

1ST READING 10 10  
2ND READING 10-20-07  
INDEX NO.

ORDINANCE NO. 12302

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO INCLUDE MODIFICATIONS TO CHAPTER 38, DIVISION 14, UGC URBAN GENERAL COMMERCIAL ZONE.

**WHEREAS**, the Urban General Commercial Zone was adopted in 2007; and

**WHEREAS**, use of the standards in the zone have shown a need to further clarify the intent of certain standards for enforcement purposes; and

**WHEREAS**, the following changes shall provide the necessary clarification; and

**WHEREAS**, the Regional Planning Agency; in conjunction with the staff and elected officials has reviewed this proposed ordinance according to standards, terms and use.

NOW, THEREFORE

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, Section 38-201 (1, 2, 3, and 4), be and is hereby amended by deleting in its entirety and substitute in lieu thereof the following:

**Sec. 38-201. Intent**

- (1) It is the intent of the Urban General Commercial Zone to promote traditional urban development with multi-story buildings built close to the sidewalk and a mix of uses within each site and within individual buildings. For instance, residences can be integrated with non-residential development in the form of condos, townhouses, or loft apartments. Such urban places are intended to provide a concentration of goods and services that attract commerce—all within a walkable environment.
- (2) The Urban General Commercial Zone is intended for Urban Infill areas as described in the Comprehensive Plan 2030 and in the Urban Overlay Zone (Article III, Section 38-111). The UGC zone may be appropriate in other locations outside the urban area if the existing development patterns are urban or if a more traditional urban form is recommended in the adopted plan for that area.

- (3) As supported in the Comprehensive Plan, the Urban General Commercial Zone is also intended to promote higher density development that supports transit and multimodal transportation including automobile, bicycle, and pedestrian traffic. The intent is to reduce the need for parking as these urban areas are generally serviced by a well-connected street grid and transit system. Pedestrian and bicycle facilities also play an important role in reducing parking needs by reducing the number of vehicular trips. Parking reductions are allowed in the Urban Overlay Zone if certain requirements are met. These reductions may also be used in conjunction with all shared parking options to further reduce the number of spaces required.
- (4) *Building* – any walled and roofed structure used or built for the shelter or enclosure of persons, animals, or chattels.  
*Canopy* - An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached or by support extending to the ground directly under the canopy and at the outer end by not less than one stanchion. A canopy is comprised of a rigid structure over which a covering is attached.

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, Section 38-203 (8), be and is hereby amended by deleting in its entirety and substitute in lieu thereof the following:

**Sec. 38-203. Principle Uses Permitted**

8. Commercial signs

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, Section 38-205 (3), be and is hereby amended by deleting in its entirety and substitute in lieu thereof the following:

**Sec. 38-205. Uses Permitted as Special Exceptions**

- (3) Auto-Oriented Uses – uses that have a vehicular activities focus such as drive-through's, auto dealerships or service stations will require a Special Exceptions Permit and will be subject to a design review process by the Chattanooga-Hamilton County Regional Planning Commission and City Council to evaluate their compliance with the UGC standards. Such projects will be required to meet the general intent of the UGC Zone, but will be given some flexibility in meeting

the specific standards in consideration of community needs, safety, and the role of the automobile as an essential part of everyday life. The Special Exceptions Permit is required for, but not limited to, the following uses:

- (a) Gas Stations
- (b) Service Stations
- (c) Convenience Stores
- (d) Drive-through's
- (e) Drive-in's
- (f) Auto Dealerships
- (g) Auto Repair/Detailing Shops
- (h) Car Washes

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, Section 38-208 (1) and (2), be and is hereby amended by deleting in its entirety and substitute in lieu thereof the following:

**Sec. 38-208. Minimum Yard and Landscaping Requirements**

- (1) The minimum building setback from the street(s) right-of-way is zero (0) feet; however, a maximum building setback of 15 feet may be permitted if landscaping or pedestrian activity is provided between the building and right-of-way such as a park, plaza, outdoor dining, or sculpture garden and a wall, hedge or fence (excluding highway-style guardrail, stockade, or contemporary security fencing (e.g. chain link, barbwire, and razor wire ) with a minimum height of three (3) feet and a maximum height of four (4) feet above grade is provided at the right-of-way to maintain the street edge at the right-of-way line.
- (2) For the purposes of this zone, canopies, whether attached or detached:
  - (a) are not considered part of the "building" or eligible as part of the calculations for setback requirements. "Setback" is defined as the distance between the primary (principle use) building and any lot line. Front setbacks are measured from the right-of-way on the primary street with the most vehicular traffic.
  - (b) require a street edge delineating the public and private space is required at the right-of-way. The street edge shall have a minimum height of three feet and a maximum height of four feet above grade and shall consist of brick, stucco, or stone walls (concrete block can only be used when faced with said materials), decorative metal fences, cast iron, or composite material. When fences are used, landscaped hedges must also be included to provide a near opaque screen. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

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, Section 38-211 (1) and (7), be and is hereby amended by adding the following:

**Sec. 38-211. Additional Standards**

- (1) There shall be provided at least one (1) primary pedestrian entrance (door) from the primary street.
- (7) Off-street parking should not be located between the building and the primary street. Parking should be located to the rear of the building. If it is physically impossible to locate parking to the rear of the building, parking may be located to the side of the building. A decorative fence, wall and/or hedge shall be provided along any street (excluding alleys) to screen parking. This 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 brick, stucco, or stone walls (concrete block can only be used when faced with said materials), decorative metal fences, cast iron, or composite material. When fences are used, landscaped hedges must also be included to provide a near opaque screen. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

SECTION 6. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-211 (8), be and is hereby amended by deleting the following language:

**Sec. 38-211. Additional Standards**

Where screening is required, a visually opaque wall, fence, or hedge shall be provided with a minimum height of three (3) feet and a maximum height of four (4) feet above grade.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

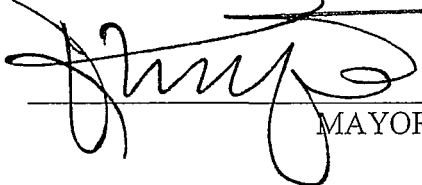
PASSED on Second and Final Reading

Oct. 20, 2009.

  
\_\_\_\_\_  
CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2009

  
\_\_\_\_\_  
MAYOR

/mms