

**A RESOLUTION TO AMEND THE CHATTANOOGA CITY CODE,
PART II, CHAPTER 38 ZONING ORDINANCE, ARTICLE IV GENERAL
REGULATIONS, SECTION 38-25, BY ADDING A PROVISION FOR A
“HORIZONTAL PROPERTY REGIME”**

WHEREAS, the Tennessee Code Annotated (TCA 66-27-103) provides for horizontal property regimes to develop multiple dwellings on one lot with a master deed, and

WHEREAS, the current zoning regulations do not include standards that relate to this state law provision, and

WHEREAS, the City Land Development office has received several development proposals using the horizontal property regime provisions, but are restricted by the current zoning ordinance definition that each dwelling must reside on a parcel with its own public right of way access.

NOW THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on July 13, 2015 does hereby recommend to the Chattanooga City Council that the following sections be amended as follows:

Delete Section 38-25. Lots to Front Street; Exceptions in its entirety and substitute in lieu thereof the following:

Section 38-25. Lots to Front Street; Exceptions

Residential

(a) Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street, except for any recorded lot that is currently five (5) acres or larger in size and was five (5) acres or larger in size at the time it was annexed into the City of Chattanooga and has a recorded access easement that is at least fifteen (15) feet wide for each lot it serves but not required to exceed fifty (50) feet.

The Board of Zoning Appeals may grant a variance to this requirement if the following two (2) conditions apply:

- The recorded lot was smaller than five (5) acres at the time it was annexed into the City of Chattanooga.
- The recorded lot has a recorded access easement that is at least fifteen (15) feet wide for each lot it serves but not required to exceed fifty (50) feet.

(b) Residential structure or structures may meet the definition of a Horizontal Property Regime (HPR) as defined in TCA 66-27-103. However, the residential structures shall comply with the permitted uses as defined within the individual zoning districts.

Non-Residential

Every non-residential building and/or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a public street or a permanent recorded easement approved by the City of Chattanooga Transportation Department.

Respectfully submitted,

John Bridger, Secretary

Date of Adoption: July 13, 2015

JB:GH:PD:sh