First Reading:_____
Second Reading:_____

2014-112
Passpointe Engineering, PLLC/
Walnut Street Enterprises/
Marvin Berke/Claudette C. Braley
District No. 7
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 102 WALNUT STREET AND 213 EAST AQUARIUM WAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

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, be and the same hereby is amended so as to rezone properties located at 102 Walnut Street and 213 East Aquarium Way, more particularly described herein:

> Two unplatted tracts of land located at 102 Walnut Street and 213 East Aquarium Way, beginning at the northeast corner of Tax Map 135L-C-005 and going west 113.76 feet, thence southwest 96.80 feet, thence south 9.74 feet, thence southeast 221.07 feet, thence east 72.96 feet, thence northeast 35.3117 feet, thence north 228.75 feet to the point of beginning, being the properties described in Deed Book 7607, Page 452, ROHC, and in Deed Book 7117, Page 252, ROHC. Tax Map Nos. 135L-C-001 and 005.

and as shown on the maps attached hereto and made a part hereof by reference, from R-4 Special Zone to C-3 Central Business Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to the following:

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than two (2) units, and excluding al interior renovations:

(1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.

(2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.

(3) All site layout plans, landscaping plants, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

(1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. A zero building setback is required along the street frontage.

(1) To accommodate outdoor pedestrian activities including a small pocket park, plaza, outdoor dining, or widening of the public sidewalk, a greater setback is permitted.

3. Height Requirements.

   A. The minimum height of new buildings shall be eighteen (18) feet.

   B. The maximum height of all new buildings shall be five (5) stories.

4. Access to sites and buildings.

   A. New curb cuts shall not be permitted on the primary, or highest order street (Walnut Street), that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.

   B. Alleys, where they exist, shall be used as the principal vehicular access.

   C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.

   D. Shared drives should be used wherever possible.

   E. The primary pedestrian entrance to new buildings shall be provided from the primary street (Walnut Street).

5. Off-street parking.

   A. New off-street parking shall not be permitted between a building and the primary street frontage.

   B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:

      (1) Off-street parking fronting a public street shall be screened from the right-of-way with a street edge in accordance with Condition 6A. Front end in or parallel parking along alleys is exempt from this requirement.

      (2) Surface parking lots shall be landscaped with a minimum of one (1) Class 1 shade tree or every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.

   C. Garages for new residential dwellings shall be located behind the primary building.

D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:

(1) Proximity to transit stops
(2) Provision of bicycle facilities
(3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
(4) Type of uses and hours of operation
(5) Square footage of commercial uses or number of residential units
(6) Fire Department access

6. Street Frontage.

A. Where a street edge is required, it shall be provided as follows:

(1) The street edge shall have a minimum height of three (3) feet and shall consist of:

a. Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
b. A decorative metal fence with landscaping a minimum of three (3) feet in height at maturity, providing a year-round near opaque screen; or
c. An evergreen hedge, with a minimum height at maturity of three (3) feet.
d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

(2) Ground floor openings (doors and windows) shall constitute a minimum of 50% of the ground floor façade area for new non-residential buildings.

(3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.

(4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

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:_____

_____
CHAIRPERSON

APPROVED:____ DISAPPROVED:____

_____

_____
MAYOR

/mem

First Reading:_____
Second Reading:_____

2014-112
Passpointe Engineering, PLLC/
Walnut Street Enterprises/
Marvin Berke/Claudette C. Braley
District No. 7
Alternate Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 102 WALNUT STREET AND 213 EAST AQUARIUM WAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

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(3) All site layout plans, landscaping plants, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

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(1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. A zero building setback is required along the street frontage.

(1) To accommodate outdoor pedestrian activities including a small pocket park, plaza, outdoor dining, or widening of the public sidewalk, a greater setback is permitted.

3. Height Requirements.

A. The minimum height of new buildings shall be eighteen (18) feet.

B. The maximum height of all new buildings shall be five (5) stories.

4. Access to sites and buildings.

A. New curb cuts shall not be permitted on the primary, or highest order street (Walnut Street), that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.

