

# CHATTANOOGA

TENNESSEE



## Zoning Ordinance

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PUBLIC DRAFT - OCTOBER 27, 2023

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## Article 1. Title, Purpose, & Applicability

- 1.1 Title
- 1.2 Purpose
- 1.3 Applicability
- 1.4 Transition Rules
- 1.5 Current Versions and Citations
- 1.6 Severability

### 1.1 Title

This Zoning Code, which incorporates the Official Zoning Map, is known, cited, and referred to as the “Chattanooga Zoning Code,” “Zoning Code,” or “Code.”

### 1.2 Purpose

The intent of this Code is to establish land use regulations to serve the City of Chattanooga. The purpose of this Code is to:

- A. Promote the public health, safety, and welfare.
- B. Promote orderly development of the City and implement the plans and policies adopted by the City.
- C. Assign zones to land within the City, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Code and adopted policies.
- D. Preserve and enhance the character of structures and communities that constitute the distinct places within the City.
- E. Provide a diversity of housing choices for all income levels and groups with an emphasis on affordability.
- F. Promote economic development that balances the needs of the current and future economy with a high quality of life standard.
- G. Preserve open space and natural areas, provide opportunities for multi-modal transportation, utilize existing infrastructure and resources, and preserve quality of life.
- H. Provide for preservation, protection, and conservation of natural resources and historic resources.
- I. Promote principles of sustainability and resiliency.
- J. Create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities.
- K. Provide for procedures for the administration of the Code and efficient review of development proposals.

### 1.3 Applicability

#### A. Territorial Application

This Code applies to all land, uses, and structures within the City. The regulations of this Zoning Code apply to private property. The regulations of this Code do not apply to the public right-of-way.

#### B. General Application

In their interpretation and application, the provisions of this Code are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

#### C. Relation to Private Agreements

This Code does not nullify any private agreement or covenant. However, where this Code is more restrictive than a private agreement or covenant, this Code controls. The City does not enforce any private agreement.

**D. Relation to Other Laws and Regulations**

Unless otherwise specifically provided, this Code controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Code.

**E. References to Other Codes and Laws**

Whenever a provision of this Code refers to any other part of the City Code or to any other law, the reference applies to any subsequent amendment of that City Code provision or law.

**F. Rules Regarding Illustrations and Graphics**

Any illustrations, graphics, and/or photos contained in this Code are intended to assist the user in understanding the Code. If there is any inconsistency between the text of the Code and any such illustration, graphic, and/or photo, the text controls.

**1.4 Transition Rules**

**A. Existing Uses**

The following rules apply to uses operating as of the effective date of this Code:

Previous Use Categorization (Prior to Code Effective Date)	Current Use Categorization (As of Code Effective Date)	Functional Change
Permitted use	Permitted use	Remains a permitted use, but is subject to any new use standards required by the Code
Permitted use	Special exception use	Becomes a special exception use; any subsequent addition, enlargement, or expansion requires special exception use approval and is subject to any new use standards required by the Code
Special exception use	Special exception use	Remains a special exception use; any subsequent addition, enlargement, or expansion requires special exception use approval and is subject to any new use standards required by the Code; the use also remains subject to any conditions approved as part of the prior special exception use approval
Special exception use	Permitted use	Becomes a permitted use and is no longer subject to any conditions approved as part of special exception use process, but is subject to any new use standards required by the Code
Permitted use	Not allowed	Prohibited in the zoning district; existing use becomes a nonconforming use
Special exception use	Not allowed	Prohibited in the zoning district; existing use becomes a nonconforming use

**B. Structures Rendered Nonconforming**

Any structure that lawfully existed prior to the effective date of this Code, or any subsequent amendment to this Code, that does not meet all standards for the zoning district where it is located is classified as a nonconforming structure.

**C. Lots Rendered Nonconforming**

Any lot that was lawfully established prior to the effective date of this Code, or any subsequent amendment to this Code, that does not meet all standards for the zoning district where it is located, is classified as a nonconforming lot.

**D. Unlawful Uses, Structures, or Lots**

Any use of land, structure, or lot unlawfully existing prior to the effective date of this Code continues to remain unlawful.

**E. Previously Granted Variances**

All variance approvals granted prior to the effective date of this Code, or any subsequent amendment to this Code, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions of the variance, including the period of validity for the variance.

**F. Existing Planned Unit Developments**

Approved planned unit developments (PUD) remain in effect and continue to control the development of land that is subject to the PUD. Any amendments to an existing PUD are subject to the amendment procedures of this Code. Vesting provisions are contained in Section 15.3.

**G. Existing Conditional Zoning Amendments**

Conditional zoning in place prior to the effective date of this Code must meet the regulations of all development ordinances in effect on the date such conditional zoning was approved as well as the conditions. These sites are subject to all other regulations of all other development ordinances in effect on the date of such conditional zoning approval as well as the conditional zoning conditions. Vesting provisions are contained in Section 15.3.

## 1.5 Current Versions and Citations

- A.** All references to other regulations, documents, maps, or manuals in this Code refer to the most current version and citation for those regulations, documents, maps, or manuals, unless expressly indicated otherwise.
- B.** If the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Code requirements for compliance are no longer in effect.
- C.** Whenever a provision of this Code refers to any other part of the City Code or to any other law, the reference applies to any subsequent amendment of that law.

## 1.6 Severability

Should any section, subsection, phrase, clause, or provision of this Code be declared by a court of competent jurisdiction to be invalid, the same does not affect the validity of the Code as a whole or any part thereof, other than the part so declared to be invalid.

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## Article 2. Definitions & Rules of Measurement

- 2.1 Rules of Interpretation
- 2.2 General Abbreviations
- 2.2 General Definitions
- 2.4 Rules of Measurement

### 2.1 Rules of Interpretation

The terms in the text of this Code are interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. The terms “must,” “shall,” and “will” are mandatory.
- D. The terms “may” and “can” are permissive.
- E. The terms “must not,” “will not,” “cannot,” “may not,” and “shall not” are prohibiting.
- F. Any gender includes all genders.
- G. Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

### 2.2 General Abbreviations

The following abbreviations may be used within this Code:

**BTL** is an abbreviation for “build-to line.”

**BTZ** is an abbreviation for “build-to zone.”

**GFA** is an abbreviation for “gross floor area.”

**ft** is an abbreviation for “feet.”

**N/A** is an abbreviation for “not applicable.”

**NR** is an abbreviation for “nonresidential.”

**sf** is an abbreviation for “square feet.”

**SU** is an abbreviation for “single-unit.”

**SU-A** is an abbreviation for “single-unit - attached.”

**2U** is an abbreviation for “two- unit.”

**3U** is an abbreviation for “three- unit.”

**4U** is an abbreviation for “four- unit.”

**TH** is an abbreviation for “townhouse.”

**MU** is an abbreviation for “multi- unit.”

## 2.2 General Definitions

The following are definitions of general terms used throughout this Code with the exception of use definitions, which are defined in Article 9.

**Abut.** To physically touch or border on, or to share a common lot line but not overlap.

**Access.** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**Accessibility Ramp.** A ramp or similar structure that provides wheelchair or similar access to a structure.

**Accessory Structure.** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

**Accessory Use.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**Addition.** A structure added to the original structure at some time after the completion of the original or an extension or increase in floor area or height of a building or structure. For the purposes of this section, “at some time after” is usually defined as after the certificate of occupancy has been issued for the original structure.

**Adjacent.** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

**Aisle.** The traveled way by which cars enter and depart parking spaces. Also called a travel aisle.

**Alley.** A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

**Alteration.** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change indoors, windows, or means of ingress or egress; or any enlargement to or diminution of a building or structure, whether horizontally or vertically; or the moving of a building or structure from one location to another.

**Amateur (ham) Radio Equipment.** An amateur (ham) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

**Ancillary.** In regard to principal uses, a structure or use that provides support and is integral to a principal use operation.

**Apiary.** A structure for the keeping of honeybees.

**Appurtenance.** The visible, functional, or ornamental objects accessory to, and part of, buildings or structures.

**Architectural Feature.** A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

**Area of Special Flood Hazard.** The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year (see also High Water Stage).

**Articulation.** For structures, a change in the depth of the building plane, roofline, or height.

**Awning.** A roof-like cover projecting from the wall of a building for the purpose of shielding a doorway or window from the elements.

**Balcony.** A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

**Banner.** A temporary sign printed upon flexible material mounted with or without rigid frames on a building.

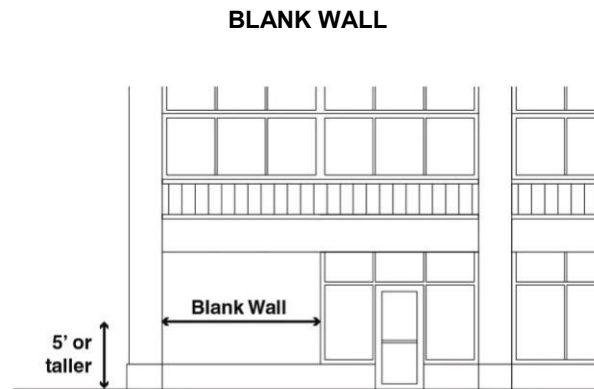
**Base Flood.** For purposes of adopted flood regulations, means the flood having a 1% chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the 1% annual chance flood.

**Bay Window.** A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

**Berm.** An earthen mound designed to provide visual interest on a site, fully or partially screen undesirable views, reduce noise, or fulfill similar purposes.

**Bike Facility.** Improvements to accommodate bicyclists, including bike parking facilities, bike lanes, and facilities for bicyclists such as repair stations and shower facilities.

**Blank Wall.** The horizontal linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.



**Block.** Defined in Section 2.4.

**Blockface.** Defined in Section 2.4.

**Blue Roof.** A roof designed to store water and discharge rainfall.

**Buffer.** An area of dimensional separation between land uses, buildings, or structures, which is undeveloped, with installed screening and/or undisturbed and left in a natural condition.

**Buffer Yard.** An area of land within a property or site, generally adjacent to and parallel with a property line, to allow adequate screening of view, noise, and/or activity taking place within the property or site from adversely affecting an adjoining property, site, or the public right-of-way.

**Build-To Line (BTL).** Defined in Section 2.4.

**Build-To Zone (BTZ).** Defined in Section 2.4.

**Build-To Percentage.** Defined in Section 2.4.

**Buildable Area.** The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind and intended for use in one place.

**Building Coverage.** Defined in Section 2.4.

**Building Envelope.** The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

**Building Footprint.** The area encompassed by a building's outer wall at ground level.



**Building Height.** Defined in Section 2.4.

**Building Line.** A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

**BUILDING LINE (3-D VIEW)**



**Building Permit.** A permit issued by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of a building, structure, or portion thereof.

**Canopy.** A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building or freestanding, with supports that extend to the ground.

**Carport.** A roofed structure intended to provide a sheltered parking space for the parking of motor vehicles and enclosed on not more than three sides.

**Chicken Coop.** A structure where hens are kept.

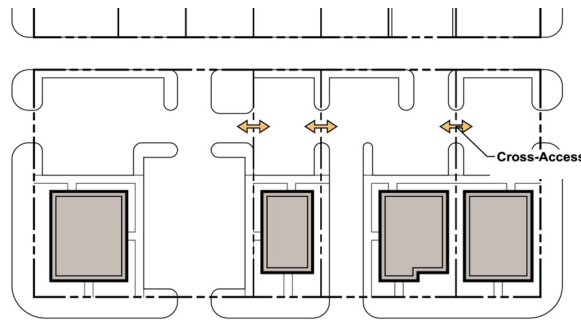
**Chimney.** A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

**Coldframe Structure.** A temporary unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

**Co-Location.** Placement of equipment from more than one service or service provider on a single tower or site.

**Cross-Access.** A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

#### CROSS-ACCESS



**Curb Level.** The main level of the established curb in front of the building. Where no such curb has been established, the City Engineer will establish curb level.

