

**First Reading: January 9, 2018**  
**Second Reading: January 23, 2018**

ORDINANCE NO. 13272

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II, SECTION 38-2, DEFINITIONS AND ARTICLE IV, SECTION 38-32, GENERAL REGULATIONS, LOT FRONTAGE, SETBACK NOT TO BE REDUCED EXCEPTION TO ADD A DEFINITION FOR SEWER AVAILABILITY STRIP AND TO EXCLUDE SEWER AVAILABILITY STRIPS FROM MINIMUM LOT FRONTAGE REQUIREMENTS.

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**WHEREAS**, Chattanooga City Code, Part II, Chapter 38 Zoning Regulations, establishes minimum required lot frontages in each zoning district for proposed lots in a subdivision; and,

**WHEREAS**, in some cases the proposed lot frontage may be less than the minimum required lot frontage if a variance is approved by the Chattanooga-Hamilton County Regional Planning Commission as permitted by Chattanooga City Code, Part II, Chapter 38 Zoning Regulations, Section 38-32 Lot Size, Lot Frontage, Setback not to be Reduced; exception requires; and,

**WHEREAS**, in some instances in order to provide public sewer access or availability for proposed lots in a subdivision small strips of land are required that do not meet the minimum lot frontage requirements of the zoning district; therefore, a variance request would be required because this small strip of land would be considered lot frontage; and,

**WHEREAS**, in cases where strips of land are only created for purposes of providing access to public sewer so as to provide sewer availability to a proposed lot a variance request should not be required in these instances; and,

**WHEREAS**, Chattanooga City Code, Part II, Chapter 38 Zoning Regulations, needs to be amended to define sewer availability strip as being a strip of land within a proposed subdivision not less than ten (10') feet in width across which there is no driveway, off-street parking area, or serves as legal access to the lots, and which is devoted exclusively for providing access/availability to public sewer to the proposed lot; and,

**WHEREAS**, Chattanooga City Code, Part II, Chapter 38 Zoning Regulations, needs to be amended to include provisions that sewer availability strips that do not meet the minimum lot frontage requirements and are in compliance with the definition of a sewer availability strip are permitted without the need for an approved variance from the Chattanooga-Hamilton County Regional Planning Commission.

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 38-2, be amended as follows:

**In Article II. DEFINITIONS add the following as a definition:**

Sewer Availability Strip: Means a strip of land within a proposed subdivision not less than ten (10') feet in width. Within this ten (10') foot access strip there shall be no driveways, off-street parking areas, or serves as legal access to the lot, and which is devoted exclusively for providing access/availability to public sewer to the proposed lot.

SECTION 2. BE IT FURTHER ORDAINED That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-32, be amended as follows:

**In Article IV. GENERAL REGULATIONS, Section 38-32 Lot Size, Lot Frontage, Setback not to be Reduced Exception delete in its entirety and replace with the following:**

Lot Size, lot frontage for new lots being created as part of a new proposed subdivision, or existing legally recorded lots not considered to be lots of record that are being consolidated or re-subdivided shall not have less than the required minimum lot standard as specified in this zoning ordinance, unless approval for such variance is obtained by the Chattanooga-Hamilton County Regional Planning Commission, except for properties within the Downtown Form-Based Code boundary, or if the Urban Infill Lot Compatibility Option is used.

In instances where strips of land are created in proposed subdivisions that do not meet the minimum lot frontage requirements but are in compliance with the definition of Sewer Availability Strip, as defined in Article II. Definitions of these regulations, are permitted without the need for an approved variance from the Chattanooga-Hamilton County Regional Planning Commission.

An existing structure setback variance will be required in situations where new lot lines are proposed and the existing structure does not comply with required setbacks from the new lot lines.

A variance request for lot size, lot frontage, and existing structure setback shall be submitted to the Regional Planning Agency per Section 309 of the Chattanooga Subdivision Regulations. Variance requests for properties within the Downtown Form-Based Code boundary shall be the authority of the Form-Based Code Committee.

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

Passed on second and final reading: January 23, 2018

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CHAIRPERSON

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

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MAYOR

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