

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS, SECTION 38-563, TO CLARIFY THE BOARD'S POWER TO GRANT VARIANCES.

WHEREAS, the Board of Zoning Appeals routinely reviews variances to the zoning regulations each month; and

WHEREAS, the power to grant such variances is *implied* in the title of Article VIII, "Board of Appeals for Variances and Special Permits" of the Zoning Ordinance; and

WHEREAS, there currently exists no clearly identified statement to that effect within the ordinance.

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 VIII, Board of Appeals for Variances and Special Permits, Section 38-563, be amended by adding item (5) as follows:

(5) To authorize and grant a variance to the strict application of any regulation specified in this ordinance per the conditions specified in Section 38-567.

SECTION 2. 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 VIII BOARD
OF APPEALS FOR VARIANCES AND SPECIAL PERMITS, SECTION
38-563 TO CLARIFY THE BOARD'S POWER TO GRANT VARIANCES**

WHEREAS, the Board of Zoning Appeals routinely reviews variances to the zoning regulations each month; and

WHEREAS, the power to grant such variances is *implied* in the title of Article VIII, "Board of Appeals for Variances and Special Permits" of the Zoning Ordinance; and

WHEREAS, the Tennessee Code Annotated, Section 13-7-207(3) gives the Board of Appeals the power to grant variances to the zoning regulations; and

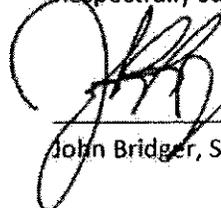
WHEREAS, there currently exists no clearly identified statement to that effect within the ordinance.

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:

Amend Article VIII Board of Appeals for Variances and Special Permits by adding item (5) to Section 38-563 to read as follows:

(5) To authorize and grant a variance to the strict application of any regulation specified in this ordinance per the conditions specified in Section 38-567.

Respectfully submitted,



John Bridger, Secretary

Date of Adoption: July 13, 2015

JB:GH:PD:sh

BOZAVariancePower

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:

2015-048 Pat Neuhoff or Neuhoff Taylor Architects and The Salvation Army. 902, 904, 910, 914, and 918 East 8th Street, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

2015-084 Dan Rose and Charles W. Hand, Jr. 20 East 14th Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-085 Valor. 7627, 7641, 7671, 7683, and 7691 Shallowford Road, from O-1 Office Zone to R-4 Special Zone, subject to certain conditions.

2015-088 Craig Kronenberg, JB Holdings, and Mark Jarvis. 801 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-089 John Murphy, Gary Fillers, and Jeffery and Nancy Fillers. 1701 Broad 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 Special Exceptions Permit be approved:

2015-087 Collier Construction and C. Richard Posey. 8118 Hitchcock Road, granting a Special Exceptions Permit for a Residential Planned Unit Development.

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) Amending Article VIII, Board of Appeals for Variances and Special Permits by adding Item (5) to Section 38-563.
- (b) Amending Section 38-25, Lots to Front Street; Exceptions in its entirety and substituting in lieu thereof.
- (c) Deleting Section 38-321, M-2 Light Industrial Zone, Use Regulations, (2), (v) in its entirety and substituting in lieu thereof.
- (d) Deleting Section 38-324, M-2 Light Industrial Zone Uses Permitted as Special Exceptions, in its entirety.
- (e) Deleting Section 38-528, Special Exception Permit for Ethanol Transfer Facility, in its entirety.

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,

August 11, 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