**Deck, First Floor.** A roofless outdoor space built as an aboveground platform projecting from the first floor of a structure and connected by structural supports at grade and/or by the structure.

**Deck, Upper Story.** A roofless outdoor space built as an aboveground platform projecting from and connecting to an upper story wall of a structure with structural supports that extend to the ground.

**Donation Box.** An unmanned receptacle designed with a door, slot, or similar opening intended to accept and store donated clothes and household items.

**Driveway.** A private roadway providing access to a street or highway.

**Dwelling.** A structure, or portion thereof, designed exclusively for human habitation.

**Dwelling Unit.** One or more habitable rooms which are occupied, or which are intended or designed to be occupied as a residence by one household, with facilities for living, sleeping, sanitation, and cooking.

**Easement.** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

**Egress.** A place or means of exiting a property.

**Encroachment.** The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

**Enlargement.** An increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

**Endwall.** The wall of the end unit of a townhouse development that is not attached to another dwelling unit or party wall.

**Entablature.** An architectural feature that consists of a horizontal, continuous band of elements supported by and situated above the columns of a building or structure.

**Erect.** To build, construct, attach, hang, place, suspend, or affix.

**Existing Use.** The use of a property at the time that an application for development or redevelopment is made.

**External Illumination.** Illumination by an artificial source of light not internal to the sign face.

**Exterior Lighting.** The illumination of an outside area or object by any man-made device that produces light by any means.

**Exterior Wall.** Any wall that defines the exterior boundaries of a building or structure.

**Exterior Stairwell.** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

**Façade.** An exterior building wall, from grade to the top of the parapet or eaves. A façade incorporates the full width of a building elevation, including any projections or recesses occurring across an elevation. The front facade is the principal elevation of a building and contains the building's main entrance, the rear facade is the building's rear exterior wall, and the side facades are a building's side exterior walls.

**Fence.** An artificially constructed barrier of any permitted material or combination of materials erected to enclose, screen, or separate areas.

1. **Fence - Open.** A fence that has, over its entirety, more than 70% of the superficial surface consisting of regularly distributed openings.
2. **Fence - Solid.** A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

**Fenestration.** Windows and other openings on a building facade.

**Finished Elevation.** The proposed elevation of the land surface of a site after completion of all site preparation work.

**First Floor Demarcation Line.** The boundary that marks the separation between the first floor (of a building and the floors above it).

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM).** An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Hazard Zone.** The Flood Hazard Zone includes all areas covered by the Floodway Zone plus all areas of special flood hazard as set forth and identified as such by the Federal Emergency Management Agency in its most recent Floodway Maps and Flood Insurance Rate Maps (FIRM) for the community and all property which is considered to be below the elevation of the "High Water Stage" for the Tennessee River and its tributaries. Changes and additions to the Flood Hazard Zone by Tennessee Valley Authority study are hereby adopted and add to or change the Flood Hazard Zone.

**Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Emergency Management Agency had delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood Boundary Floodway Map and the water surface elevation of the base flood.



**Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation at the High Water State or the Base Flood. The Floodway Zone of Ninemile Branch, Black Creek, Ryall Springs Branch, Mackey Branch and Friar Branch is identified by the Federal Emergency Management Agency and shown on its Flood Boundary and Floodway Maps dated September 6, 1989. The Floodway Zone for other streams is identified by lines and the notation 'F/W' on the official Zoning Maps. Changes and additions to the Floodway Zone by Tennessee Valley Authority study are hereby adopted and add to or change the Floodway Zone.

**Foot-Candle.** A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

**Frontage.** The boundary line of a lot between a building and the right-of-way or the pavement of a sidewalk.

**Garage.** An accessory building or portion of a principal building used for the storage of motor vehicles of the occupants of the premises.

**Gazebo.** A freestanding outdoor accessory structure designed for recreational use and not for habitation.

**Glare.** The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Grading.** Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades for development of the lot.

**Green Roof.** A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**Gross Floor Area (GFA).** Defined in Section 2.4.

**Habitable Floor.** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a Habitable Floor. This definition replaces the definition of Lowest Habitable Floor.

**Hardscape.** Nonliving components of a landscape design, such as walls, sculpture, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

**Hedge.** A row of bushes or small trees planted close together, especially when demarcating a boundary or forming a barrier.

**High Water Stage.** The High Water Stage for the Tennessee River (Nickajack Lake) and its tributaries are that elevation determined by the Federal Emergency Management Agency as the one hundred (100) year flood elevation as shown on the flood profiles in its Flood Insurance Study for the City of Chattanooga, Tennessee, dated September 6, 1989, and any other applicable profiles as completed by the Tennessee Valley Authority.

**Highest Adjacent Grade.** For purposes of adopted flood regulations, means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**Impervious Surface Coverage.** Defined in Section 2.4.

**Incidental.** Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

**Infrastructure.** Facilities and services needed to sustain land use activities.

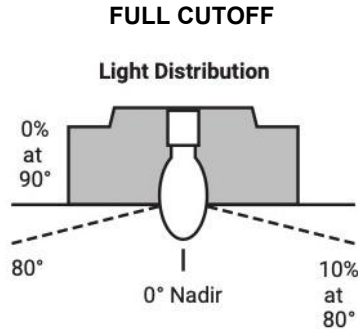
**Ingress.** A place or means of gaining access or entry into a property.

**Intensity of Use.** Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

**Light Pole.** Pole on which a luminaire is mounted.

**Light Trespass.** The shining of light produced by a luminaire (light fixture) beyond the boundaries of the property on which it is located.

**Lighting, Full Cutoff.** A light distribution where the candela value is zero at or above horizontal (90° above nadir) and does not exceed 10% at or above a vertical angle of 80° above nadir.



**Lot.** Defined in Section 2.4.

**Lot Area.** Defined in Section 2.4.

**Lot, Corner.** Defined in Section 2.4.

**Lot Depth.** Defined in Section 2.4.

**Lot, Interior.** Defined in Section 2.4.

**Lot of Record.** A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

**Lot Line.** Defined in Section 2.4.

**Lot Line, Corner.** Defined in Section 2.4.

**Lot Line, Front.** Defined in Section 2.4.

**Lot Line, Interior.** Defined in Section 2.4.

**Lot Line, Rear.** Defined in Section 2.4.

**Lot Line, Street.** Defined in Section 2.4.

**Lot, Through.** Defined in Section 2.4.

**Lot Width.** Defined in Section 2.4.

**Lowest Floor.** For purposes of adopted flood regulations, means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of applicable flood regulations.

**Lumen.** A unit of measure of the quantity of light that falls on an area of one square foot, every point of which is one foot from the source of one candela.

**Luminaire.** A complete lighting unit consisting of a light source, pole, and all mounting brackets, if appropriate, and all necessary mechanical, electrical, and decorative parts.

**Manufactured Home Stand.** The area of a manufactured home site that has been reserved for the placement of a manufactured home.

**Mean Sea Level.** The average height of the sea for all stages of the tide.

**Mitigation/Mitigate.** Methods used to alleviate or lessen the impact of development.

**Mixed-Use.** A building that contains both non-residential and residential uses.

**Mixed-Use Development.** The development of a building or tract of land with a variety of complementary and integrated uses permitted in the zone, such as, but not limited to, residential, office, commercial, industrial, public, and recreation, in a compact urban form.

**New Construction.** For purposes of adopted flood regulations, means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations, and includes any subsequent improvements to such a structure.

**New Manufactured Home Park or Subdivision.** For purposes of adopted flood regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pad) is completed on or after September 3, 1980, (the effective date of floodplain management regulations adopted by the City of Chattanooga).

**Nonresidential Zones.** Zones that allow a variety of nonresidential uses such as retail, restaurant, service, and office, where such types of uses are the primary uses allowed, or where a wide range of commercial uses are allowed with residential uses to create mixed-use development.

**Nonresidential Use.** A structure or land used or intended to be used for nonresidential uses, which includes, but is not limited to, retail, office, entertainment, recreation, public, institutional, and other nonresidential uses. Structures with multi-unit dwellings above ground floor nonresidential uses are considered mixed-use development and considered a nonresidential use for the purposes of this Code.

**Off-Street Parking.** A space intended for the storage of a motor vehicle on premises other than streets or rights-of-way.

**Outlot.** An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line.

**Owner.** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land, such as the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records, a person shown as owner in the records of the tax assessor of the county in which the property is situated, or the agent of any such person and those in possession of a dwelling, dwelling unit, or premises.

**Parapet.** The extension of a false front or wall above a roofline.

**Parking Facility.** A parking lot and/or parking structure. Parking facility does not include parking spaces and parking pads for individual dwelling units for single-unit, two-unit, or townhouse dwellings.

**Parking Lot.** An open, hard-surfaced area, excluding a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

**Parking Structure.** A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge.

**Party Wall.** A common wall from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but in joint use by each building.

**Patio.** A hard surface designed and intended for recreational use by people and not used as a parking space.

**Pedestrian Access.** An entrance providing both ingress and egress, operable to residents at all times and customers during regular business hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are allowed. The entrance spacing requirements must be met for each building but are not applicable to adjacent or abutting buildings. Entrance spacing is measured from the edge of door to the edge of the next door. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

**Pedestrian Facilities.** Sidewalks, shared use paths, and similar facilities intended for pedestrian mobility.

**Pergola.** An open structure, which may be either freestanding or attached to a structure, that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

**Pervious Paving.** A range of sustainable materials and techniques for permeable paving that allow the movement of water through the surface. Gravel and loose rock are not considered pervious paving.

**Porch.** An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

1. **Porch – Unenclosed.** A porch that is open on all sides, with the exception of the side attached to the principal building.
2. **Porch – Enclosed.** A porch enclosed by walls, screens, lattice or other material. A screened-in porch is an enclosed porch.

**Porte Cochere.** A permanent structure built over a driveway or entry drive that provides temporary shelter to persons exiting a vehicle, but not serving as the only covered or enclosed vehicle shelter on-site.

**Principal Building.** A non-accessory structure in which a principal use of the lot on which it is located is conducted.

**Principal Building Line.** See “building line.”

**Principal Use.** The main use of land or structures as distinguished from an accessory use.

**Prominent Entrance.** A building entrance that is visually distinctive from the remaining portions of the facade where it is located and is parallel and directly connected to adjacent pedestrian facilities. Entrances that contain at least three of the following are considered a prominent entrance: decorative pedestrian lighting/sconces; architectural details carried through to upper stories; covered porches, canopies, awnings, or sunshades; archways; transom or sidelight windows; terraced or raised planters; common outdoor seating enhanced with specialty details, paving, landscaping, or water features; double doors; stoops or stairs.

**Repetitive Loss.** For purposes of adopted flood regulations, means flood-related damage sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

**Recreational Vehicle.** Any vehicle or boat designed for recreational purposes and temporary living quarters while camping and/or travelling and not used as a commercial vehicle including, but not limited to, boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

**Refuse Container.** An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

**Recycling Containers.** A container for the collection of recyclables.

**Residential Zones.** Zones where the primary permitted use is residential. Residential zones, within the use structure, may allow very limited compatible nonresidential uses, such as places of worship.

