

1ST READING 2-18-08
2ND READING 2-19-08
INDEX NO. _____

ORDINANCE NO. 12079

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 1001(3) TO ALLOW CERTAIN RECYCLING PROCESSING CENTERS BY INDUSTRIAL CONDITIONAL PERMIT IN THE M-1 MANUFACTURING ZONE.

WHEREAS, due to development of new technologies, under certain conditions recycling technologies with some outdoor or salvaging components may be appropriate in the M-1 Manufacturing Zone; and

WHEREAS, review for an Industrial Conditional Permit from the Chattanooga-Hamilton County Regional Planning Commission can determine the impact on nearby uses and the community at large; and

WHEREAS, an amendment to the M-1 Manufacturing Zone to allow an Industrial Conditional Permit for certain Recycling Processing Centers subject to certain information being provided can allow appropriate uses to develop in the city;

WHEREAS, The Chattanooga-Hamilton County Regional Planning Agency has recommended the above amendment to Article V, Section 1001(3).

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Ordinance No. 6958, as amended, known as the Zoning Ordinance, Article V, Section 1001(3) be amended by deleting same in its entirety and substituting in lieu thereof the following:

- (3) Recycling Processing Centers for construction, demolition, or other materials to be recycled and used in new products shall be required to have an Industrial Conditional Permit unless the following provisions are met:

- (a) All processing such as compacting, shredding, or bailing shall be within an enclosed building;
- (b) All outdoor storage shall be concealed from view, beyond the limits of the property, by fencing or natural screening; or
- (c) Any other storage shall be within an enclosed building; and
- (d) No salvaging of parts or dismantling will be permitted.

If the provisions of Section 1001(3)(a-d) are not met, any person desiring such a Conditional Permit shall apply to the Chattanooga-Hamilton County Regional Planning Commission, which shall hold a public hearing thereon. The Chattanooga-Hamilton County Regional Planning Agency shall provide notification by first class mail to the adjoining and other property owners within a radius of three hundred (300) feet of the property affected.

An appeal to the decision of the Chattanooga-Hamilton County Regional Planning Commission may be made to the Chattanooga City Council. Notification of the decision to appeal shall be made to the Regional Planning Agency within ten (10) days after the decision of the Chattanooga-Hamilton County Regional Planning Commission. At the hearing before the Chattanooga City Council, the decision of the Chattanooga-Hamilton County Regional Planning Commission shall constitute nothing more than a recommendation, and the Chattanooga City Council shall determine the appropriate action to be taken upon the request for a conditional permit de novo.

In order that the Planning Commission may evaluate the effect on nearby uses and on the community at large, the applicant for an Industrial Conditional Permit shall:

- (a) Furnish complete plans and method of operation.
- (b) Have present at the hearing for said permit an Engineering Consultant in this particular phase of industry to fully evaluate all areas of control of vibration, dust, noxious odors fumes, nuisance factor, etc.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

February 19, 2008.

Linda Bennett
(Vice) CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: Feb 25, 2008

[Signature]
MAYOR

/add