First Reading: September 9, 2014
Second Reading: September 16, 2014

ORDINANCE NO. 12859

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 14, UGC URBAN GENERAL COMMERCIAL ZONE, SECTION 38-201, INTENT, AND SECTIONS 38-207 THROUGH 38-213, DIVISION 29, OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, SECTION 38-473(12).

WHEREAS, The UGC Urban General Commercial Zone is intended 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; and

WHEREAS, The UGC Urban General Commercial Zone is intended to provide a concentration of goods and services that attract commerce within an existing or proposed walkable urban environment; and

WHEREAS, The UGC Urban General Commercial Zone is intended to promote higher density development that supports transit and multimodal transportation including automobile, bicycle, and pedestrian traffic; and

WHEREAS, The UGC Urban General Commercial Zone is intended to reduce the need for parking in urban areas which are generally serviced by a well-connected street grid and transit system; and

WHEREAS, The UGC Urban General Commercial Zone is intended as a tool for commercial centers with an existing or desired urban form; and

WHEREAS, The UGC Urban General Commercial Zone has been used for areas such as St. Elmo, North Chattanooga, and East Chattanooga; and

WHEREAS, The Urban General Commercial Zone (UGC) has not been widely used with only 21 UGC rezoning requests since its adoption in 2007 and even fewer projects realized, and more recently, application of the UGC Urban General Commercial Zone has presented development and design challenges as related to density maximums, and height and parking requirements, which limit the ability to achieve the stated intents and purposes of the zone.

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, Article V, Division 14, Section 38-201, Intent, be amended by adding a subpart (4) as follows, and to change number (4) "Definitions for use in this zone only" to number (5):

(4) For the purposes of the UGC Urban General Commercial Zone, it is intended that use of existing buildings be considered "redevelopment" and if a conflict occurs with standards for height, setback, and building footprint square footage, proposed redevelopment shall be considered legal, non-conforming when proposed changes meet the urban character intent as stated in (1). For example, strict compliance should not necessitate the demolition of buildings or removal of facades to meet a sidewalk or building height requirement.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Division 14, Sections 38-207 through 38-213, be amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 38-207. Building Setbacks.

1) Minimum Building Setback: Zero (0) feet.

2) Maximum Building Setback: Zero (0) feet: however, a maximum building setback of fifteen (15) feet may be permitted if an intentional public space or pedestrian activity space is provided between the building and right-of-way such as a park, plaza, outdoor dining, or sculpture garden.

3) Front setbacks are measured from the right-of-way on the primary street with the most vehicular traffic.

4) Side Yard Building Setback: Ten (10) feet where permitted use adjoins any Residential Zone or existing single-family use.

5) Rear Yard Building Setback: Twenty-five (25) feet where permitted use adjoins any Residential Zone or existing single-family use.

6) Minimum Distance Between Buildings: Ten (10) feet.

7) Canopies: 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.

   (b) require a street edge delineating the public and private space at the right-of-way. The street edge shall be as described by Section 38-210(1).

Sec. 38-208. Building Height and Mass.

1) Minimum Building Height: Two (2) stories (as defined by the Building Code) or an eighteen (18) foot minimum height.

2) Maximum Building Height: Four (4) stories (as defined by the Building Code).

3) Building Mass: Although there are no maximum residential density requirements, in order to regulate building mass and scale to be in keeping with urban commercial centers, <u>building footprints</u> for new construction shall not exceed twelve thousand (12,000) square feet.

4) Building Height and Mass Exceptions: A deviation from the height and mass requirements may be granted by the Chattanooga-Hamilton County Planning Commission based on one or more of the following criteria:

   (a) The applicant presents an alternative that complies with the stated intent, goals and general standards of the Zone.

(b) The deviation from the standard is consistent with adopted plans and principles for the area.

(c) The deviation is compatible with the character of the area where it is proposed, and with the size and location of the buildings in the vicinity.

(d) The physical conditions of the property, such as steep slopes, drainage, easements, or small or irregular lot shape make compliance to this specific requirement impossible.

(e) Communications towers shall be subject to the setback requirements set forth in Article VIII.