**Residential Use.** A structure designed and used or intended to be used for residential occupancy by one or more households, such as single-unit, two-unit, townhouse, and multi-unit dwellings. Multi-unit dwellings with ground floor nonresidential uses are considered mixed-use development, and are considered a nonresidential use for the purposes of this Code.

**Right-of-Way.** A strip of land dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, tree lawn, sidewalks, and shoulders.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

**Satellite Dish Antenna.** A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

**Setback.** Defined in Section 2.4.

**Setback, Corner Side.** Defined in Section 2.4.

**Setback, Front.** Defined in Section 2.4.

**Setback, Interior Side.** Defined in Section 2.4.

**Setback, Parking.** Defined in Section 2.4.

**Setback, Rear.** Defined in Section 2.4.

**Setback, Street.** Defined in Section 2.4

**Shed.** An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

**Short-Term Vacation Rental.** See Article 17.

**Solar Panel.** A photovoltaic device capable of collecting and converting solar energy into electricity.

**Stacking Space.** A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

**Standpipe.** A rigid vertical or horizontal pipe to which fire hoses can be connected, which may be building, ground, or roof mounted.

**Start of Construction.** Either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Stepback.** In building height, a stepback is the required additional distance that upper stories of a structure must be recessed from the façade of the stories below.

**Stoop.** An exterior floor typically constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

**Structural Alteration.** Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**Structure.** A combination of materials that form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.



**Substantial Damage.** For purposes of adopted flood regulations, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

**Substantial Improvement.** For purposes of adopted flood regulations, for a building built prior to the enactment of floodplain regulations, any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds 50% of the market value of the building either:

1. Before the improvement or repair is started; or
2. If the building has been damaged and is being restored before the damage occurred.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the buildings. The term does not, however, include either:

1. Any project for improvement of a building to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
2. Any alteration of a building listed on the National Register of Historical Places or a State Inventory of Historic Places.

**Substantially Improved Existing Manufactured Home Parks or Subdivisions.** Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement began.

**Temporary Use.** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**Transit-Oriented Development (TOD).** The concentration of development nodes, consisting of mixed-use development located along designated public transit corridors and with convenient and easy access to public transit stations.

**Transparency.** The required amount of window area as a percentage of the specified facade area. Doors are included in ground floor transparency when such doors are designed with glass or other transparent materials. Garage entrances are not included in ground floor transparency.

1. To qualify as transparent for the calculation, glazing must have a minimum of 60% VLT and no more than 20% VLR. These glazing minimums do not apply to single-unit and two-unit dwellings.
2. The following do not meet the ground floor or upper floor transparency requirements and do not count in meeting the standard:
  - a. Windows with shadowboxes on the interior
  - b. Glass block
  - c. Printed window film, regardless of whether it allows views into or out of the building.
  - d. Translucent glass at the ground story.
3. Visible Light Transmittance (VLT) and Visible Light Reflectance (VLR) are defined as:
  - a. Visible Light Reflectance (VLR): The amount of visible light that is reflected out by a glazing system. A high VLR percentage blocks more daylight from passing through the window.
  - b. Visible Light Transmittance (VLT): The amount of light (daylight) that travels through a glazing system. A high VLT percentage allows more daylight to pass through.

4. Ground story fenestration is measured between two and 12 feet above the abutting sidewalk.
5. Upper story fenestration is measured from top of the finished floor to the top of the finished floor above. When there is not a floor above, upper story fenestration is measured from the top of the finished floor to the top of the wall plate above.
6. Transom windows, even if located less than 12 feet above the abutting sidewalk, are not required to meet the ground floor transparency requirement.

**Unified Control.** The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

**Use.** The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Vehicle, Inoperable.** A vehicle is classified as inoperable when any of the following applies:

1. Lacks major or essential mechanical or body parts.
2. Is junked or partially disassembled.
3. Has been burned or flooded throughout.
4. Cannot be driven legally on public streets under State law or City ordinance.
5. Is otherwise incapable of moving under its own power.
6. Does not comply with State and City Codes with respect to license and registration.
7. Has one or more tires missing or not fully inflated.
8. Is economically impractical to restore to operating condition.

**Vehicle, Junk.** Any rusted, wrecked, damaged, dismantled, or partially dismantled, inoperative, or abandoned motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition.

**Violation.** For purposes of adopted flood regulations, means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in the adopted flood regulations is presumed to be in violation until such time as that documentation is provided.

**Waterfront.** Areas adjacent to bodies of water, such as rivers and lakes.

**White Roof.** A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

**Yard.** Defined in Section 2.4.

**Yard, Front.** Defined in Section 2.4.

**Yard, Interior Side.** Defined in Section 2.4.

**Yard, Corner Side.** Defined in Section 2.4.

**Yard, Rear.** Defined in Section 2.4.

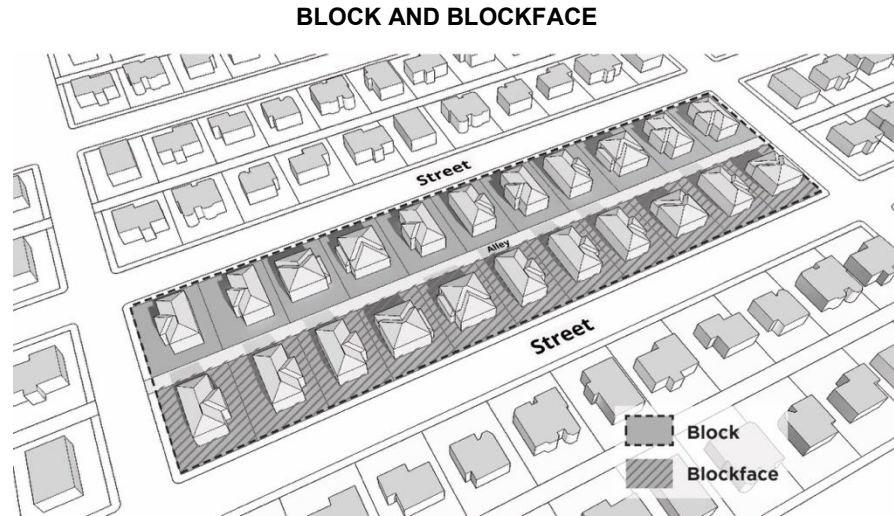
**Zoning Lot.** A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may coincide with a lot of record or may be comprised of one or more lots of record.

## 2.4 Rules of Measurement

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Code.

### A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way or municipal boundary lines.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.



### B. Build-To Dimensions

Certain dimensional requirements with the zones require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. This Code includes the following build-to dimensions:

#### 1. Build-To Zone (BTZ)

A build-to zone (BTZ) is the area on a lot, measured perpendicular from the applicable lot line, where the building must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone.

#### 2. Build-Out Percentage (BO%)

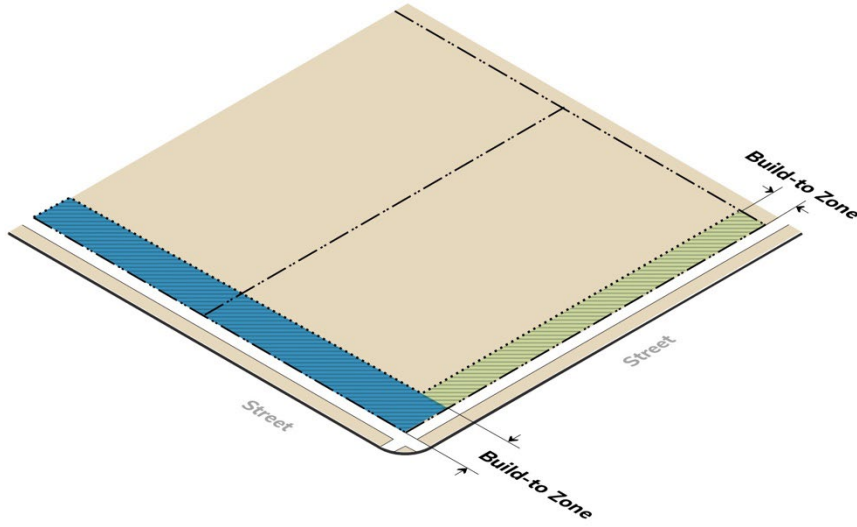
A build-out percentage specifies the percentage of the total lot width that must be occupied by the building facade.

#### 3. Build-To Percentage (BT%)

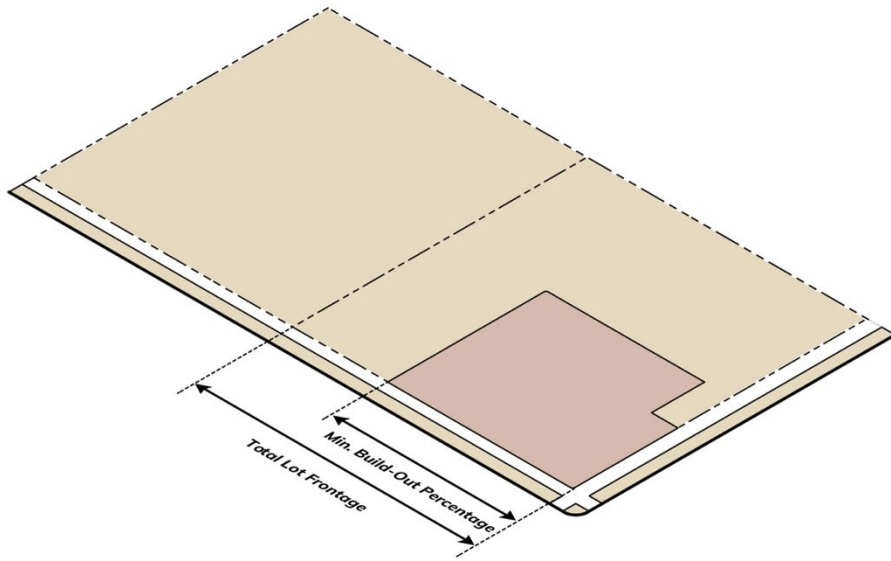
A build-to percentage specifies the percentage of the building facade that must be located within the build-to zone. Build-to percentage is calculated by building facade, not lot width.

- a. Facade articulation elements, such as window or wall recesses and projections, are included in the calculation of a required build-to percentage.
- b. Programmed outdoor spaces and outdoor dining areas that are bounded by a building facade parallel to the frontage are included in the calculation of a required build-to percentage.
- c. Open space bounded on three sides by a building, such as courtyards, are included in the calculation of a required build-to percentage.
- d. On a corner lot, a building facade must be placed within the minimum and maximum setback range for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.