B. Alleys, where they exist, shall be used as the principal vehicular access.

C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.

D. Shared drives should be used wherever possible.

E. The primary pedestrian entrance to new buildings shall be provided from the primary street (Walnut Street).

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A. New off-street parking shall not be permitted between a building and the primary street frontage.

B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:

(1) Off-street parking fronting a public street shall be screened from the right-of-way with a street edge in accordance with Condition 6A. Front end in or parallel parking along alleys is exempt from this requirement.

(2) Surface parking lots shall be landscaped with a minimum of one (1) Class 1 shade tree or every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.

C. Garages for new residential dwellings shall be located behind the primary building.

D. The site plan shall include a minimum of 110 off-street parking spaces. The site plans shall also provide the following information:

(1) Proximity to transit stops
(2) Provision of bicycle facilities
(3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
(4) Type of uses and hours of operation
(5) Square footage of commercial uses or number of residential units
(6) Fire Department access

6. Street Frontage.

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c. An evergreen hedge, with a minimum height at maturity of three (3) feet.
d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

(2) Ground floor openings (doors and windows) shall constitute a minimum of 50% of the ground floor façade area for new non-residential buildings.

(3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.

(4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

7. Use.

The site shall only be used for High End Boutique Hotel.

These conditions shall run with the property.

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:_____

_____
CHAIRPERSON

APPROVED:____ DISAPPROVED:____

_____

_____
MAYOR

/mem

First Reading:_____
Second Reading:_____

2014-112
Passpointe Engineering, PLLC/
Walnut Street Enterprises/
Marvin Berke/Claudette C. Braley
District No. 7
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 102 WALNUT STREET AND 213 EAST AQUARIUM WAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE.

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Passed on second and final reading:_____

_____
CHAIRPERSON

APPROVED:____ DISAPPROVED:____

_____

_____
MAYOR

/mem

2014-112 City of Chattanooga
October 13, 2014

RESOLUTION

WHEREAS, Passpointe Engineering, PLLC/Walnut Street Enterprises/Marvin Berke/Claudette C. Braley petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning from R-4 Special Zone to C-3 Central Business Zone, properties located at 102 Walnut Street and 213 East Aquarium Way.

Two unplatted tracts of land located at 102 Walnut Street and 213 East Aquarium Way, beginning at the northeast corner of Tax Map 135L-C-005 and going west 113.76 feet, thence southwest 96.80 feet, thence south 9.74 feet, thence southeast 221.07 feet, thence east 72.96 feet, thence northeast 35.3117 feet, thence north 228.75 feet to the point of beginning, being the properties described in Deed Book 7607, Page 452, ROHC, and in Deed Book 7117, Page 252, ROHC. Tax Maps 135L-C-001 and 005 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 13, 2014,

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 13, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to:

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the

existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than 2 units, and excluding all interior renovations:

(1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.

(2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.

(3) All site layout plans, landscaping plants, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

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(2) Surface parking lots shall be landscaped with a minimum of one (1) Class 1 shade tree or every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.

C. Garages for new residential dwellings shall be located behind the primary building.

D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:

(1) Proximity to transit stops
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b. A decorative metal fence with landscaping a minimum of 3 feet in height at maturity, providing a year-round near opaque screen; or

c. An evergreen hedge, with a minimum height at maturity of 3 feet; or.

d. A green screen structure providing a similar degree of screening as landscaping.

e. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

(2) Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.

(3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.

(4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER:	2014-112	Date Submitted: 08-25-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Zoning	From: R-4	To: C-3
	Total Acres in request area: 0.86+/-	
2 Property Information		
Property Address:	102 Walnut Street & 213 E. Aquarium Way	
Property Tax Map Number(s):	135L-C-001 & 005	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Development of a hotel/restaurant/gallery in keeping with the downtown urban/pedestrian development	
4 Site Characteristics		
Current Zoning:	R-4	
Current Use:	Commercial office/Parking	
Adjacent Uses:	High density residential, small retail/coffee shop	

5 Applicant Information

All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.