Sec. 38-209. Parking Requirements.

1) Off-street parking shall not be permitted between the building and the primary street. Parking shall be located to the rear of the building. If it is physically impossible to locate parking to the rear of the building, parking to the side of the building may be allowed. If parking fronts any street (excluding alleys), a street edge shall be provided to screen the parking. This street edge shall meet the requirements of "street edge treatment" and landscaping as described in Section 38-210 (1).

2) Parking Lot Lighting. In addition to Lighting requirements of Article IV, Section 38-33:

   a) All parking lot lighting shall be equipped with full cut-offs to direct light downward and to minimize glare, shadows, night sky pollution, and excessive light levels.

   b) Maximum mounting height of light fixtures in parking lots shall be 20 feet.

3) For the amount of parking required see Article V, Section 38-473 District Regulations, Item (12) UGC Urban General Commercial Zone.

Sec. 38-210. Landscape Requirements.

1) A landscaped street edge shall be provided at the right-of-way for all portions of the lot not fronted by buildings. In addition, a tree planting area with a minimum depth of five (5) feet shall be required along the street edge where parking, drive aisles, or parking surfaces abut the right-of-way. Reference City Landscape Ordinance Section 38-593(3) for details and standards.

a) For the purposes of this zone, a street edge or "street edge treatment" shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:

i. Brick, stucco or stone walls (concrete block is permitted if faced with said materials); or

ii. A decorative metal fence with landscaping to be maintained at a minimum of 3 feet in height at maturity, providing a year-round, near opaque screen; or

iii. An evergreen hedge, to be maintained at a minimum of 3 feet in height at maturity; or

iv. Highway-style guardrails, chain link, or other security fencing shall not be permitted.

2) 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 (except Crape Myrtle) may be used. Reference City Landscape Ordinance Section 38-594(3) for details and standards.

3) Landscape buffers are not required for Urban General Commercial Zone properties, except where a property line is shared with any residential zone, or any property with a single-family detached use, in which case a Screening Type C landscape buffer shall be provided per the City Landscape Ordinance Section 38-595.

4) Due to the urban character of the zone and the urban setback requirements, property within the UGC Urban General Commercial Zone shall be exempted from the street yard requirements of the Chattanooga Landscape Ordinance and street trees shall be planted along the sidewalk instead. Reference City Landscape Ordinance Section 38-593(3) for details and standards.

Sec. 38-211. Additional Requirements.

1) There shall be provided at least one (1) primary pedestrian entrance (door) from the primary street. Additional curb-cuts shall not be incorporated on major streets. Side streets and alleys should be used for access. If it is physically impossible or unsafe to locate vehicular access anywhere but a major street, the City Transportation Department may approve a curb-cut onto a major street.

2) Placement of all dumpsters to the rear of the property is required. In addition dumpsters should also be placed away from residential areas. In all cases, dumpsters shall be screened from any public right-of-way.

3) There shall be a percentage of openings (doors and windows) on the ground floor primary street facade of no less than 30%.

4) No security-type roll up metal doors shall be permitted on the primary street.

5) Applicants seeking rezoning to this zone, or individuals considering development or redevelopment of properties zoned UGC Urban General Commercial Zone, shall attend the City of Chattanooga Land Development Office Pre-submittal meeting to gather important guidance and feedback on the technical issues of the project. Applicants should consider using the Regional Planning Agency's Community Design Group for project consultation.

6) Highway-style guardrails, chain link, or other security fencing shall not be visible from the public right-of-way.

Sec. 38-212. Auto-Oriented Uses.

1) Auto-oriented Uses may seek a deviation to the minimum setback requirements stated in Section 38-207, but will require a street edge treatment that is the equivalent of or greater than the required zone standards as described in Section 38-210 and applicable landscape regulations. Furthermore, the applicant must demonstrate that the project meets the general intent of the UGC Urban General Commercial Zone. A deviation from the setback requirements of the UGC Urban General Commercial Zone may be granted by the Chattanooga-Hamilton County Planning Commission under the following conditions:

   (a) The applicant presents an alternative that complies with the stated intent, goals and general standards of the Zone.

