes Administration that the PUD is not being constructed in conformance with the Approved Development Plan;
 - b) If the Approved PUD Development Plan is revoked by the City Council, no other building permit shall be issued for any construction whatsoever upon the land area covered by the PUD Development Plan until a decision is made by the City Council as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated by chapter;
 - c) If the Approved PUD Development Plan is revoked, the Director of Codes Administration shall have the responsibility for notifying the staff of the Planning Commission. The Building Official, after having given said notice, may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land;
 - d) No building permit shall be granted until after approval of the PUD Development Plan;
 - e) The Director of Codes Administration shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the staff of the Regional Planning Commission; and
 - f) No building permit for any other construction purpose not in accordance with an approved PUD Development Plan shall be issued.

Respectfully submitted,



John Bridger, Secretary

Date of Adoption: February 8, 2016

JB:GH:PD:sh

CityInstPUD2016

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:

2016-012 Richard Zavala, 1446 Central Avenue and 901, 911, and 915 East Main Street, from M-1 Manufacturing Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2016-013 Chestnut Holdings, LLC/Matt Hullander, Jonathan Frost, and John Clark, 1413 Chestnut Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-015 Asa Engineering c/o Allen Jones and John Pregulman/Rober Partners, 551 West 21st Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2016-018 Joseph Parks and James Rogers, 7504 Old Lee Highway, from C-2 Convenience Commercial Zone to R-4 Special Zone.

2016-025 Roger Radpoir and Kaihan Strain, 6708 Hixson Pike, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

2016-026 Ben Peppers of Peppers Construction Company and Nancy Miller, 1813 Market 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 amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) **Amending Section 38-402, Application procedure for planned unit development** by amending subsection (2)(b); removing "active" from the last sentence of subsection (5)(a); deleting subsection 6(a) in its entirety and re-letter the remaining items alphabetically; and removing "expires or" from the first sentence in subsection 6(c).

- (b) **Deleting Article V, Zone Regulations, Division 26, Planned Unit Development: Institutional** in its entirety and substituting in lieu thereof new Sections 38-411 through 38-419.
- (c) **Deleting Section 38-482(1)&(2), Process** and substituting in lieu thereof, and adding subsection (3) and renumbering subsection (3) to subsection (4).

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 8, 2016

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 _____, 2016.

Nicole Gwyn
Clerk to the City Council