Name: Passpointe Engineering, PLLC		Address: 2719 Hickory Valley Road	
Check one:	I am the property owner	x	I am **not** the property owner
City: Chattanooga	State: TN	Zip Code: 37421	Email: janpass@passpointe.com
Phone 1: 423-451-6601	Phone 2: 423-240-7702	Phone 3:	Fax:

6 Property Owner Information (if not applicant)

Name: Walnut St Enterprises/Marvin Berke 420 Frazier Ave. Chattanooga, TN 37405 Claudette C Braley 110 Lariat Dr. Georgetown TX 78633	Phone: 423-266-5171 512-591-7135
Address:	

Office Use Only:

Planning District: 8A		Neighborhood: N/A	
Hamilton Co. Comm. District: 6	Chatt. Council District: 7	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
Checklist:			
x Application Complete	x Ownership Verification	x Map of Proposed Zoning Area with dimensions	
x Site Plan, if required	x Total Acres to be considered: 0.86	x Deeds	Plats, if applicable
Deed Book(s): 7607-452, 7117-252			
Plat Book/Page:		x Notice Signs	Number of Notice Signs: 3
x Filing Fee: 635.00	Cash	x Check	Check Number: 1824
Planning Commission meeting date: 10-13-2014		Application processed by: Marcia Parker	

Chattanooga-Hamilton County Regional Planning Agency

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-112	PC Meeting Date: 10-13-14
Applicant Request:	**Rezone from R-4 Special Zone to C-3 Central Business Commercial Zone**	
Property Location:	**102 Walnut Street and 213 East Aquarium Way**	
Property Owner:	**Walnut Street Enterprises, Marvin Berke / Claudette Braley**	
Applicant:	**Passpointe Engineering, PLLC**	
Staff Recommendation:	**APPROVE with the conditions stated below**	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant is proposing development of a five story hotel/restaurant/gallery and attached two level parking deck. Vehicular access is proposed to be from Riverside Drive and East Aquarium Way with the primary pedestrian entrance on Walnut Street. The applicant also intends to renovate Walnut Street into an active pedestrian-oriented space through a partnership with the City Transportation Department.

Site Description

The 0.86 acre site currently is used for offices and parking. Residential and commercial uses are located across Walnut Street to the west. The Walnut Street pedestrian bridge is across Riverside Drive to the north and the Holmberg Bridge is immediately adjacent to the site on the north. The site is located between Riverside Drive on the northeast, East Aquarium Way on the south and Walnut Street on the west.

Zoning History

This site has had no recent zone change. In 2012, a rezoning request (case 2012-076) was made for this site but later withdrawn by the applicant. The current R-4 Special Zone was established with the adoption of zones in 1937. The R-4 Special Zone allows a wide variety of uses including apartments, offices, dormitories, banks, museums and art galleries; however the setback requirements for this zone limits the ability to place buildings on the street edge in a manner consistent with existing development in this area. The surrounding C-3 Central Business Zones were approved in 2003, 2005 and 2007.

Plans/Policies

This site is within the 2004 Downtown Plan which calls for "mixed-use urban development" in the Riverfront area. The Downtown Plan further recommends the following points, which are relevant to this development and are represented on the applicant's submitted site plan.

- The inclusion of public space – whether in the form of a park, a courtyard, a corner plaza, or a streetscape connection – in all new major development.
- Include retail development in the ground floor of all commercial buildings.
- Curb cuts should not be added to major downtown streets.
- Off-street parking should be provided to the rear of buildings.
- In the riverfront . . . maximum building heights should be 75 feet to maintain views of the river and to reinforce the importance and economic strength of the core by concentrating the greatest development density there.
- Topography should also be considered. Buildings on high points should maintain a lower scale

so as not to overwhelm the surrounding built and natural context.