   (b) The deviation from the standards is consistent with adopted plans and principles for the area.

   (c) The physical conditions of the property, such as steep slopes, drainage, easements, or small, irregular lot shape make compliance to specific requirements impossible.

2) General Restrictions for Auto-Oriented uses:

(a) The only off-street parking allowed between the primary building frontage and the primary street is for temporary parking (for drop-offs, etc.) and/or handicapped spaces.

(b) When a setback deeper than 15' is proposed, in addition to requiring street trees planted along a sidewalk, an additional a street yard, buffer plantings or other landscape treatments (as outlined in the City Landscape Ordinance, see Section 39-593(3) and Section 38-395(5) for details and standards) is required.

(c) Small scaled, stand alone drive-throughs or "drive-ups" are not allowed.

(d) Canopies should be designed as secondary (in size, scope and use) to the primary building.

(e) Roof signs, billboards and/or other off premise signs are not permitted.

(f) The sides and tops of canopies cannot be illuminated or include additional signage.

(g) Lighting must be directed downwards to reduce excessive glare and light pollution.

(h) All mechanical equipment, whether on the ground or rooftop, shall be screened from all public rights-of-way.

(i) The display and/or sale of vehicles (excluding scooters, bicycles and other non-motorized craft) requires a street edge treatment at the public right-of-way as described in Section 38-208 (1). The following shall be screened from view from all public rights-of-way: the outdoor storage of equipment and products, other apparatus related to vehicular sales and/or repairs; and loading and parking areas for large, heavy-use vehicles, dump trucks, repair vans and/or fleets.

(j) Garage doors and loading docks shall not front or be visible from the primary street.

Sec. 38-213. Appeals from the Chattanooga-Hamilton County Regional Planning Commission.

The action of the Chattanooga-Hamilton County Regional Planning Commission (Planning Commission) for deviation requests for the UGC Urban General Commercial Zone shall be final. However, an appeal from the action of the Planning Commission may be taken to a court of competent jurisdiction by any aggrieved, affected party.

SECTION 3. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Division 14, Section 38-473(12), be amended by deleting same in its entirety and substituting in lieu thereof the following:

(12) UGC Urban General Commercial Zone

(a) Reference Table 1700 (Article V, Section 38-471) for the required number of car parking spaces. For the UGC Urban General Commercial Zone, deviation from these requirements may be reviewed and approved on a case-by-case basis by the City Transportation Department.

(b) The number of spaces provided shall not exceed the required number of spaces before discounts by more than 20%.

(c) A minimum of four (4) bicycle parking spaces are required, plus one bicycle parking space for every fifty (50) required car parking spaces.

(d) Parking Discounts.

(i) Shared Parking. Parking space discounts may be applied to developments that share parking with facilities serving other uses according to the following chart:

	Residential	Lodging	Office	Retail	Institutional
Residential	0%	10%	30%	20%	30%
Lodging	10%	0%	50%	30%	20%
Office	30%	50%	0%	20%	50%
Retail	20%	30%	20%	0%	30%
Institution	30%	20%	50%	30%	0%

(ii) Shared parking discounts are applied before multi-modal (bicycle, pedestrian and transit) discounts.

(iii) To apply shared parking discounts for facilities on separate parcels, a legal agreement between property owners guaranteeing access to and use of designated parking areas is required.

(iv) Bicycle. One car parking space may be discounted for every bicycle parking space provided.

(v) Pedestrian. If the development connects via new or existing sidewalks to an established sidewalk grid that links multiple land uses (i.e. commercial, residential, office), a 10% discount may be applied.

(vi) Transit. If the development is located within a ¼ mile radius of an established transit stop, a 10% discount may be applied.

(e) Off-Site Parking

(i) 40% of required car parking spaces, except required accessible spaces, may be located off-site if the remote parking area is located within 700 feet from the primary entrance of the facility served.

(ii) On-street parking spaces may be counted as required parking spaces provided the on-street spaces about the subject property.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within two (2) weeks from and after its passage as provided by law.

Passed on second and final reading: September 16, 2014

CHAIRPERSON

APPROVED: ✓ DISAPPROVED:____

MAYOR

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