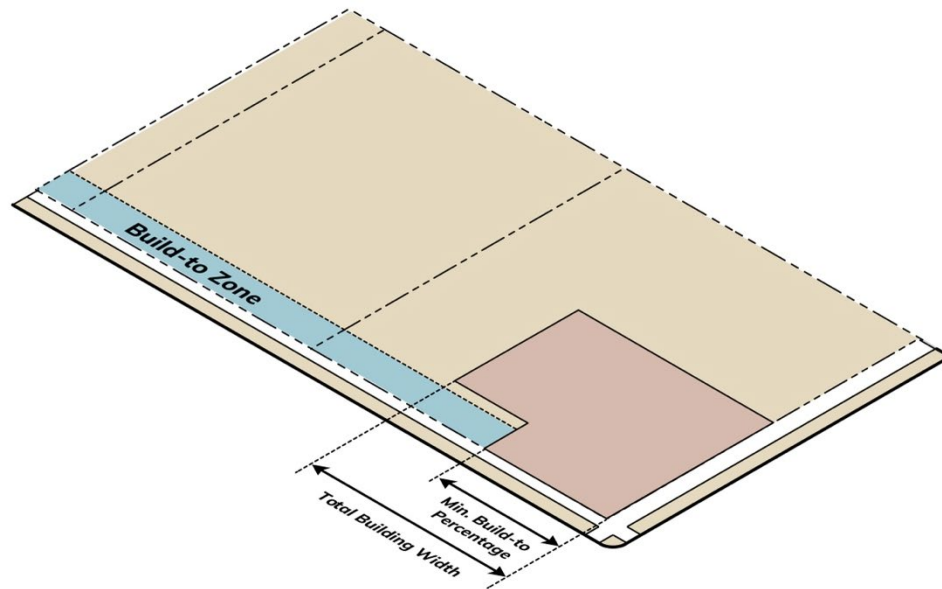
**BUILD-TO ZONE (BTZ)**



**BUILD-OUT PERCENTAGE (BO%)**



### BUILD-TO PERCENTAGE (BT%)



#### C. Building Coverage

Building coverage is the area of a lot covered by roofed buildings and structures measured from the outside of the exterior wall at the ground floor, including covered porches and patios, detached accessory structures, and any projecting structures above ground level.

1. For covered porches and patios, the entire area under the roof is calculated as building coverage.
2. Building coverage does not include: uncovered paved parking areas and driveways; uncovered walkways; roof overhangs; swimming pools; uncovered steps, terraces, and decks; and architectural projections.

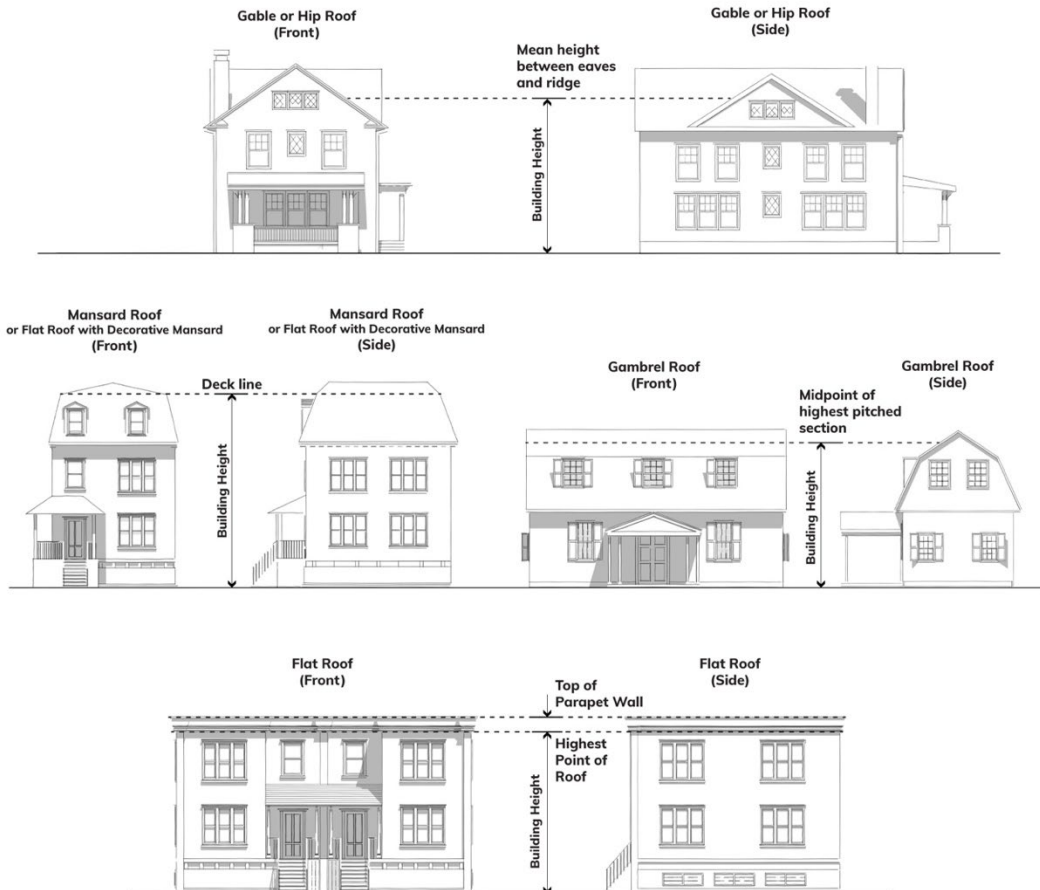
#### D. Building Height

1. Maximum building height is measured from grade plane to:
  - a. The mean height between eaves and ridge for gable and hip roofs.
  - b. The declination for mansard roofs.
  - c. The midpoint of the highest pitched section of a gambrel roof.
  - d. The highest point of the roof for flat roofs with parapet walls of six feet in height or less. When parapet walls exceed six feet in height, the highest point of the parapet wall.
2. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.
  - a. Public utility poles, towers, and wires. Public utilities do not include wireless telecommunications, solar panels, and wind turbines unless operated by a government agency.
  - b. Water tanks and standpipes.



c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

### BUILDING HEIGHT



### E. Grade Plane

1. A reference plane representing the average of finished ground level adjoining the building at exterior walls.
2. Where the finished ground level slopes away from exterior walls, the reference plane is established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

### F. Gross Floor Area (GFA)

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

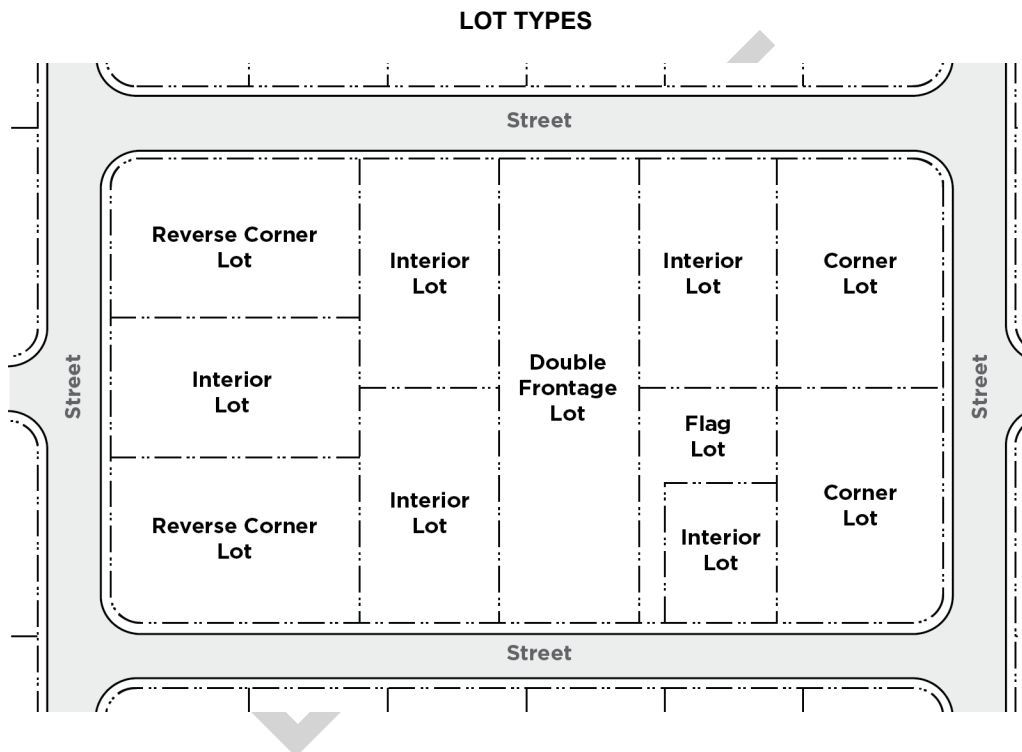
### G. Ground Floor Elevation

1. Ground floor elevation is measured from top of the adjacent curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.
2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way.

## H. Lot

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.
4. A flag lot is platted so that the main building site area (the “flag”) is set back from the street on which it fronts and includes an access strip (the “pole”) connecting the main building site with the street.



## I. Lot Area

The total area within the boundaries of a lot, excluding any street right-of-way.

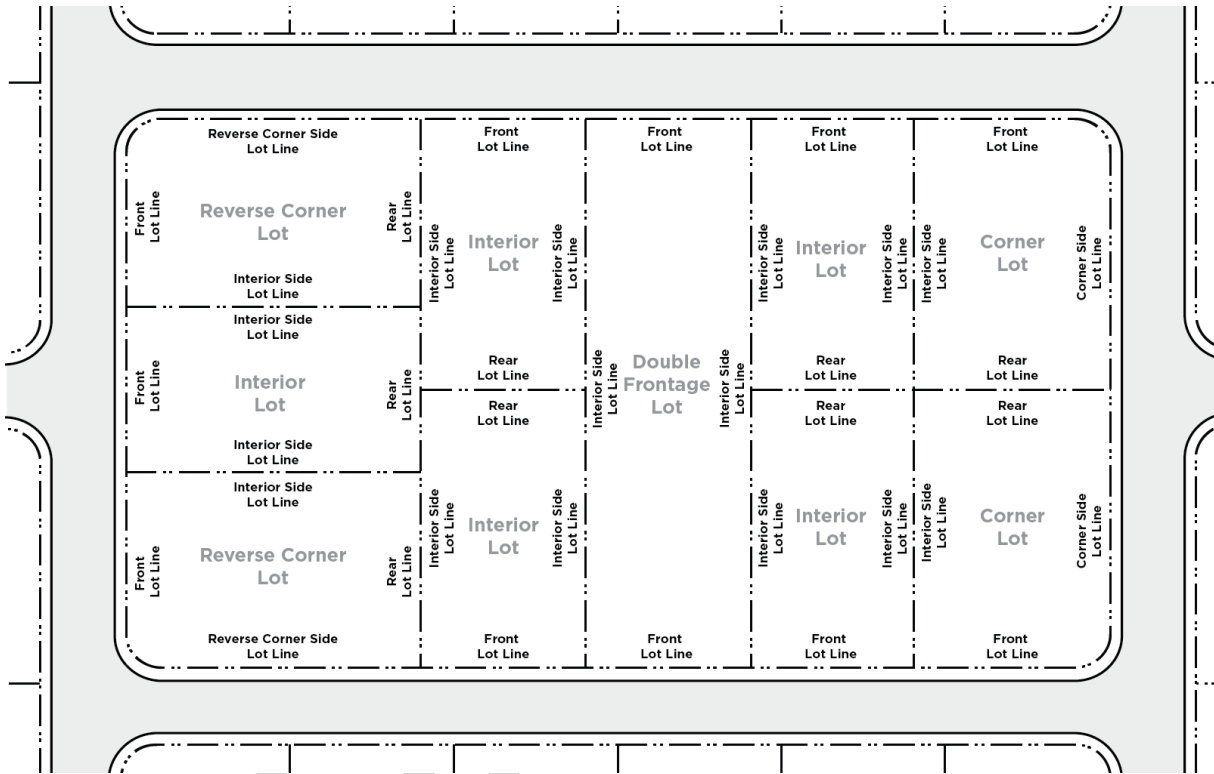
## J. Lot Line

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.
2. A rear lot line is the lot line opposite and most distant from the front lot line. In the case of triangular or similarly irregularly shaped lots, the rear lot line is a calculated line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

3. On a corner lot, the corner side lot line and reverse corner side lot line is perpendicular or approximately perpendicular to the front lot line and is the longer street abutting lot line of a corner lot.
4. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts an adjacent lot.
5. A street lot line is any lot line separating a lot from a street right-of-way.