City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.

RPA Summary

Based on previous interest shown by neighbors regarding proposed development in this area, if not done already, RPA staff encourages the applicant share the proposal with nearby residents. As the proposed development is in keeping with the 2004 Downtown Plan and with the surrounding mixed-use development, the RPA recommends approval of the C-3 Central Business Zone with the following conditions:

1. **Review.**
   The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

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      (2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.

   C. Garages for new residential dwellings shall be located behind the primary building.

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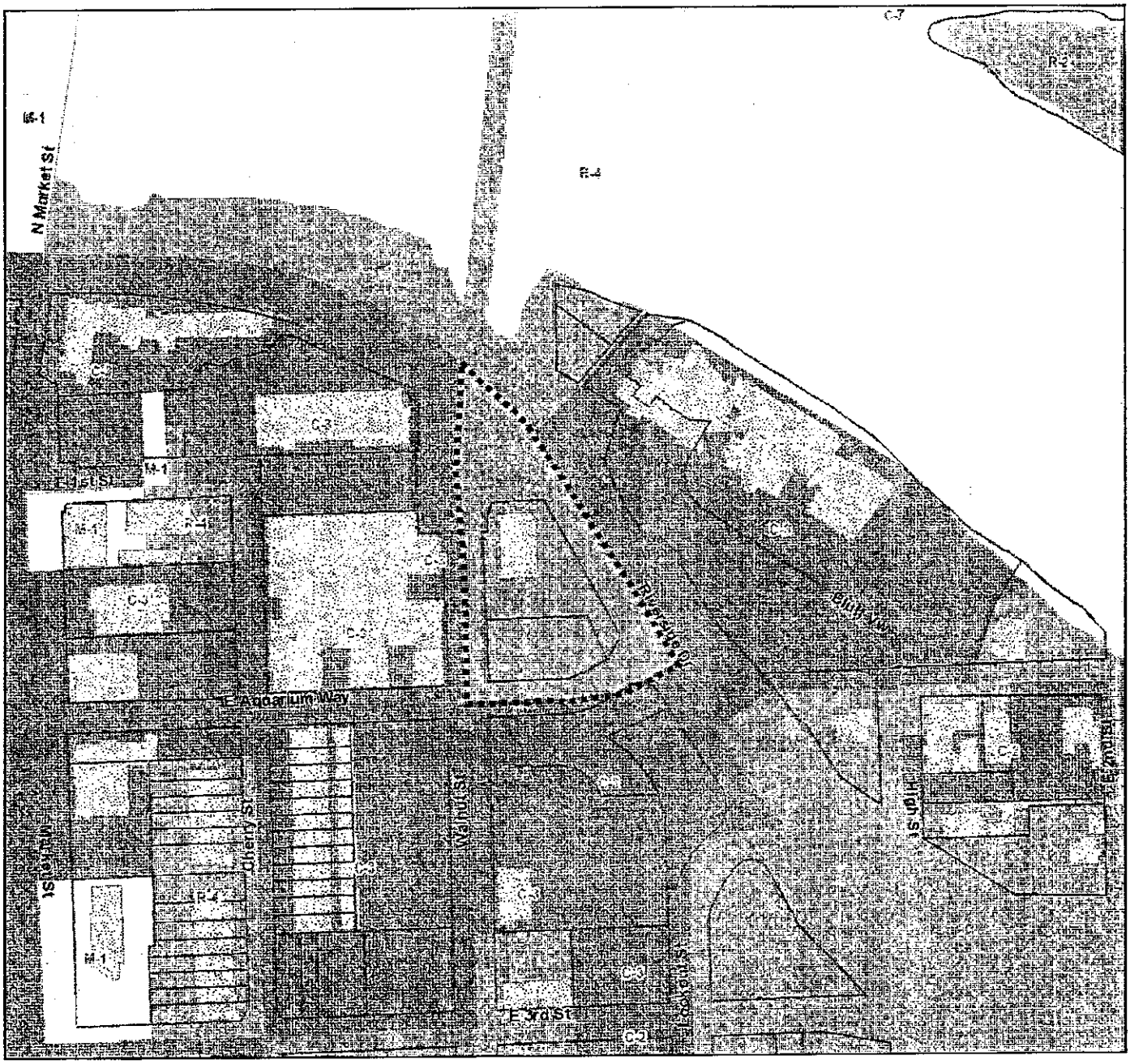


