

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE XIII, CHANGES AND AMENDMENTS, SECTION 38-672, METHOD OF PROCEDURE RELATIVE TO POSTING NOTICES; ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS, SECTION 38-565, NOTICES, RELATIVE TO POSTING NOTICES; AND SECTION 38-566, HEARINGS.

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 XIII, Changes and Amendments, Section 38-672, Method of Procedure relative to Posting Notices, is hereby amended so as to delete the section in its entirety and substitute in lieu thereof the following:

Sec. 38-672. Method of procedure.

- 1) A proposed change or amendment may originate with the City Council, with the Planning Commission, or on petition by a property owner or designee. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. Following the receipt of a recommendation from the Planning Commission, the City Council shall give at least fifteen (15) days' prior notice of the time and place of a public hearing which shall be held in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City. The cost of such notice will be borne by the petitioner.
- 2) Provided, however, that a petition for rezoning, closure and abandonment, or conditional and special permits shall not be accepted for a period of nine (9) months following denial of a previous petition involving the same property or any part thereof.

- 3) For all applications to the Chattanooga-Hamilton County Regional Planning Agency (RPA) that are to be reviewed by the Planning Commission, the Planning Agency staff will notify the Neighborhood Association(s) contact person on file with the RPA and all property owners of properties that abuts the area of the request no less than 15 days prior to the Planning Commission meeting by first class mail. No further notification shall be required.
- 4) A copy of the Chattanooga-Hamilton County Regional Planning Agency application shall also be forwarded to the City Council member that represents the district where the property is located fifteen (15) days prior to the Planning Commission hearing of the application.
- 5) A sign furnished by the Chattanooga-Hamilton County Regional Planning Agency shall be prominently posted by the applicant on the site of property that is the subject of the zoning change, special permit, or abandonment request for at least fifteen (15) consecutive days prior to the Planning Commission meeting to give notice to the public of the application and the Planning Commission meeting date. An applicant shall post the sign provided by the Regional Planning Agency under the following requirements:
 - a. Sign(s) shall be posted at the right-of-way of primary street or road on which the property fronts, and additional areas if required by the Planning Agency Staff.
 - b. Sign shall be mounted on flat hard surface to prevent curling or bending of sign.
 - c. Sign shall be nailed or tied to a tree or mounted on stakes and shall be visually free from obstruction to said primary road.
 - d. Signs improperly displayed may be ruled as a violation to the rezoning/special permit procedure and may result in removal from the Planning Commission agenda or deferral at the Planning Commission meeting.
 - e. Sign(s) shall be posted no earlier and no later than 5 days after the application has been accepted by the Regional Planning Agency.
 - f. Sign(s) shall be maintained throughout the rezoning/special permit process until Planning Commission has taken final action on the request.
 - g. The applicant is responsible for replacing the Zoning Notice Sign(s) which are damaged or lost.
 - h. The applicant is responsible for removing the Zoning Notice Sign after the final governmental action.

SECTION 2. BE IT FURTHER ORDAINED, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VIII, Board of Appeals for Variances and Special Permits, Section 38-565, Notices, Relative to Posting Notices, is hereby amended so as to delete the section in its entirety and substitute in lieu thereof the following:

Sec. 38-565. Notices.

- 1) A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of 200 feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for Board purposes. A notice shall be published in a daily paper at least seven (7) days before the hearing.
- 2) A copy of the application shall be issued in writing to the City Council member that represents the district where the property is located fifteen (15) days prior to the hearing on the application.
- 3) A sign furnished by the Chief Building Official shall be prominently posted by the applicant on the site of the proposed variance or special exceptions for at least fifteen (15) consecutive days prior to the meeting of the Board to give notice to the public of the application and the Board meeting date. An applicant shall post the sign provided by the Chief Building Official in an open and conspicuous location along the street frontage right of way for the property that is the subject to the application. The sign shall be visible from the nearest right of way street frontage adjacent to the property that is the subject of the application. The sign shall be posted in the following manner:
 - a. Sign(s) shall be posted at the right-of-way of primary street or road on which the property fronts, and additional areas if required by staff.
 - b. Sign shall be mounted on flat hard surface to prevent curling or bending of sign.
 - c. Sign shall be nailed or tied to a tree or mounted on stakes and shall be visually free from obstruction to said primary road.
 - d. Signs improperly displayed may be ruled as a violation to the rezoning procedure.

- e. Sign(s) shall be posted no earlier and no later than 5 days after the application procedure.
- f. Sign(s) shall be maintained throughout the rezoning process.
- g. The applicant is responsible for replacing the Sign(s) which are damaged or lost.
- h. The applicant is responsible for removing the Sign after the final governmental action.

SECTION 3. BE IT FURTHER ORDAINED, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VIII, Board of Appeals for Variances and Special Permits, Section 38-566, Hearings, is hereby amended so as to add the following item (6) as following:

- (6) The Board shall confirm that the property is zoned for the use that is the subject of a variance or special exceptions or a Special Exceptions Permit (Special Permit).

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks upon passage of second reading.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mem



**A RESOLUTION TO AMEND THE CHATTANOOGA CITY CODE, PART II,
CHAPTER 38 ZONING ORDINANCE, ARTICLE XIII, CHANGES AND
AMENDMENTS, SECTION 38-672 METHOD OF PROCEDURE, RELATIVE TO
POSTING NOTICES AND ARTICLE VIII, BOARD OF APPEALS FOR
VARIANCES AND SPECIAL PERMITS, SECTION 38-565, NOTICES, RELATIVE
TO POSTING NOTICES**

WHEREAS, The City Council of the City of Chattanooga has requested the amendment described herein; and

WHEREAS, there was opposition to the resolution.

