

RESOLUTION NO. 30523

A RESOLUTION WAIVING BUILDING PERMIT FEES AND/OR GIVING PREFERENCE TO GREEN GRANT FUNDING FOR PEAK ATTENUATION CONTROL, TSS, AND STORMWATER INFILTRATION REQUIREMENTS FOR THOSE PROPERTIES WHICH WERE DIRECTLY DAMAGED AND ARE BEING SIGNIFICANTLY REDEVELOPED OR REBUILT IN THE CITY OF CHATTANOOGA DUE TO THE EASTER SUNDAY, APRIL 12, 2020, TORNADO DAMAGE WITHIN THE CITY OF CHATTANOOGA WHICH WILL BEGIN ON THE ADOPTION OF THIS RESOLUTION AND EXPIRE WITHIN THE NEXT EIGHTEEN (18) MONTHS, ON OR BEFORE DECEMBER 31, 2021.

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**WHEREAS**, certain properties in the City of Chattanooga suffered direct catastrophic damage to their facilities and are now in the process of significant redevelopment or rebuilding; and

**WHEREAS**, the City of Chattanooga will benefit from the rebuilding of those totally destroyed residential structures, facilities and/or campuses based on current building and land development requirements adopted for all construction within the City; and

**WHEREAS**, the City Council is willing to waive building permit fees and give preference to Green Grant Funding for eligible properties directly damaged and substantially redeveloped within the City of Chattanooga, after the adoption of this resolution for a limited time, to encourage rebuilding as soon as possible in this area:

**NOW, THEREFORE, BE IT RESOLVED THAT THE CHATTANOOGA CITY COUNCIL** does hereby agree to waive building permit fees charged by the Land Development Office for building permits for totally destroyed and completely rebuilt residential properties under one (1) acre of disturbed area based upon TDEC guidance which is necessary to reconstruct those directly damaged structures that existed on-site as of April 12, 2020, provided that those subject properties do not increase the amount of impervious areas that existed on-site as of April 12, 2020. This fee waiver for such significant redevelopment shall only be provided if the ownership of the property has not changed within the City since it was damaged on Sunday, April 12, 2020, and

this fee waiver will expire for any building permit applications not submitted on or before December 31, 2021. "Building Permit Fees" as set forth in this resolution do not include any other permit fees such as electrical, plumbing, gas, or mechanical permit fees required under the City Code nor does this include any waiver of Land Disturbance Fees under Chattanooga City Code 31-322.

**BE IT FURTHER RESOLVED THAT:** For those nonresidential, nonprofit, religious, or educational facilities greater than one (1) acre in disturbed area that were directly destroyed or damaged as a result of the April 12, 2020 storm, which now seek to rebuild those properties and would not have sought to do otherwise, had their properties not been impacted, the City Council urges the Water Quality Program to give preference and the City Council will recognize such preference for Green Grant Funding for PEAK Attenuation Control, TSS, and Stormwater Infiltration requirements for those eligible properties which were directly damaged and are being significantly redeveloped or rebuilt greater than one (1) acre in disturbed area to assist in the costs of Stormwater regulation compliance within the City of Chattanooga due to the Easter Sunday, April 12, 2020, Tornado damage within the City limits.

**BE IT FURTHER RESOLVED THAT:** The City Council has also previously adopted Ordinance 13251 revising Stormwater Management regulations, dated November 28, 2017, which provided measures for certain properties to that are eligible to be deemed meeting the "Grandfather Clause", as currently defined in Chattanooga City Code Section 31-202. The definition of "Grandfather Clause" now states "**The City may use this provision as a compromise out of practically, to effect new rules without unduly upsetting or burdening the development of land that fully complies with previously established regulations.**"

Given that this storm event has recently placed an undue burden and hardship on properties directly damaged which are now undergoing substantial redevelopment, and that these properties were in good standing with the “previously established regulations” before April 12, 2020, those directly damaged or totally destroyed properties now seeking to obtain building permits or land development permits may significantly redevelop or rebuild under current TDEC and state regulations or as outlined in Chattanooga City Code Section 31-313 (12) which is entitled “Grandfathering”. All properties less than one (1) acre in disturbed area which are eligible for this “Grandfathering” designation shall be permitted to redevelop under the City of Chattanooga’s prior Stormwater Management regulations that existed as of the close of the business day of November 30, 2014, provided that those subject properties meet the requirements of Chattanooga City Code Section 31-313 (12), do not increase the amount of impervious areas that existed on-site as of April 12, 2020, and applications for significant redevelopment are submitted to the Land Development office on or before December 31, 2021.

ADOPTED: October 13, 2020

PAN/mem/Alternate