

ORDINANCE NO. 13121

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II, DEFINITIONS; ARTICLE V, DIVISION 6, R-2 RESIDENTIAL ZONE, SECTION 38-91, PERMITTED USES; AND ARTICLE V, DIVISION 6, R-2 RESIDENTIAL ZONE, SECTION 38-94, HEIGHT AND AREA REGULATIONS RELATIVE TO TOWNHOUSES.

WHEREAS, the R-2 Residential Zone currently permits “single-family dwellings” and “two-family dwellings”;

WHEREAS, a “two-family dwelling” is commonly known as a “duplex”;

WHEREAS, currently, a “two-unit townhouse” is not permitted in the R-2 Residential Zone;

WHEREAS, there is no recognizable difference between a “duplex” and a “two-unit townhouse”;

WHEREAS, the current definition of “Townhouse” does not permit a 2-unit townhouse on an existing public street, regardless of what zone it is in; and

WHEREAS, it is reasonable to permit a 2-unit dwelling in the R-2 Residential Zone whether it is constructed as a “duplex” or a “two-unit townhouse”.

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 II, Definitions, be amended by deleting the definition for “Townhouse” in its entirety and substituting in lieu thereof the following:

Townhouse: A townhouse is a single-family dwelling unit attached by fireproof common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear. There shall be not less than three (3) or more than twelve (12) such units connected together.

A two (2) unit townhouse may be permitted in the R-2 Residential Zone or if it is part of a townhouse-only or mixed-residential development that consists predominantly of townhouses with three (3) or more units. The two (2) unit townhouses should be sited to the interior of a development and shall not be placed adjacent to any existing single-family detached dwelling unless landscaping is provided as required by the Landscaping Ordinance, or Type C landscaping is provided, or a landscape equivalent is provided per the Landscaping Coordinator, or if the existing single-family dwelling and the two (2) unit townhouse are part of the same development. Unless it is in the R-2 Residential Zone, A two (2) unit townhouse shall not have frontage on an exterior public street or have a rear or side property line abutting an exterior public street, or if it is an existing duplex being converted into a two (2) unit townhouse for subdivision in fee simple purposes.

SECTION 2. BE IT FURTHER ORDAINED That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Division 6, R-2 Residential Zone, Section 38-91, Permitted Uses, be amended by deleting Section 38-91 in its entirety and substituting in lieu thereof the following:

Sec. 38-91. Permitted Uses.

- (1) Single-family dwelling; *excluding manufactured homes constructed as a single self-contained unit and mounted on a single chassis* (only one residential building permitted per lot, per Article IV, Section 38-26).
- (2) Two-unit townhouse (one dwelling unit per lot).
- (3) Two-family dwelling (only one residential building permitted per lot, per Article IV, Section 38-26).
- (4) Schools, parks, playgrounds and other community-owned not-for-profit buildings.
- (5) Golf courses, except driving ranges, miniature golf courses and other similar commercial operations.
- (6) Fire stations and other publicly-owned buildings
- (7) Churches, including columbarium and/or mausoleum as an accessory use
- (8) Day care homes
- (9) Kindergartens (operated by government units or by religious organizations)
- (10) Home occupations
- (11) Accessory uses and buildings

SECTION 3. BE IT FURTHER ORDAINED That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Division 6, R-2 Residential Zone, Section 38-94, Height and area regulations, be amended by deleting Section 38-94 in its entirety and substituting in lieu thereof the following:

Sec. 38-94. Height and Area Regulations.

- 1) **Building Height.** No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- 2) **Minimum Lot Area.**
 - a. Single-family dwelling: The minimum lot size shall be 7,500 square feet on sewers. Only one single-unit detached dwelling permitted on one lot.
 - b. Two-unit townhouse: The minimum lot size shall be 4,750 square feet for each dwelling unit on sewers. Two attached units maximum; one attached dwelling unit permitted on each lot.
 - c. Two-family dwelling: The minimum lot size shall be 9,500 square feet on sewers. Only one two-unit detached dwelling permitted on one lot.
 - d. For those lots where septic tanks are used, all residential lots shall be large enough to construct the original subsurface sewage disposal system and to provide an area for one hundred percent (100%) duplication of that system; and
 - i. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal.
 - ii. The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities.
 - iii. The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.
 - e. Residential lot area shall be in addition to any other lot area for other permitted uses.
 - f. All other uses shall have a minimum lot area of ten thousand (10,000) square feet.

3) Minimum Lot Frontage.

- a. Single-family dwelling: The minimum lot frontage shall be sixty (60) feet on sewers.
- b. Two-unit townhouse: The minimum lot frontage shall be thirty (30) feet on sewers.
- c. Two-family dwelling: The minimum lot frontage shall be sixty (60) feet on sewers.

4) Minimum Building Setback.

- a. The front building setback shall not be less than twenty-five (25) feet.
- b. The side building setback shall not be less than ten (10) feet. For corner lot side yard requirements, see Article VI, Section 38-509.
- c. The rear building setback shall not be less than twenty-five (25) feet.


SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: November 15, 2016



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

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