2014-112 Rezoning from R-4 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-112:

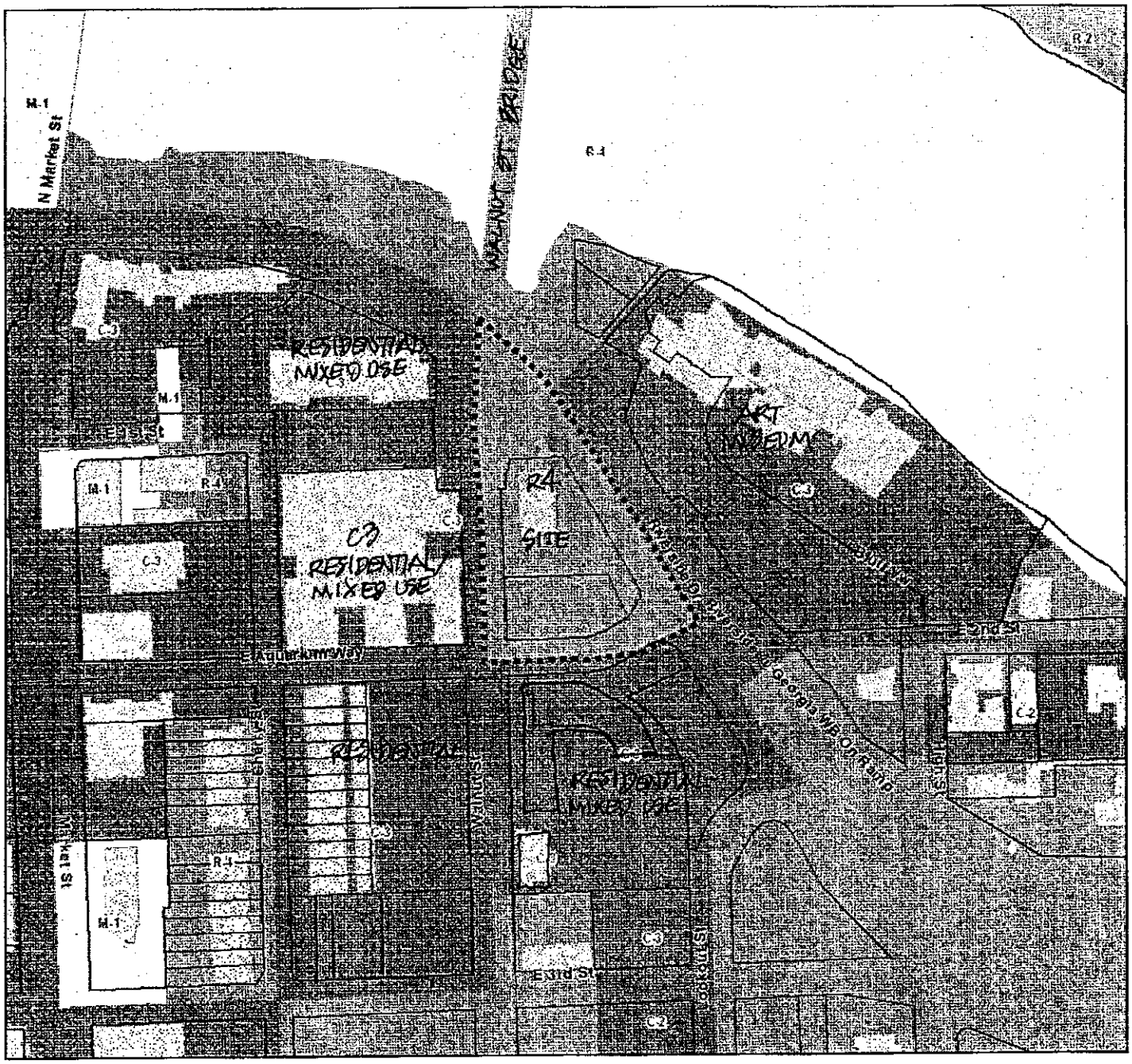
Approve, subject to the list of conditions in the Planning Commission Resolution.

