

1ST READING
2ND READING

10-16-11
10/18/11

ORDINANCE NO. 12550

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTION 38-2 DEFINITIONS; ARTICLE V, SECTION 38-301 M-1 MANUFACTURING ZONE; SECTION 38-321 LIGHT INDUSTRIAL ZONE; SECTION 38-528 M-2 LIGHT INDUSTRIAL ZONE; AND ARTICLE VI, DIVISION 2 OTHER SPECIAL EXCEPTIONS TO ESTABLISH A SPECIAL EXCEPTIONS PERMIT FOR ETHANOL TRANSFER FACILITY.

WHEREAS, tank farms for petroleum and related products are prohibited in the M-2 Light Industrial Zone; and,

WHEREAS, 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,

WHEREAS, tank farms for petroleum and related products is not specifically stated as a permitted use in the M-1 Manufacturing Zone; therefore, the M-1 Manufacturing Zone should be amended to include tank farms for petroleum and related products as a permitted use; and,

WHEREAS, 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 met with staff from the Chattanooga Land Development Office and the Chattanooga Fire Marshall's Office to discuss development requirements for ethanol facilities permitted as a special exceptions in the M-2 Light Industrial Zone.

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 II, Section 38-2, Definitions, be amended by adding the following Definition in alphabetical order:

Ethanol Transfer Facility: A facility for the handling, and transfer of only ethanol products shipped or transferred by rail, pipe or truck.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-301, M-1 Manufacturing Zone, be amended by adding in its entirety the following:

- (6) Tank farms for petroleum and related products, including ethanol transfer facilities.

SECTION 3. BE IT FURTHER 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, Section 38-321 Use Regulations, (2) The following uses are Prohibited (v) by deleting in its entirety and substituting in lieu thereof the following:

- (v) Any similar use comparable in character, type or effect on surrounding area to the above uses, except as permitted in Section 38-324.

SECTION 4. BE IT FURTHER 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, by adding a new subsection 324 as follows:

38-324 Uses Permitted as a special exceptions by the city council.

(1) *Ethanol Transfer Facility:*

Ethanol Transfer Facility shall be permitted subject to the approval of a Special Exceptions Permit issued by the Chattanooga City Council under the terms specified in Article VI. Section 38-528.

SECTION 5. BE IT FURTHER 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 Other Special Exceptions by adding a new subsection 528 as follows:

Sec. 38-528 Special Exception Permit for Ethanol Transfer Facility

(1) Intent:

The Special Exceptions Permit for an Ethanol Transfer Facility is intended to establish reasonable regulations in order to minimize the impact or characteristics of such special use on the community adjacent to and surrounding such use and to assure and maintain the public safety and welfare.

(2) Permit Approval and Transferability:

Chattanooga City Council approval of the Special Exceptions Permit shall be issued for the specific site location and/or address of the proposed Ethanol Transfer Facility under review. The Special Exceptions Permit is non-transferable to another site, property or location.

(3) Application Procedure:

(a) The applicant shall apply to the Chattanooga City Council through the Chattanooga-Hamilton County Regional Planning Agency following the same procedures used for a rezoning request, including a public hearing before the Chattanooga-Hamilton County Regional Planning Commission, a recommendation by the Planning Commission to the City Council, and a public hearing by the City Council.

- (b) The Chattanooga City Council, if the Special Exceptions Permit request is approved may require additional conditions that must be met by the applicant.

(4) Minimum Required Information:

So that the Chattanooga-Hamilton County Regional Planning Commission and the Chattanooga City Council may evaluate the effect of the proposed use and its effect on adjacent properties the applicant shall provide the following:

(a) Site Plan:

A site plan of the site drawn at a minimum scale of one inch equals fifty feet (1"=50'). The site plan shall contain the following information:

1. Site location and size of the tract or parcel of land.
2. Zoning classification of the property.
3. Property boundary lines and dimensions.
4. Existing and proposed utilities, fire hydrants, easements, and streets.
5. Existing and proposed rail lines, pipe lines, storage tank locations, and the location of the transfer area on-site.
6. Location and width of existing and proposed driveways, parking lots, including proposed number of parking spaces, and any unloading/loading areas.
7. Proposed height, dimensions and arrangement of buildings and/or other structures.
8. Proposed setbacks from exterior property lines to all proposed buildings and structures to be located on the site.
9. Type, location, and width of proposed landscaping and screening.

10. In addition to the above, the Planning Commission or City Council may require such additional information as may be determined necessary to adequately review the proposed development.

