

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 20, M-2 LIGHT INDUSTRIAL ZONE AND ARTICLE VI, HEIGHT AND AREA EXCEPTIONS AND OTHER SPECIAL EXCEPTIONS.

WHEREAS, the original ordinance resolution adopting the special permit for Ethanol Transfer Facilities noted that “the Chattanooga Zoning Enforcement Office determined that tank farms for petroleum and related products is more similar to those uses permitted in the M-1 Manufacturing Zone”, and that “the Chattanooga City Council in their Legal and Legislative Committee agenda session on August 23, 2011, directed Chattanooga-Hamilton County Regional Planning Agency staff to draft an ordinance establishing a Special Exceptions Permit for an ethanol transfer facility in the M-2 Light Industrial Zone”; and

WHEREAS, the Regional Planning Agency staff has been requested by a representative of the City Council to amend the zoning ordinance to remove the special permit for Ethanol Transfer Facilities in an M-2 Light Industrial Zone; and

WHEREAS, Ethanol Transfer Facilities will still be allowed in M-1 zones to provide a zone for this use as originally recommended by the Chattanooga Zoning Enforcement Office.

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 V, Division 20, M-2 Light Industrial Zone, Use Regulations, Section 38-321, (2), (v), be deleted in its entirety and substitute in lieu thereof the following:

(v) Any similar use comparable in character, type or effect on the surrounding area to the above uses.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Division 20, M-2 Light Industrial Zone, Uses Permitted as Special Exceptions by the City Council, be deleted in its entirety.

SECTION 3. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VI, Division 2, Section 38-528, Special Exception Permit for Ethanol Transfer Facility, be deleted in its entirety.

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, CHAPTER 38 ZONING ORDINANCE,
ARTICLE V, DIVISION 20 M-2 LIGHT INDUSTRIAL
ZONE AND ARTICLE VI, HEIGHT AND AREA
EXCEPTIONS AND OTHER SPECIAL
EXCEPTIONS**

WHEREAS, the original ordinance resolution (12550, October 11, 2011) adopting the special permit for Ethanol Transfer Facilities noted that "the Chattanooga Zoning Enforcement Office determined that tank farms for petroleum and related products is more similar to those uses permitted in the M-1 Manufacturing Zone", and that "the Chattanooga City Council in their Legal and Legislative Committee agenda session on August 23, 2011, directed Chattanooga-Hamilton County Regional Planning Agency staff to draft an ordinance establishing a Special Exceptions Permit for an ethanol transfer facility in the M-2 Light Industrial Zone"; and

WHEREAS, the Regional Planning Agency staff has been requested by a representative of the City Council to amend the zoning ordinance to remove the special permit for Ethanol Transfer Facilities in an M-2 Light Industrial Zone; and

WHEREAS, Ethanol Transfer Facilities will still be allowed in M-1 zones to provide a zone for this use as originally recommended by the Chattanooga Zoning Enforcement Office.

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 Chattanooga Zoning Ordinance be amended as follows:

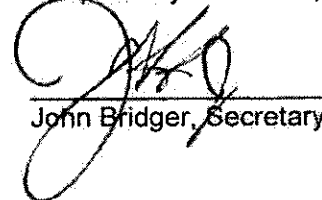
Delete Sec. 38-321 M-2 Light Industrial Zone, Use Regulations, (2), (v) in its entirety and substitute in lieu thereof the following:

(v) Any similar use comparable in character, type or effect on the surrounding area to the above uses.

Delete in its entirety, Sec. 38-324 M-2 Light Industrial Zone Uses Permitted as Special Exceptions by the City Council

Delete in its entirety, Sec. 38-528 Special Exception Permit for Ethanol Transfer Facility

Respectfully submitted,



John Bridger, Secretary

Date of Adoption: July 13, 2015
JB:GH:PD:sh
EthanolAmend(2015)

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