North

200 ft

Chattanooga Hamilton County Regional Planning Agency

RPA



2014-112 Rezoning from R-4 to C-3

- FOR PROPOSED HOTEL -

198 ft

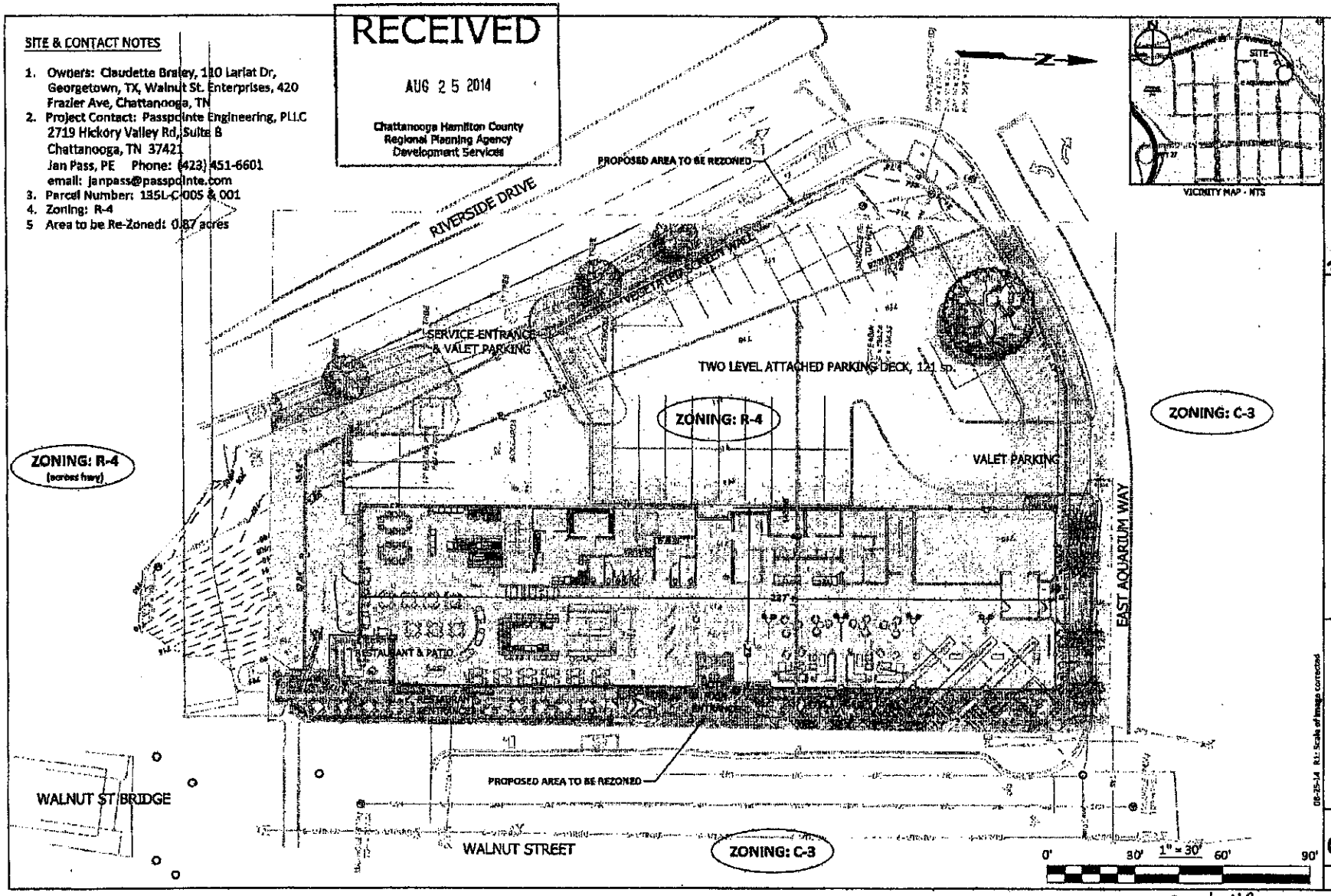
Chattanooga Hamilton County Regional Planning Agency