### LOT LINES



#### K. Lot Width

Lot width is measured at the required front setback of the zone. Where the front setback of the zone is a build-to zone (BTZ), the furthest dimension of the build-to zone is used to measure lot width.

#### L. Yards and Setbacks

##### 1. General Definitions

- a. A yard is the area between the building line of a principal building and the lot line.
- b. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, with the exception of permitted encroachments allowed by this Code.
  - i. A build-to zone is considered a required setback. In the case of a build-to zone, the setback is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.

- c. A setback may be equal to or less than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zone in which such lot is located. See

## **2. Front Yard and Front Setback**

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is the area located between a principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zone that a principal building must be located from the front lot line.
- c. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.
- d. Front setback averaging is calculated by averaging the front setback of two adjacent lots on either side of the subject lot. In the case of a lot near or at the end of the block, the total number of lots averaged must equal four lots total along that blockface, beginning with the lot or lots adjacent.

## **3. Interior Side Yard and Interior Side Setback**

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. Interior Side Yard: An interior side yard is the area located between a principal building line and the interior side lot line.
- b. Interior Side Setback: An interior side setback is the required minimum distance per the zone that a principal building must be located from the interior side lot line.
- c. For single-unit attached dwellings, the interior side yard and interior side setback are only applicable to the side of the unit with no shared wall attachment to another unit. For townhouse developments, the interior side yard and interior side setback are only applicable to end units of the overall townhouse building.

## **4. Corner Side Yard and Corner Side Setback**

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. Corner Side Yard: A corner side yard is the area located between a principal building line and the corner side lot line.
- b. Corner Side Setback: A corner side setback is the required minimum distance per the zone that a principal building must be located from the corner side lot line.

## **5. Reverse Corner Side Yard and Reverse Corner Side Setback**

The reverse corner side yard and reverse corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the reverse corner side lot line.

- a. Reverse Corner Side Yard: A reverse corner side yard is the area located between a principal building line and the corner side lot line.
- b. Reverse Corner Side Setback: A reverse corner side setback is the required minimum distance per the zone that a principal building must be located from the reverse corner side lot line.

## **6. Rear Yard and Rear Setback**

The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

- a. Rear Yard: A rear yard is the area located between a principal building line and the rear lot line.

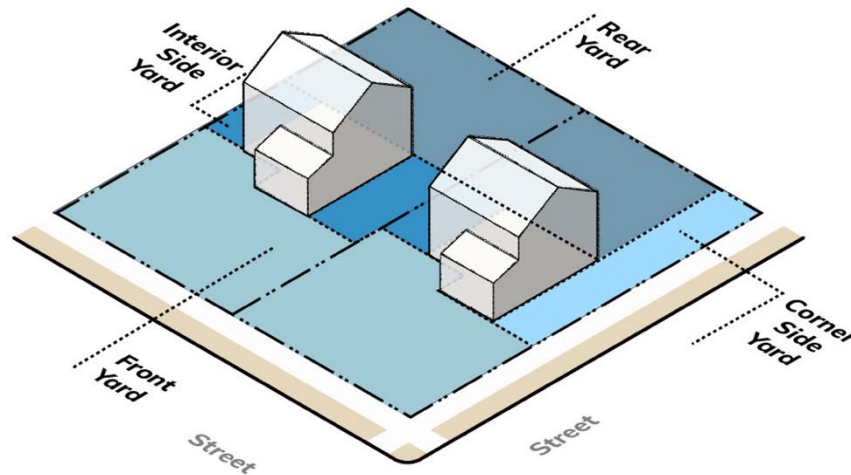
b. Rear Setback: A rear setback is the required minimum distance per the zone that a principal building must be located from the rear lot line.

c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback, measured perpendicular to the rear lot line.

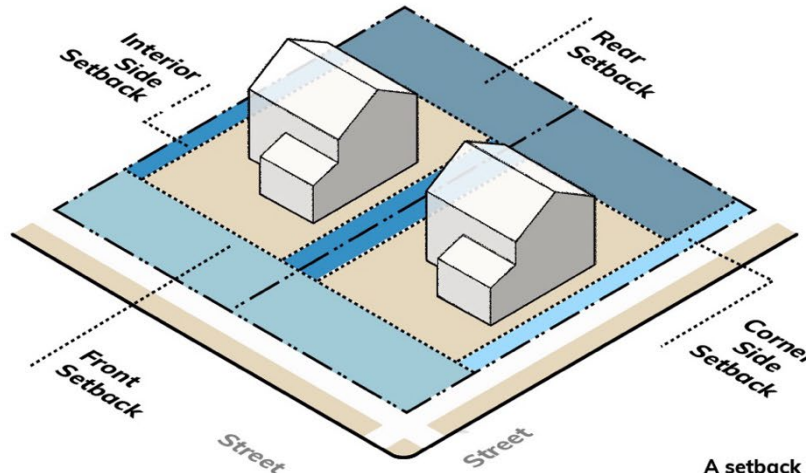
**7. Yard and Setback Requirements for Double-Frontage Lots**

For double-frontage lots, both the front and the rear required setbacks must meet the required front setback of the zone. In the case of a double-frontage lot, one of the front setbacks are considered a rear yard for the purposes of applying the accessory structure regulations of this Code; the required dimension of the front setback still applies.

**SETBACKS AND YARDS**



**Yards**



**Setbacks**

A setback may be equal to or less than a yard.



## Article 3. Zones & Zoning Map

### 3.1 Zones

### 3.2 Zoning Map

### 3.3 Zoning for Newly Annexed Areas

## 3.1 Zones

In order to carry out the purpose and intent of this Code, the City is divided into the following zones:

### A. Residential Zones

RN-1-6 Residential Neighborhood Zone  
RN-1-5 Residential Neighborhood Zone  
RN-2 Residential Neighborhood Zone  
RN-2T Residential Neighborhood Zone  
RN-3 Residential Neighborhood Zone  
TRN-1 Traditional Residential Neighborhood Zone  
TRN-2 Traditional Residential Neighborhood Zone  
TRN-3 Traditional Residential Neighborhood Zone  
TRN-4 Traditional Residential Neighborhood Zone

### B. Mixed-Use and Commercial Zones

C-NT Neighborhood Transition Commercial Zone  
C-N Neighborhood Commercial Zone  
C-TMU Transitional Mixed-Use Commercial Zone  
C-C Commercial Corridor Zone  
C-R Regional Commercial Zone  
C-MU1 Commercial Mixed-Use 1 Zone  
C-MU2 Commercial Mixed-Use 2 Zone

### C. Form-Based Code Zones

See Article 6

### D. Industrial Zones

I-L Light Industrial Zone  
I-H Heavy Industrial Zones  
I-X Industrial Extraction Zone  
I-MU Industrial Mixed-Use Zone

### E. Special Purpose Zones

A-1 Urban Agricultural Zone  
INST Institutional Zone  
OS Open Space Zone  
R-MH Manufactured Home Zone  
TOD Transit-Oriented Development Overlay Zone  
Lovell Field Gateway Overlay Zone  
FAA Aviation Overlay Zone  
Airport Use Zone  
F/W Floodway  
F/H Flood Hazard

## 3.2 Zoning Map

### A. Establishment of the Official Zoning Map

1. The location and boundaries of the zones established by this Code are shown and maintained as part of the Geographic Information System (GIS) of the Chattanooga-Hamilton County Regional Planning Agency (RPA). The RPA also has the responsibility for maintenance of the Official Zoning Map.
2. The zoning GIS layer constitutes the City of Chattanooga's Official Zoning Map and is incorporated into, and the same is made a part of this Code by reference, and upon its introduction and passage, is an effective and operative part thereof.
3. The Executive Director of the Regional Planning Agency, or their designee, will revise the Official Zoning Map when amendments are passed by the governing body.
4. No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map will be corrected as they are discovered, and the corrected information shown on the GIS system.

### B. Interpretation of Boundary Lines

1. Where a zone boundary line is shown as being within or along a public or private right-of-way, or an extension, or as being within or along a non-navigable stream, the boundary is the centerline of that right-of-way, or extension, or stream.
2. Where a zone boundary line is shown as along a lot line, the boundary is that lot line.
3. Where the location of a zone boundary line is designated by a number of feet, that distance controls.
4. Where a zone boundary line is shown as being along a railroad right-of-way, the boundary line of that railroad right-of-way controls.
5. Where a zone boundary line is shown as along a navigable waterway and is not otherwise fixed, the boundary is the centerline of the waterway.
6. Unless specified otherwise by the amending ordinance, overlay zone boundaries on the Official Zoning Map that approximately follow zone lines are interpreted as being coincident with those zone lines.
7. Where the application of the interpretation rules leaves a reasonable doubt as to the boundaries between two zones, the regulations of the more restrictive zone govern the entire parcel in question, unless otherwise determined by the Board of Appeals.

### C. Administrative Mapping Errors

Where it is determined that due to an administrative error, the Official Zoning Map zone boundary which encompasses property that was never intended to be included or fails to depict property which was intended to be included in the zone boundary, and such determination is supported by official documentation, the Executive Director of the Regional Planning Agency, or their designee, may modify the Official Zoning Map to accurately reflect the proper zone boundary.

## 3.3 Zoning for Newly Annexed Areas

The Planning Commission, within 90 days of the effective date of annexation, will recommend a zoning plan for newly annexed areas of the City to the City Council. Following the receipt of the Planning Commission recommendation, the City Council, after giving notice as required in Article 15 regarding amendments, will adopt a zoning plan as an amendment to the Official Zoning Map for the newly annexed area.

## Article 4. Residential Zones

- 4.1 Purpose
- 4.2 Uses
- 4.3 Residential Zones Dimensional Standards
- 4.4 Additional Standards

### 4.1 Purpose

#### A. RN-1-6 Residential Neighborhood Zone

The RN-1-6 Residential Neighborhood Zone is intended to accommodate a neighborhood environment predominantly characterized by single-unit homes on lots of 6,000 square feet or greater.

#### B. RN-1-5 Residential Neighborhood Zone

The RN-1-5 Residential Neighborhood Zone is intended to accommodate a neighborhood environment predominantly characterized by single-unit homes on lots of 5,000 square feet or greater.

#### C. RN-2 Residential Neighborhood Zone

The RN-2 Residential Neighborhood Zone is intended to accommodate a neighborhood environment characterized by a mixture of single-unit homes – both attached and detached – and two-unit homes.

#### D. RN-2T Residential Neighborhood Zone

The RN-2T Residential Neighborhood Zone is intended to accommodate a neighborhood environment characterized by single-unit homes – both attached and detached, two-unit homes, and townhouse dwellings.

#### E. RN-3 Residential Neighborhood Zone

The RN-3 Residential Neighborhood Zone is intended to accommodate mixed residential neighborhoods consisting of a range of dwelling types that may include single-unit – both attached and detached, two-unit, townhouse, and multi-unit dwellings.

#### F. TRN-1 Traditional Residential Neighborhood Zone

The TRN-1 Traditional Residential Neighborhood Zone is intended to accommodate a neighborhood environment with a mixture of dwelling types that may include single-unit – both attached and detached, two-unit, three-unit, and four-unit dwellings.

#### G. TRN-2 Traditional Residential Neighborhood Zone

The TRN-2 Traditional Residential Neighborhood Zone is intended to accommodate a neighborhood environment consisting of a mix of dwelling types that may include single-unit – both attached and detached, two-unit, three-unit, four-unit, and townhouse dwellings. Small multi-unit dwellings of no more than six units are also allowed.

