

1ST READING

5-11-10

2ND READING

5-18-10

INDEX NO.

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ORDINANCE NO. 12395

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, SECTION 38-32, GENERAL REGULATIONS RELATIVE TO ALLOWING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION TO APPROVE VARIANCES FOR LOT SIZE, LOT FRONTAGE, AND SETBACKS RELATIVE TO THE CREATION OF LOTS AS PART OF A NEW SUBDIVISION.

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**WHEREAS**, lot size, lot frontage, and setback are closely related to land use and subdivision elements; and

**WHEREAS**, the Chattanooga-Hamilton County Regional Planning Commission has the authority to review and approve subdivision-related activity and variances; and

**WHEREAS**, the Chattanooga Board of Zoning Appeals has the authority to review and approve CERTAIN variances for existing lots and will continue to do so; and

**WHEREAS**, this amendment would require that any proposed creation of a lot as part of a new subdivision which does not meet the size or frontage requirements of the Chattanooga Zoning Ordinance would require a variance from the Chattanooga-Hamilton County Regional Planning Commission before any subdivision is approved; and

**WHEREAS**, in order to streamline the existing process and enable one board to act on those variances related to the subdivision process, any variances for lot size, lot frontage, or structure setbacks for existing structures that become non-conforming due to the creation of new lots shall also require a variance from the Chattanooga-Hamilton County Regional Planning Commission;

NOW, THEREFORE

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 38-32 be amended so as to delete the section in its entirety and replace in lieu thereof the following:

**Sec. 38-32. Lot Size, Lot Frontage, Setback not to be reduced; exception.**

Lot size, lot frontage, or existing structure setback for new lots as part of a new subdivision 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 or if the Urban Infill Compatibility Option is used. A variance request of this nature shall be submitted to the Planning Commission Staff per Section 111 of the Subdivision Regulations.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

PASSED on Second and Final Reading

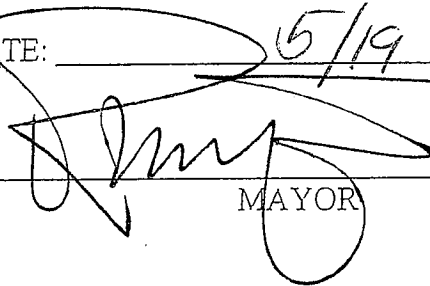
\_\_\_\_\_ May 18 \_\_\_\_\_, 2010.



CHAIRPERSON

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

DATE: 5/19, 2010.



MAYOR

PAN/kac/mms