

**First Reading: November 11, 2014**  
**Second Reading: November 18, 2014**

ORDINANCE NO. 12879

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO AMEND ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS; ADD AND AMEND ARTICLE II, DEFINITIONS; AND ADD TO ARTICLE V, ZONE REGULATIONS TO INCLUDE SPECIAL PERMIT FOR TWO-FAMILY OR MULTI-FAMILY DWELLINGS ON LOTS OF RECORD.

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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 VIII, Board of Appeals for Variances and Special Permits, by amending Section 38-568, by adding a part (23) as follows relative to Special Permit for Two-family or Multi-family Dwellings on Lots of Record:

**ARTICLE VIII. BOARD OF APPEALS FOR VARIANCES  
AND SPECIAL PERMITS.**

**Sec. 38-568. Powers, etc. of board; hearings.**

**(23) Special Permit for Two-family or Multi-family Dwellings on Lots of Record.**

Purpose: The purpose of this Special Permit is to support the development of infill housing by allowing an existing Lot of Record to be developed with Two-family (duplex) Dwellings or Multi-family Dwellings with lot sizes less than the required minimum lot area. The Lot of Record must be zoned appropriately for the dwelling proposed for the site. This permit does not allow for the creation of new lots with sizes smaller than the required minimum lot sizes.

Applicants should review Sec. 38-507 prior to pursuing this Special Permit as that section allows development of Two-family (duplex) Dwellings to be constructed on Lots of Record with reduced lot sizes.

Good neighborhoods contain buildings of many types and sizes, but they should be compatible. While the type of architecture may vary, compatibility can be addressed in part through similar orientation of houses to streets, front setbacks, and architectural features such as porches. Applicants should consider the existing neighborhood character in development of the site plan.

- 1) The applicant shall submit to the Board of Appeals a development plan of the proposed site showing at a minimum:
  - a. Location of proposed structure(s)
  - b. Size and use of structure(s), including number of dwelling units
  - c. Required front, side and rear setbacks
  - d. Curb cuts, driveways and on-site parking areas
  - e. Front and side elevation drawings with building height
- 2) The required front, side and rear yard setbacks for Lots of Record shall apply unless a variance per Sec. 38-567 is granted by the Board of Appeals.
- 3) Off-street parking is required per Division 29. Off-street Parking and Loading Space Requirements.
- 4) To assure new construction relates to the street in a manner that is similar to that seen traditionally in the City of Chattanooga's older developed areas and to help ensure compatibility, the following standards shall apply:
  - a. No parking shall be allowed in the required front yard.
  - b. Where an alley does not abut the side or rear of the lot, all attached and detached garages shall remain subordinate to the primary wall plane and should have a setback of a minimum of 12' behind the dwelling's main facade line.
- 5) The Board shall find that the proposed dwelling will not conflict with the developed character of the area; that the City Transportation Department has approved all plans for parking and access; and that the proposed use will not be in conflict with the adopted plans of the community.
- 6) If granted, the Special Permit shall be only for the residential use(s) permitted in the zone.
- 7) Development under the Special Permit, as granted, shall substantially conform to the development plan reviewed by the Board of Appeals at the time of its approval of the permit and any conditions that may be placed on the permit by the Board. If, in the opinion of an administrative official in the administration or enforcement of the zoning ordinance, proposed development is not in compliance with the action of the Board, that officer shall place another hearing regarding the Special Permit on the Board's agenda for its consideration.

SECTION 2. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Section 38-2, Definitions, be amended by adding a new definition in alphabetical order as follows:

Lot of Record: 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.

SECTION 3. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Section 38-2, Definitions, to amend the definition name of Dwelling, Multiple to Dwelling, Multi-family.

SECTION 4. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-92, “R-2 Residential Zone, Uses permitted as special exceptions by the board of appeals” be amended by adding a new sub-section (5) entitled, “Special Permit for Two-family or Multi-family Dwellings on Lots of Record.”

SECTION 5. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-102, “R-3MD Moderate Density Zone, Uses permitted as special exceptions by the board of appeals” be amended by adding a new sub-section (4) entitled, “Special Permit for Two-family or Multi-family Dwellings on Lots of Record.”

SECTION 6. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-112, "R-3 Residential Zone, Uses permitted as special exceptions by the board of appeals" be amended by adding a new sub-section (7) entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

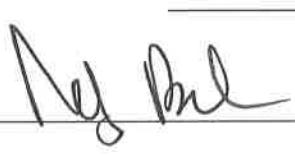
SECTION 7. BE IT FURTHER ORDAINED that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-122, "R-4 Special Zone, Uses permitted as special exceptions by the board of appeals" be amended by adding a new sub-section (15) entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

SECTION 8. 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: November 18, 2014

  
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CHAIRPERSON

APPROVED:  DISAPPROVED:

  
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MAYOR

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