#### H. TRN-3 Traditional Residential Neighborhood Zone

The TRN-3 Traditional Residential Neighborhood Zone is intended to accommodate a neighborhood environment characterized by a mixture of single-unit – both attached and detached, two-unit, three-unit, four-unit, townhouse, and multi-unit dwellings.

#### I. TRN-4 Traditional Residential Neighborhood Zone

The TRN-4 Traditional Residential Neighborhood Zone is intended to accommodate a dense neighborhood environment characterized by a mixture of townhouse and multi-unit dwellings.

## 4.2 Uses

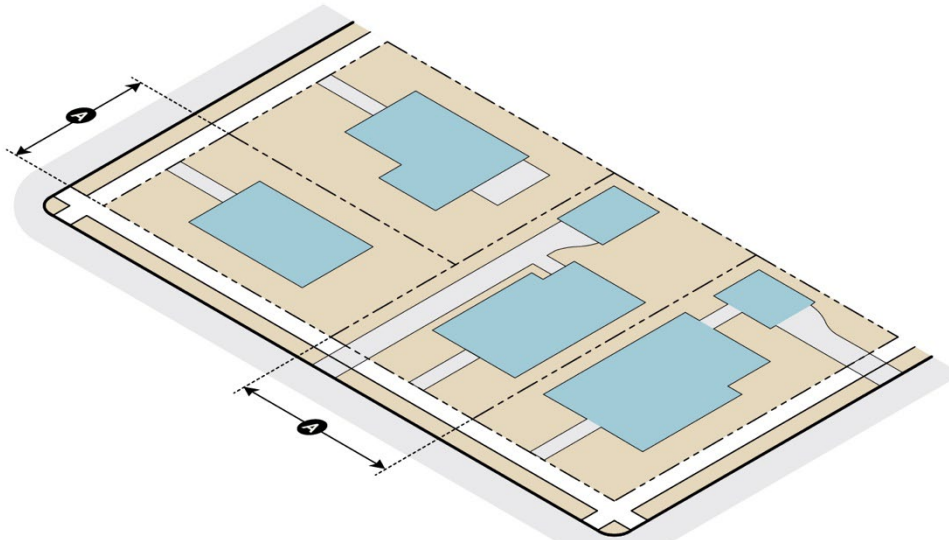
- A. Article 9 lists principal, temporary, and accessory uses allowed within the residential zones.
- B. In addition to use standards that may be applicable to allowed principal, temporary, and accessory uses within the residential zones, Article 9 contains specific controls on multi-unit and townhouse development as follows.
  - 1. Section 9.3.M contains limitations on the number of units within a multi-unit development in the TRN-2 Zone.
  - 2. Section 9.3.M contains limitations on the number of attached units within a townhouse development in the RN-2T and TRN-2 Zones.

## 4.3 Residential Zones Dimensional Standards

Table 4-1: Residential Zones Dimensional Standards establishes the dimensional standards for the residential zones. These regulations apply to all uses within each zone unless a different standard is listed for a specific use.

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**LOT STANDARDS DIAGRAM**



*A = Lot Width*

**Table 4-1: Residential Zones Dimensional Standards – Lot Standards**

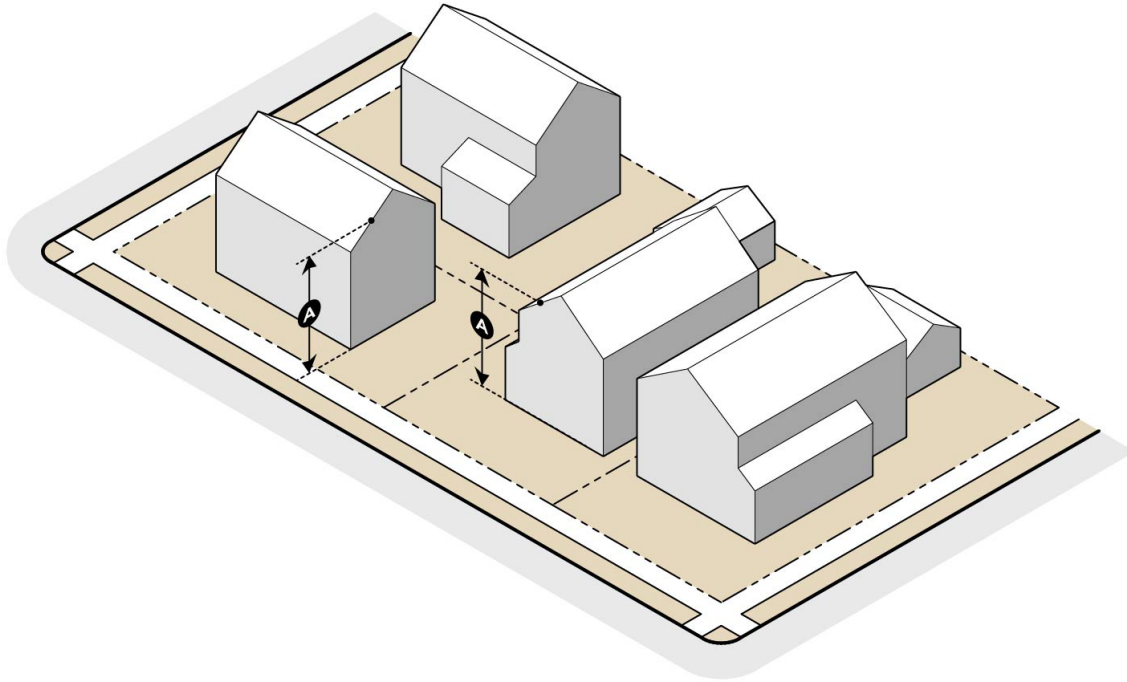
	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3
<b>Minimum Lot Area</b>	6,000sf NR: 10,000sf	5,000sf NR: 10,000sf	SU: 5,000sf SU-A: 2,750sf/unit 2U: 5,500sf NR: 10,000sf	SU: 5,000sf SU-A: 2,750sf/unit 2U: 5,500sf TH: 1,100sf/unit NR: 10,000sf	SU: 5,000sf 2U: 5,500sf 3U, 4U: 6,500sf SU-A: 2,750sf/unit TH: 1,100sf/unit MU: 950sf/unit NR: 10,000sf
<b>Minimum Lot Width</b>	55' or average of blockface, whichever is less NR: 75'	50' or average of blockface, whichever is less NR: 75'	SU, 2U: 50' or average of blockface, whichever is less SU-A: 25'/unit NR: 75'	SU, 2U: 50' or average of blockface, whichever is less SU-A: 25'/unit TH: 15'/unit NR: 75'	SU, 2U, 3U, 4U: 50' or average of blockface, whichever is less SU-A: 25'/unit TH: 15'/unit MU: 50' NR: 75'
<b>Maximum Building Coverage</b>	60% NR: 50%	60% NR: 50%	60% NR: 50%	60% (TH is exempt from this standard) NR: 50%	60% (TH is exempt from this standard) NR: 50%



Table 4-1: Residential Zones Dimensional Standards – Lot Standards				
	TRN-1	TRN-2	TRN-3	TRN-4
<b>Minimum Lot Area</b>	SU: 5,000sf SU-A: 2,750sf/unit 2U: 5,500sf 3U, 4U: 5,500sf NR: 10,000sf	SU: 5,000sf SU-A: 2,750sf/unit 2U, 3U, 4U: 5,500sf 5U, 6U: 6,500sf TH: 1,100/unit NR: 10,000sf	SU: 3,000sf SU-A: 2,750sf/unit 2U: 4,000sf 3U, 4U: 5,500sf TH: 1,100sf/unit MU: 950sf/unit NR: 10,000sf	TH: 1,100sf/unit MU: 950sf/unit NR: 10,000sf
<b>Minimum Lot Width</b>	SU, 2U, 3U, 4U: 40' or average of blockface, whichever is less SU-A: 20'/unit NR: 75ft	SU, 2U, 3U, 4U: 40' or average of blockface, whichever is less SU-A: 20'/unit 5U, 6U: 40'/unit TH: 15'/unit NR: 75'	SU: 40' SU-A: 20'/unit 2U, 3U, 4U: 40' TH: 15'/unit MU: 50' NR: 75'	TH: 15'/unit MU: 50' NR: 75'
<b>Maximum Building Coverage</b>	60% NR: 50%	60% (TH is exempt from this standard) NR: 50%	60% (TH is exempt from this standard) NR: 60%	60% (TH is exempt from this standard) NR: 50%

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**HEIGHT DIAGRAM**

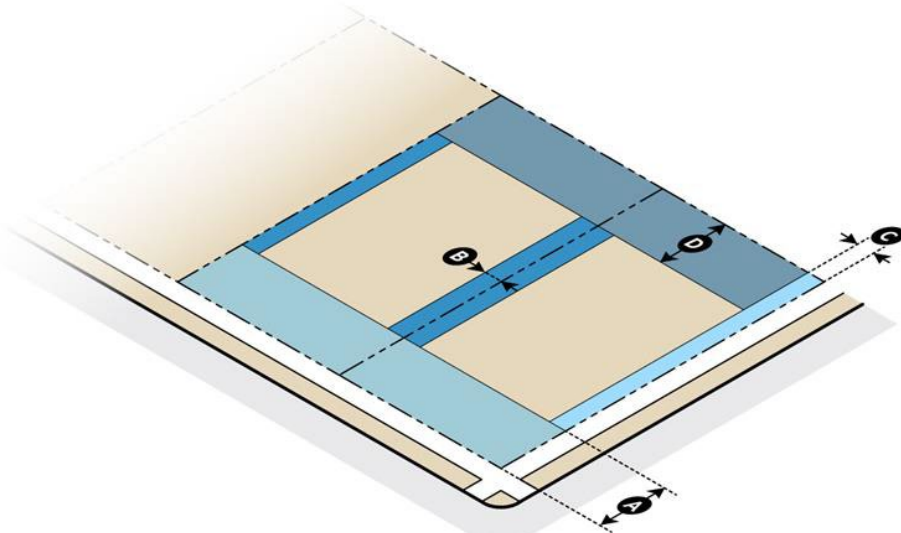


**A = Maximum Building Height**

Table 4-2: Residential Zones Dimensional Standards – Height					
	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3
<b>Maximum Building Height<sup>1</sup></b>	35'	35'	35'	35'	35' MF: 65'
<sup>1</sup> Maximum height of a structure is limited to 35' within 100' of an RN-1-6, RN-1-5, RN-2, RN-2T, TRN-1, or TRN-2 zone. This limitation applies only to that portion of a structure within the 100' distance.					

Table 4-2: Residential Zones Dimensional Standards – Height				
	TRN-1	TRN-2	TRN-3	TRN-4
<b>Maximum Building Height<sup>1</sup></b>	35'	35'	35' MF: 50'	35' MF: 65'
<sup>1</sup> Maximum height of a structure is limited to 35' within 100' of an RN-1-6, RN-1-5, RN-2, RN-2T, TRN-1, or TRN-2 zone. This limitation applies only to that portion of a structure within the 100' distance.				

