

First Reading: 8/13/2013
Second Reading: 8/20/2013

ORDINANCE NO. 12750

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

WHEREAS, current regulations are not clear as to what specific items are to be included on a Preliminary Plan and a Final Plan of an Institutional Planned Unit Development (“PUD”); and

WHEREAS, the current practice is to require the Final PUD Plan to meet Final Subdivision Plat requirements; and

WHEREAS, the current process requires the Final PUD Plan to be reviewed by the City Council; and

WHEREAS, Final Subdivision Plan Final requirements are technical in nature and currently reviewed by professional staff of the Regional Planning Agency and approved by the Planning Commission; and

WHEREAS, it is more appropriate for professional staff of the Regional Planning Agency to review Final PUD Plans; and

WHEREAS, likewise, it is more appropriate for the Planning Commission to approve such technical plans; and

WHEREAS, currently, a Preliminary PUD Plan expires after two (2) years.

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, Section 38-419, Staging, is hereby amended by deleting this section in its entirety and substituting in lieu thereof the following:

Sec. 38-419. 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.

SECTION 2. BE IT FURTHER ORDAINED, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-420, Changes and modifications; Major Changes, is hereby amended by deleting this section in its entirety and substituting in lieu thereof the following:

Sec. 38-420. Changes and modifications.

- (1) Major Changes- A major change is any one 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 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.

SECTION 2. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-421, Application procedure for institutional planned unit development, is hereby amended by deleting this section in its entirety and substituting in lieu thereof the following:

Sec. 38-421. 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 11" X 17" drawn at a minimum scale of one inch equals one hundred feet (1"=100') 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 is considered “active” for sixty (60) months from and after its approval by the City Council, after which time it shall expire;
- b. 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;
- c. If the Approved PUD Development Plan expires or 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;
- d. 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;
- e. No building permit shall be granted until after approval of the PUD Development Plan;
- f. 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

- g. During such time as an Approved PUD Development Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.


SECTION 3. 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: August 20, 2013.



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mms