NOW THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on April 13, 2015, does hereby recommend to the Chattanooga City Council that the Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be amended as follows:

Article XIII, Changes and Amendments, Section 38-672 Method of Procedure, be deleted in its entirety and replace in lieu of with the following:

Sec. 38-672. Method of procedure.

- 1) A proposed change or amendment may originate with the City Council, with the Planning Commission, or on petition by a property owner or designee. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. Following the receipt of a recommendation from the Planning Commission, the City Council shall give at least fifteen (15) days' prior notice of the time and place of a public hearing which shall be held in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City. The cost of such notice will be borne by the petitioner.
- 2) Provided, however, that a petition for rezoning, closure and abandonment, or conditional and special permits shall not be accepted for a period of nine (9) months following denial of a previous petition involving the same property or any part thereof.
- 3) For all applications to the Chattanooga-Hamilton County Regional Planning Agency (RPA) that are to be reviewed by the Planning Commission, the Planning Agency staff will notify the Neighborhood Association(s) contact person on file with the RPA and all property owners of properties that abuts the area of the request no less than 15 days prior to the Planning Commission meeting by first class mail. No further notification shall be required.
- 4) A copy of the Chattanooga-Hamilton County Regional Planning Agency application shall also be forwarded to the City Council member that represents the district where the property is located fifteen (15) days prior to the Planning Commission hearing of the application.
- 5) A sign furnished by the Chattanooga-Hamilton County Regional Planning Agency shall be prominently posted by the applicant on the site of property that is the subject of the zoning change, special permit, or abandonment request for at least fifteen (15) consecutive days prior

to the Planning Commission meeting to give notice to the public of the application and the Planning Commission meeting date. An applicant shall post the sign provided by the Regional Planning Agency under the following requirements:

- a. Sign(s) shall be posted at the right-of-way of primary street or road on which the property fronts, and additional areas if required by the Planning Agency Staff.
- b. Sign shall be mounted on flat hard surface to prevent curling or bending of sign.
- c. Sign shall be nailed or tied to a tree or mounted on stakes and shall be visually free from obstruction to said primary road.
- d. Signs improperly displayed may be ruled as a violation to the rezoning/special permit procedure and may result in removal from the Planning Commission agenda or deferral at the Planning Commission meeting.
- e. Sign(s) shall be posted no earlier and no later than 5 days after the application has been accepted by the Regional Planning Agency.
- f. Sign(s) shall be maintained throughout the rezoning/special permit process until Planning Commission has taken final action on the request.
- g. The applicant is responsible for replacing the Zoning Notice Sign(s) which are damaged or lost.
- h. The applicant is responsible for removing the Zoning Notice Sign after the final governmental action.

Article VIII, Board of Appeals for Variances and Special Permits, Section 38-565 Notices, be deleted in its entirety and replace in lieu of with the following:

Sec. 38-565. Notices.

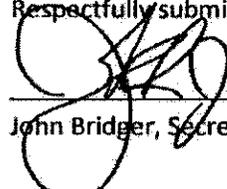
- 1) A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of 200 feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for Board purposes. A notice shall be published in a daily paper at least seven (7) days before the hearing.
- 2) A copy of the application shall be issued in writing to the City Council member that represents the district where the property is located fifteen (15) days prior to the hearing on the application.
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 - c. Sign shall be nailed or tied to a tree or mounted on stakes and shall be visually free from obstruction to said primary road.

- d. Signs improperly displayed may be ruled as a violation to the rezoning procedure.
- e. Sign(s) shall be posted no earlier and no later than 5 days after the application procedure.
- f. Sign(s) shall be maintained throughout the rezoning process.
- g. The applicant is responsible for replacing the Sign(s) which are damaged or lost.
- h. The applicant is responsible for removing the Sign after the final governmental action.

Article VIII, Board of Appeals for Variances and Special Permits, Section 38-566 Hearings, add the following item (6):

6) The Board shall confirm that the property is zoned for the use that is the subject of a variance or special exceptions or a Special Exceptions Permit (Special Permit).

Respectfully submitted,



John Bridger, Secretary

Date of Adoption: April 13, 2015

JB:GH:PD:sh

PostingNotices

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:

2015-046 Amelia Roberts and Billie Lyles. 4115 North Terrace, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

2015-047 Highland Park, LLC (Chattanooga Neighborhood Enterprise). 1704, 1706, and 1714 Kirby Avenue, from R-4 Special Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions.

2015-049 John Straussberger/Southside Centre, LLC. 1700 Broad Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-052 Chattanooga Neighborhood Enterprise/Bob McNutt and Tennessee Temple. 1706, 1708, 1710, 1712, 1714, and 1716 Bailey Avenue, from R-4 Special Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2015-054 Tower Construction Company/Calvin Ball. 2408, 2410, and 2412 Chamberlain Avenue, from R-2 Residential Zone to R-T/Z Residential Townhouse Zero Lot Line Zone, subject to certain conditions.

2015-055 ASA Engineering c/o Allen Jones and Marshall Berry. 1400 Chestnut Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-058 Elemi Architecture and Jim Lee. 1705 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied for the R-4 Special Zone request and recommend an O-1 Office Zone as follows:

2015-057 Becky Lockwood and Diantha Swift, 2211 and 2217 Hickory Valley Road, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

3. 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) Deleting in its entirety Article XIII, Changes and Amendments, Section 38-672, Method of Procedure, and replacing in lieu thereof.
- (b) Deleting in its entirety Article VIII, Board of Appeals for Variances and Special Permits, Section 38-565, Notices, and replacing in lieu thereof.
- (c) Adding item (6) to Article VIII, Board of Appeals for Variances and Special Permits, Section 38-566, Hearings.

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,

May 12, 2015

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 _____, 2015.

Nicole Gwyn
Clerk to the City Council