(b) Additional Information Required:

The following information shall be provided as part of the application process describing the manner in which the Ethanol Transfer Facility will be operated, including but not limited to, the following:

1. Description detailing the ethanol transfer process proposed to occur on-site. This description should include information as to how and where the ethanol will be transferred.
2. Vicinity map showing the property, which is the site of the proposed Ethanol Transfer Facility and all parcels of property within a five hundred-foot (500') radius. Identify the name and location of any public gathering place such as schools, churches, and parks located within this 500' radius.
3. A description of the type of materials used in the construction of the transfer facility, including the type of material used for the construction of pipe lines.
4. If ethanol will be stored on-site, describe the proposed volume or capacity of on-site storage, including the number of railcars capable of being unloaded/loaded at the facility.
5. Projected traffic volume expected to be generated by the ethanol transfer facility. The Planning Commission or City Council may require a Traffic Impact Study.
6. Proposed days and hours of operation, including proposed number of employees.
7. Description of any worker safety systems proposed to be installed or implemented such as emergency shelters, emergency shut-off system, showers, wash-down rooms, etc.

8. Description of hazard protection plan indicating any proposed evacuation procedures, spill control procedures and containment, fire suppression equipment and other fire and public safety features.
9. Description of security provided such as security fencing around the perimeter of the property, or providing security personnel.
10. In addition to the above, the Planning Commission or City Council may require such additional information as may be determined necessary to adequately review the proposed development.

(5) Minimum Development Requirements:

The proposed Special Exceptions Permit shall satisfy the minimum development standards of this section; however, the Planning Commission or City Council may restrict the hours of operation, increase building setbacks, increase required landscape buffers and screening, and impose other reasonable conditions necessary to protect the public health, safety and welfare.

A. General Provisions

1. The minimum requirements of Section 38-322 shall apply.
2. The minimum requirements of Section 38-323, except (5) shall apply.
3. Applicant shall schedule and attend a Pre-Submittal meeting with the Land Development Office to review the proposed site plan of the facility to ensure compliance with all currently adopted codes.

B. Building Setbacks

1. All buildings, structures, parking areas, and transfer area shall be located a minimum of twenty-five feet (25') from all property lines.
2. The proposed transfer area shall be adequately separated from parking lots, office buildings, above-ground storage tanks, and other combustible materials located on-site. This required separation

shall be approved by the Chattanooga Fire Marshall's Office.

C. Screening Requirements

1. At a minimum, Type B screening shall be provided along all side and rear property lines where the proposed use abuts any non-residential use or zone. Type B screening shall be provided in accordance with the Chattanooga Zoning Regulations, Article IX Landscape Provisions.
2. At a minimum, Type A screening shall be provided along all side and rear property lines where the proposed use abuts any residential use or zone. Type A screening shall be provided in accordance with the Chattanooga Zoning Regulations, Article IX Landscape Provisions.
3. The R-4 Special Zone shall be considered a residential zone if undeveloped or developed residentially.
4. All other requirements of the Chattanooga Zoning Regulations, Article IX Landscape Provision will apply, such as required street yard, landscaped parking lot, screening of dumpster and loading and unloading areas.

D. Off-Street Parking and Access

1. Vehicle access to the property shall not be provided on residential streets or through residential neighborhoods.
2. Off-street parking shall be provided in accordance with the Chattanooga Zoning Regulations, Article V. Zone Regulations, Division 29. Off-Street Parking and Loading Space Requirements.

E. Fire Safety

1. The proposed use shall meet the requirements of currently adopted codes.
2. Applicant for the Special Exceptions Permit shall schedule a meeting with the Chattanooga Fire

Marshall's Office, to review any proposed hazard protection plan, including any proposed fire suppression systems, spill controls, types of flammable materials stored on site, and the proposed site plan of the facility to ensure compliance with all currently adopted Fire Prevention Codes.

3. The Fire Marshall's Office will issue a written report of its findings. This report will be included as part of this packet of information sent to the Planning Commission and City Council members.
- (6) A Special Exceptions Permit for an Ethanol Transfer Facility may be revoked by the City Council at any time upon notice to the owner and after a public hearing which establishes violations by a preponderance of the evidence before the Chattanooga City Council and which shall consider the following factors:
- A. Documented history of safety violations identified by local/state safety enforcement officials.
 - B. Documented utilization of Ethanol Transfer Facility for transfer of other hazardous/flammable materials by local zoning official, LDO staff or state enforcement agencies.

SECTION 6. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

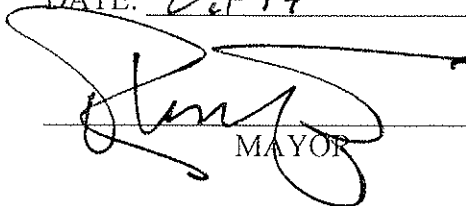
PASSED on Second and Final Reading

October 18, 2011


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: Oct 19, 2011.


MAYOR

/mms