

**First Reading: April 11, 2023**  
**Second Reading: April 18, 2023**

2023-0031  
Andrew Hodgson  
District No. 7  
Planning Version

ORDINANCE NO. 13968

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND CONDITION NO. 2 OF ORDINANCE NO. 13484 FOR THE PROPERTIES LOCATED AT 3734, 3800, 3904, AND 3914 SAINT ELMO AVENUE.

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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 amending Condition No. 2 of Ordinance No. 13484 for the properties located at 3734, 3800, 3904, and 3914 Saint Elmo Avenue, more particularly described herein:

Two unplatted tracts of land located at 3734 and 3800 Saint Elmo Avenue and an 8 foot wide 150 foot long portion of an abandoned alley being the properties described in Deed Book 11218, Page 0167, ROHC and Deed Book 10309, Page 63, ROHC, Part of Lot 1 Mary Hamill's Subdivision as shown in Book Q, Volume 6, Page 254, ROHC and Part of Lot 2, Mary Hamill's Resubdivision as shown in Book U, Volume 3, Page 526, being the properties described as Tract's 1 and 2 in Deed Book 10268, Page 894, ROHC. Tax Map Numbers 155J-D-002 and 155O-E-001 thru 003.

and as shown on the maps attached hereto and made a part hereof by reference.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall be amending Condition No. 2 as follows:

The unopened right-of-way extending between parcels 155O-E-001 and 155O-E-002 has been abandoned. Pedestrian connectivity shall be provided between St. Elmo Avenue and Tennessee Avenue via a pedestrian access easement. The pedestrian access easement area shall be located on either 155O-E-001 or 155O-E-002 between W. 38th Street and the intersection of St. Elmo Avenue and Tennessee Avenue in an area to be coordinated with the Department of Public Works during the plans review and permitting process. The pedestrian access easement area shall at a minimum match the width of the unopened right-of-way that has been abandoned, shall not exclude structures from being constructed within the air space above the easement area, and shall be recorded prior to the issuance of a Certificate of Occupancy for any subsequently constructed buildings on parcels 155O-E-001 or 155O-E-002.

Note: Condition No. 1 from Ordinance No. 13484 still applies: auto-oriented uses, wholesaling with accessory warehousing, adult-oriented establishments, and self-storage facilities prohibited.

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: April 18, 2023

  
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CHAIRPERSON

APPROVED:  DISAPPROVED:

  
\_\_\_\_\_  
MAYOR

/mem

# 2023-0031 Amend Conditions



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