

2022-0226
MBSC Black Creek, LLC
District No. 1
Planning Version #3

ORDINANCE NO. 13915

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A PORTION OF A PROPERTY IN AN UNADDRESSED BLOCK OF FRINGE ROAD, FROM UGC URBAN GENERAL COMMERCIAL ZONE, R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE WITH CONDITIONS TO R-T/Z RESIDENTIAL TOWNHOUSE ZERO LOT LINE ZONE AND C-3 CENTRAL BUSINESS ZONE WITH CONDITIONS.

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 amended so as to rezone a portion of a property in an unaddressed block of Fringe Road, more particularly described herein:

To be rezoned C-3: Part of a property in an unaddressed block of Fringe Road. To find a point of beginning start at the southwest corner of Tax Map Number 165G-A-016 thence southwest 199.46 feet to a point, thence southwest 789.21 feet to a point, being the point of beginning, thence northwest 399.98 feet to a point, thence northeast 62.17 feet to a point, thence northwest 274.87 feet to a point, thence southwest 272.49 feet to a point, thence northwest 668.41 feet to a point, thence southwest 203.80 feet to a point, thence southeast 185.03 feet to a point, thence southwest 230.47 feet to a point, thence southeast 546.63 feet to a point, thence northeast 1172.86 feet to a point, being the point of beginning and being part of a property described in Deed Book 12863, Page 843, ROHC. Tax Map Number 165-001 (part).

To be rezoned C-3: Part of a property in an unaddressed block of Fringe Road. To find a point of beginning start at the southwest corner of Tax Map Number 165G-A-016 thence southwest 199.46

feet to a point, thence southwest 789.21 feet to a point, thence northwest 399.98 feet to a point, thence northeast 62.17 feet to a point, thence northwest 274.87 feet to a point, thence northwest 146.93 feet to a point, thence northwest 173.07 feet to a point, being the point of beginning, thence southwest 272.49 feet to a point, thence northwest 306.56 feet to a point, thence northwest 274.92 feet to a point, thence northeast 235.60 feet to a point, thence northeast 270.84 feet to a point, thence southeast 750.39 feet to a point, being the point of beginning and being part of a property described in Deed Book 12863, Page 843, ROHC. Tax Map Number 165-001 (part 2).

To be rezoned R-T/Z: All that part of the property currently zoned UGC which is not currently being rezoned C-3 above and being part of a property described in Deed Book 12863, Page 843, ROHC. Tax Map Number 165-001 (part 3).

and as shown on the maps attached hereto and made a part hereof by reference, from UGC Urban General Commercial Zone, R-T/Z Residential Townhouse/Zero Lot Line Zone, and C-2 Convenience Commercial Zone with Conditions to R-T/Z Residential Townhouse Zero Lot Line Zone and C-3 Central Business Zone with conditions.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall be subject to the following conditions:

1. Individual building square footage shall not exceed fifty thousand (50,000') square feet.
2. Land Use.
 - a. Auto-oriented uses, adult-oriented establishments, self-service storage facilities, wholesaling with accessory warehousing and hospitals shall be prohibited.
3. Setbacks.
 - a. No front, side or rear setbacks required for new residential structures unless required by building code.
 - b. Non-residential structures shall follow Sec. 38-228.
4. Height Requirements.
 - a. The minimum height of new nonresidential buildings shall be eighteen (18') feet.
 - b. The maximum height of all new nonresidential buildings and new multi-family buildings shall be five (5) stories.

5. Access to sites and buildings.
 - a. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.
 - b. Alleys, where they exist, shall be used as the principal vehicular access.
 - c. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
 - d. A pedestrian entrance to new buildings shall be provided from the primary street.
6. Off-street parking.
 - a. For new construction of a primary building, or improvements altering more than twenty-five (25%) percent of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:
 - i. Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.
 - ii. Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.
 - b. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:
 - i. Proximity to transit stops
 - ii. Provision of bicycle facilities
 - iii. Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
 - iv. Type of uses and hours of operation
 - v. Square footage of commercial uses or number of residential units
 - vi. Fire Department access
7. Street Frontage.
 - a. Where a street edge is required, it shall be provided as follows:
 - i. The street edge shall have a minimum height of three (3') feet and a maximum height of four (4') feet above grade and shall consist of:

- ii. Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - iii. A decorative metal fence with landscaping a minimum of three (3') feet in height at maturity, providing a year-round near opaque screen; or
 - iv. An evergreen hedge, with a minimum height at maturity of three (3') feet.
 - v. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
 - b. Ground floor openings (doors and windows) shall constitute a minimum of fifty (50%) percent of the ground floor façade area for new non-residential buildings.
 - c. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
 - d. All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.
8. No clearing, grading, or land disturbance within the identified non-development zone as shown on the illustration dated April 18, 2022, to Ordinance No. 13860, and more clearly detailed in "Phase 14 Lift Conditions Updated Exhibit", with the exception that minimal disturbance in this area be permitted for passive amenities such as removal of invasive and dead species, walking paths, overnight shelters, tree house, and viewing platforms.
9. As a minimum, when the limit of disturbance is proposed within twenty-five (25') feet of the non-development zone illustrated in the attachment, a licensed surveyor shall delineate by high visibility fence three (3') feet high for a minimum distance of one hundred (100') feet. The high visibility fencing is to be verified by the Land Development Office and shall be maintained throughout the land disturbance process.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

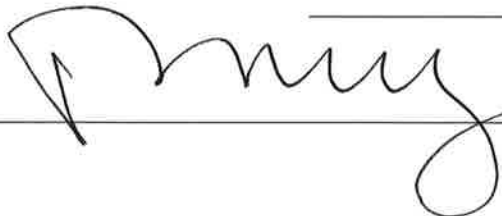
(2) weeks from and after its passage.

Passed on second and final reading: November 22, 2022



 CHAIRPERSON

APPROVED: DISAPPROVED:



 MAYOR

2022-0226 Rezoning from UGC, C-2 & R-T/Z to C-3 & R-T/Z