RPA

SITE & CONTACT NOTES

1. Owners: Claudette Braley, 110 Lariat Dr, Georgetown, TX, Walnut St. Enterprises, 420 Frazier Ave, Chattanooga, TN
2. Project Contact: Passpointe Engineering, PLLC
   2719 Hickory Valley Rd, Suite B
   Chattanooga, TN 37421
   Jan Pass, PE Phone: (423) 451-6601
   email: janpass@passpointe.com
3. Parcel Number: 135L-C-005 & 001
4. Zoning: R-4
5. Area to be Re-Zoned: 0.87 acres

RECEIVED
AUG 25 2014
Chattanooga Hamilton County
Regional Planning Agency
Development Services



2014-112

Passpointe Engineering, PLLC
2719 Hickory Valley Rd, Suite B
Chattanooga, Tennessee 37421

Walnut Street Boutique Hotel

DWG NO. 14048.dwg

DATE: 08-25-14
SCALE: 1"=30'

08-25-14 R1: Scale of image corrected

CONCEPT SITE PLAN

SHEET NO.
CS0.1

PROJECT NO.
14-048

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

> 2014-105 Charles Ankar/Joyce Douglas. 1812, 1816, and 1818 Madison Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.
>
> 2014-108 Alan Haniszewski/HP Partners. 1200 South Watkins Street, 1206 Lyerly Street, and 2308 East 12th Street, from M-1 Manufacturing Zone and R-2 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.
>
> 2014-110 Polestar Development, LLC/Sarah Henshall Rutherford. 7911 East Brainerd Road, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.
>
> 2014-111 Polestar Development, LLC/First Cumberland Presbyterian. 1505 North Moore Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.
>
> 2014-112 Passpointe Engineering, PLLC/Walnut Street Enterprises/Marvin Berke/Claudette C. Braley. 102 Walnut Street and 213 East Aquarium Way, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

> 2014-107 Southern Land Company/Obar Investments, LLC. 900 block of River Gorge Drive, for a Residential Planned Unit Development, subject to certain conditions.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions be lifted and approved:

> 2014-109 Hixson Investors, LLC/Mary Eastman. 6300, 6302, and 6306 Grubb Road and part of 5800 block of Highway 153, lifting conditions 1 through 9 from Ordinance No. 11827 of previous Case No. 2006-028, subject to certain conditions.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

(a) Adding a new sub-section (23) to Article VIII, Section 38-568 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

(b) Adding a new definition in alphabetical order to Article II, Section 38-2 entitled, "Lot of Record."

(c) Amending definition in Article II, Section 38-2 by changing the definition name entitled, "Dwelling, Multiple to Dwelling, Multi-family."

(d) Adding a new sub-section (5) to Article V, Section 38-92 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

(e) Adding a new sub-section (4) to Article V, Section 38-102 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

(f) Adding a new sub-section (7) to Article V, Section 38-112 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

(g) Adding a new sub-section (15) to Article V, Section 38-122 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

November 11, 2014

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2014.

_____
Sandra Freeman
Clerk to the City Council