**SETBACK STANDARDS DIAGRAM**



**A = Front Setback**  
**B = Interior Side Setback**  
**C = Corner Side Setback**  
**D = Rear Setback**

**Table 4-3: Residential Zones Dimensional Standards - Setbacks**

	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3
<b>Minimum Front Setback</b>	25' or average setback (See Sec. 2.4.M), whichever is less Where adjacent lots are not developed, 25'	15' or average setback (See Sec. 2.4.M), whichever is less Where adjacent lots are not developed, 15'	15' or average setback (See Sec. 2.4.M), whichever is less Where adjacent lots are not developed, 15'	15' or average setback (See Sec. 2.4.M), whichever is less Where adjacent lots are not developed, 15'	15' or average setback (See Sec. 2.4.M), whichever is less Where adjacent lots are not developed, 15'
<b>Minimum Interior Side Setback</b>	5'	5'	5'	5'  However, for single-unit dwellings, one interior side setback may be reduced to 0' (zero) so long as the other interior side setback is a minimum 10' and is kept free of permanent obstructions, including permanent accessory structures	Structures 40' or less in height: 5'  Structures over 40' in height: 10' plus 1' of additional setback for each 2' of building height over 40'
<b>Minimum Corner Side Setback</b>	25'	15'	15'	15'	15'
<b>Minimum Rear Setback</b>	25'	25'	25'	25'	Structures 40' or less in height: 25'  Structures over 40' in height: 35'

Table 4-3: Residential Zones Dimensional Standards – Setbacks				
	TRN-1	TRN-2	TRN-3	TRN-4
<b>Front Setback</b>	Build-To Zone (BTZ): Average setback of adjacent lots plus or minus 5' However, if average setback is more than 15', then 15' plus or minus 5'  Where adjacent lots are not developed, 15' plus or minus 5'	Build-To Zone (BTZ): Average setback of adjacent lots plus or minus 5' However, if average setback is more than 15', then 15' plus or minus 5'  Where adjacent lots are not developed, 15' plus or minus 5'	Build-To Zone (BTZ): Average setback of adjacent lots plus or minus 5' However, if average setback is more than 15', then 15' plus or minus 5'  Where adjacent lots are not developed, 15' plus or minus 5'	Build-To Zone (BTZ): Average setback of adjacent lots plus or minus 5' However, if average setback is more than 15', then 15' plus or minus 5'  Where adjacent lots are not developed, 15' plus or minus 5'
<b>Minimum Interior Side Setback</b>	5'  However, for single-unit dwellings, one interior side setback may be reduced to 0' (zero) so long as the other interior side setback is a minimum 10' and is kept free of permanent obstructions, including permanent accessory structures	5'  However, for single-unit dwellings, one interior side setback may be reduced to 0' (zero) so long as the other interior side setback is a minimum 10' and is kept free of permanent obstructions, including permanent accessory structures	Structures 40' or less in height: 5'  Structures over 40' in height: 8', plus 1' of additional setback for each 2' of building height over 40'  However, for single-unit dwellings, one interior side setback may be reduced to 0' (zero) so long as the other interior side setback is a minimum 10' and is kept free of permanent obstructions, including permanent accessory structures	Structures 40' or less in height: 5'  Structures over 40' in height: 8', plus 1' of additional setback for each 2' of building height over 40'
<b>Minimum Corner Side Setback</b>	10'	10'	10'	10'
<b>Minimum Rear Setback</b>	10' unless abutting an alley, then 5'	10' unless abutting an alley, then 5'	Structures 40' or less in height: 5'  Structures over 40' in height abutting an alley: 5'  Structures over 40' in height not abutting an alley: 15'	Structures 40' or less in height: 5'  Structures over 40' in height abutting an alley: 5'  Structures over 40' in height not abutting an alley: 15'

#### 4.4 Additional Standards

##### A. General Site Development Standards

See Article 10 for additional on-site development standards and requirements.

##### B. Accessory Structures

See Article 11 for accessory structure standards and requirements.

##### C. Parking, Loading, and Access

See Article 12 for parking, loading, and access standards and requirements.

##### D. Landscape

See Article 13 for landscape, buffer, and screening standards and requirements.

## Article 5. Mixed-Use & Commercial Zones

### 5.1 Purpose

#### 5.2 Uses

#### 5.3 Mixed-Use and Commercial Zone Dimensional Standards

#### 5.4 Mixed-Use and Commercial Zone Design Standards

#### 5.5 Additional Standards

### 5.1 Purpose

#### A. C-NT Neighborhood Transition Commercial Zone

The C-NT Transition Zone is intended to accommodate low intensity office and service uses as well as single-unit dwellings. The C-NT Zone also accommodates conversions of existing single-unit detached dwellings to commercial uses, creating a unique mixed-use character. The zone serves as a transition between residential neighborhoods and higher intensity commercial areas.

#### B. C-N Neighborhood Commercial Zone

The C-N Neighborhood Commercial Zone is intended to accommodate convenience commercial and personal services that serve nearby residential neighborhoods. The C-N Zone is generally located within neighborhoods and maintains pedestrian connections to adjacent residential areas.

#### C. C-TMU Transitional Mixed-Use Commercial Zone

The C-TMU Transitional Mixed-Use Commercial Zone accommodates a moderately intense mix of commercial and residential uses, supporting and serving as a transitional area between neighborhoods and more intensely developed commercial or mixed-use areas.

#### D. C-C Commercial Corridor Zone

The C-C Commercial Corridor Zone is intended to accommodate commercial development along corridors with a mixture of residential, commercial, service, and institutional uses, that serve the adjacent neighborhoods and the community at large.

#### E. C-R Regional Commercial Zone

The C-R Regional Commercial Zone is intended to accommodate more auto-oriented commercial activities, which attract a regional consumer base. The C-R Zone is generally located along major commercial arterials. Townhouse and multi-unit dwellings are allowed in the CR Zone.

#### F. C-MU Commercial Mixed-Use Zone

The C-MU Commercial Mixed-Use Zone accommodates traditional urban mixed-use development, with a mix of commercial and residential uses in a predominantly vertically mixed-use form. In order to address the different characteristics of this zone within the City, two C-MU Subzones are established: the C-MU1 Zone and the C-MU2 Zone. The primary distinction between these two subzones is permitted height and the associated development intensity, with the C-MU2 Zone being the most intense.

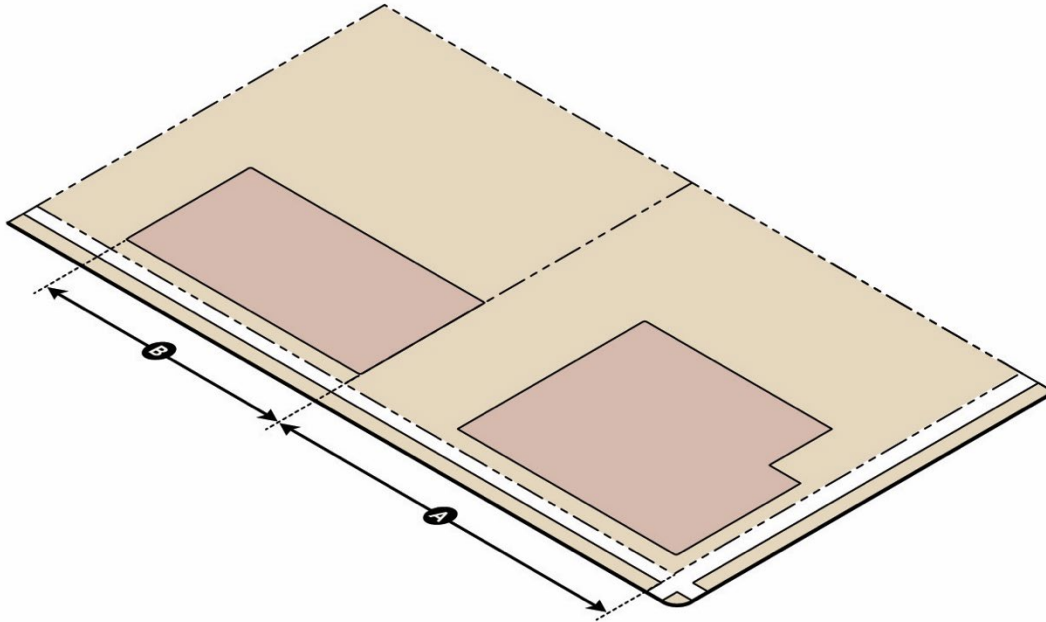
### 5.2 Uses

Article 9 lists principal, temporary, and accessory uses allowed within the mixed-use and commercial zones.

### 5.3 Mixed-Use and Commercial Zones Dimensional Standards

Table 5-1: Mixed-Use and Commercial Zones Dimensional Standards establishes the dimensional standards for the mixed-use and commercial zones. These regulations apply to all uses within each zone unless a different standard is listed for a specific use.

**LOT STANDARDS DIAGRAM**



*A = Lot Width*

**Table 5-1: Mixed-Use and Commercial Zones Dimensional Standards – Lot Standards**

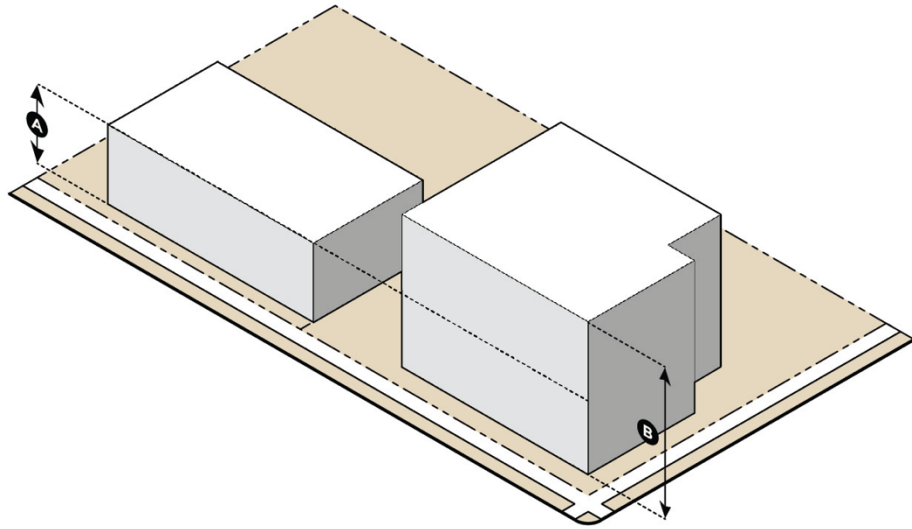
	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2
<b>Minimum Lot Area <sup>1</sup></b>	5,000sf	None	None	None TH: 1,100sf/du MU:950sf/du	None TH: 1,100sf/du MU:950sf/du	None TH: 1,100sf/du MU:950sf/du	None
<b>Minimum Lot Width</b>	50' or average of blockface, whichever is less	None	None	None TH: 15'/du MU: 50'	None TH: 15'/du MU: 50'	None TH: 15'/du MU: 50'	None
<b>Maximum Gross Floor Area - Commercial Uses Only <sup>2</sup></b>	3,500sf GFA for each commercial use, either standalone or within a multi-tenant building	3,500sf GFA for each commercial use, either standalone or within a multi-tenant building	N/A	N/A	N/A	N/A	N/A

<sup>1</sup> For hotel/motel uses that have been converted to multi-unit dwellings, the minimum lot area per dwelling unit does not apply.

<sup>2</sup> Does not apply to institutional uses such as places of worship, government facilities, and educational facilities.



**HEIGHT DIAGRAM**



*A = Minimum Building Height*  
*B = Maximum Building Height*

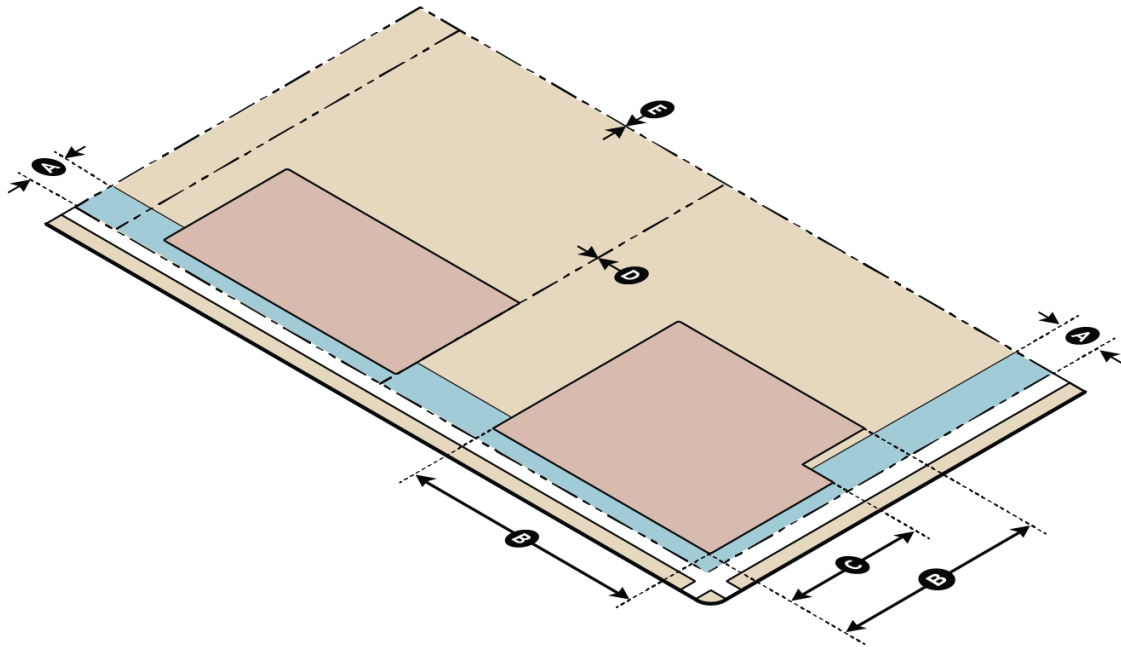
**Table 5-1: Mixed-Use and Commercial Zones Dimensional Standards – Height**

	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2
<b>Maximum Building Height</b>	35'	24'	45'	45'	55'	65' <sup>1</sup>	85' <sup>1</sup>
<b>Minimum Building Height<sup>2</sup></b>	None	None	None	None	None	18'	18'
<b>Minimum First Floor Demarcation Line for Multi-Story Buildings<sup>2</sup></b> <i>This includes a cornice line, first-floor window height, bottom sill of second story windows, or entablature</i>	None	14'	14'	None	None	14'	14'

<sup>1</sup> Maximum height of a structure are limited to 40' within 100' of an RN-1-6, RN-1-5, RN-2, RN-2T, TRN-1, or TRN-2 Zone. This limitation applies only to that portion of a structure within the 100' distance.

<sup>2</sup> This standard applies only to new construction as of the effective date of this Code (*insert date*).

**SETBACKS DIAGRAM**



- A = Build-To Zone (BTZ)
- B = Build-Out Percentage (BO%)
- C = Build-To Percentage (BT%)
- D = Interior Side Setback
- E = Rear Setback

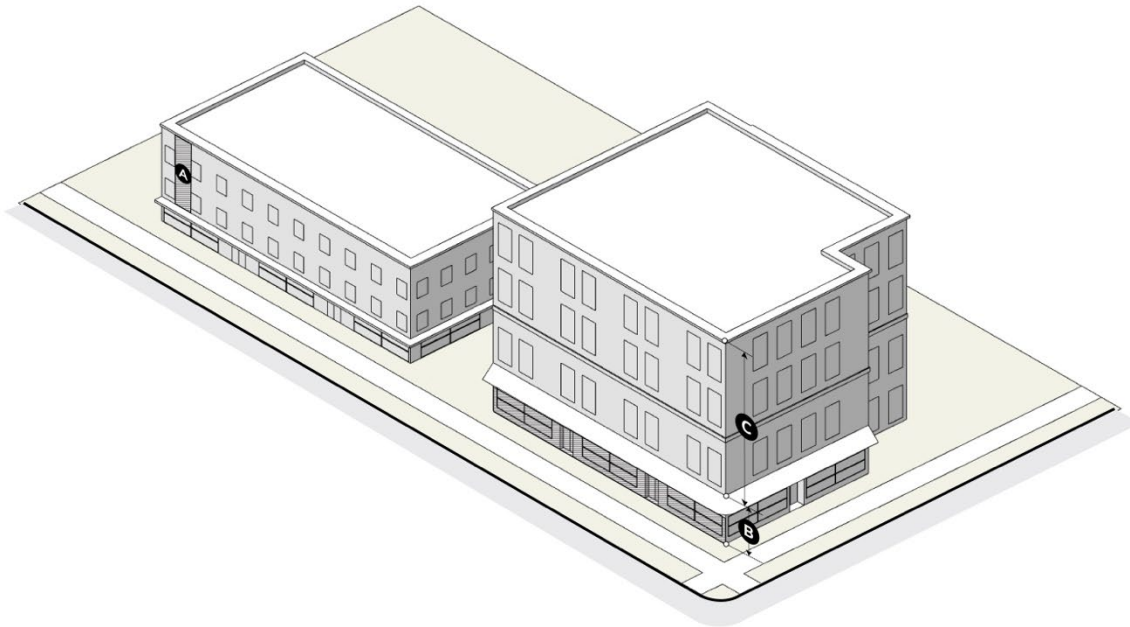
**Table 5-1: Mixed-Use and Commercial Zones Dimensional Standards – Setbacks**

	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2
<b>Front Setback/Build-To Zone (BTZ)</b>	Build-To Zone (BTZ): Average setback of adjacent lots plus or minus 5' However, if average setback is more than 15', then 15' plus or minus 5'  Where adjacent lots are not developed, 15' plus or minus 5'	Build-To Zone (BTZ): 0' – 20'	Build-To Zone (BTZ): 0' – 15'	10' Minimum	25' Minimum	Build-To Zone (BTZ): 0' – 15'	Build-To Zone (BTZ): 0' – 10'
<b>Minimum Front Build-To Percentage (BTZ only)</b>	None	None	None	N/A	N/A	75%	75%
<b>Minimum Front Build-Out Percentage</b>	None	None	None	N/A	N/A	80%	80%

Table 5-1: Mixed-Use and Commercial Zones Dimensional Standards – Setbacks							
	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2
<b>Minimum Interior Side Setback</b>	5'	None, unless abutting residential zone then 10'	None, unless abutting residential zone then 10'	None, unless abutting residential zone then 10'	10'	None, unless abutting residential zone then 10'	None, unless abutting residential zone then 10'
<b>Corner Side Setback/Build-To Zone (BTZ)</b>	10'	BTZ: 0' – 20'	BTZ: 0' – 15'	10' Minimum	25' Minimum	BTZ: 0' – 15'	BTZ: 0' – 10'
<b>Minimum Corner Side Build-To Percentage (BTZ only)</b>	N/A	None	None	N/A	N/A	60%	60%
<b>Minimum Corner Side Build-Out Percentage</b>	N/A	None	None	N/A	N/A	60%	60%
<b>Minimum Rear Setback</b>	10' unless abutting an alley, then 5'	10', unless abutting residential zone then 25'	10', unless abutting residential zone then 25'	10', unless abutting residential zone then 25'	25'	None, unless abutting residential zone then 25'	None, unless abutting residential zone then 25'

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**BUILDING ARTICULATION DIAGRAM**



*A = Blank Wall Limitation*  
*B = Ground Floor Transparency*  
*C = Upper Floor Transparency*

**Table 5-1: Mixed-Use and Commercial Zones Dimensional Standards – Building Articulation**

	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2
Maximum Blank Wall Area – Nonresidential/Mixed-Use Facing Street or Waterfront	None	25sf	25sf	40sf	40sf	25sf	25sf
Ground Floor Transparency – Nonresidential/Mixed-Use Facing Street or Waterfront (Measured between 2’ and 10’ from grade)	None	40%	50%	40%	40%	60%	60%
Upper Floor Transparency – Nonresidential/Mixed-Use Facing Street or Waterfront	None	20%	20%	20%	20%	20%	20%

## 5.4 Mixed-Use and Commercial Development Standards

### A. Applicability

1. The development standards of this Table 5-2: Mixed-Use and Commercial Zone Design Standards apply to nonresidential and mixed-use developments in mixed-use and commercial zones. Residential dwellings are not subject to these design standards but rather subject to the design standards included within the use standards of the dwelling type in Article 9.
2. Development standards apply to new construction and additions with the following exceptions:
  - a. Additions in the C-NT and C-N Zones.
  - b. Conversion of an existing single-unit dwelling to a nonresidential or live/work use in the C-NT Zone.
3. When standards indicate that they are applicable when facing a street, this includes public and private streets and does not include existing alleys.
4. Any diagrams of these standards that may be included are for illustrative purposes only.

### B. Development Standards

In Table 5-2: Mixed-Use and Commercial Zone Design Standards, a “✓” indicates that the standard is applicable in the zone indicated. The absence of a “✓” indicates that the standard does not apply to the zone.

Table 5-2: Mixed-Use and Commercial Zone Development Standards		C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2
<b>Orientation</b>								
1	For single-tenant developments, a minimum of one prominent entrance on a façade facing a street is required. For multi-tenant developments, a prominent entrance is required for each individual nonresidential tenant facing a street.		✓	✓	✓		✓	✓
2	All buildings must have one prominent entrance along a façade facing a street. On a corner lot, only one street-facing façade must have a prominent entrance.					✓		
3	Where vehicle parking is accessed from an alley, an entrance to the building must be located and clearly marked on that façade facing an alley unless a pedestrian path is designed and has appropriate signage to direct pedestrians to the front entrance.		✓	✓	✓		✓	✓
<b>Facade Design</b>								
4	Facades of 100' in length or greater facing a street, the waterfront, riverwalk, or a park must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.			✓	✓		✓	✓
<b>Roof Design</b>								
5	Reflective roof surfaces that produce glare are prohibited, except for cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.		✓	✓	✓	✓	✓	✓
6	Green roof, blue roof, and white roof designs are permitted.		✓	✓	✓	✓	✓	✓

### **C. Building Materials**

The following building materials are limited to 25% of each façade in totality. They may also be used as a component of construction when not a surface finish material without limitation.

1. Plain concrete block
2. Mirrored glass
3. Exposed aggregate (rough finish) concrete wall panels
4. Exterior insulating finish systems (EIFS)
5. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)
5. Plastic, not including light transmitting plastic
7. Vinyl
8. Metal panels unless they meet the following requirement: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, are permitted provided they are part of a complete, manufacturer warranted cladding system, including integral anchorage to structural supports. Steel panels must be minimum US Standard 26 gauge. Metal panels that meet this requirement are permitted as surface finish material without limitation.

## **5.5 Additional Standards**

### **A. General Site Development Standards**

See Article 10 for additional on-site development standards and requirements.

### **B. Accessory Structures**

See Article 11 for accessory structure standards and requirements.

### **C. Parking, Loading, and Access**

See Article 12 for parking, loading, and access standards and requirements.

### **D. Landscape**

See Article 13 for landscape, buffer, and screening standards and requirements.



## Article 6. Form-Based Code Zones

*[SECTION RESERVED FOR REFERENCE TO CURRENT FORM-BASED CODE ZONES]*

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## Article 7. Industrial Zones

- 7.1 Purpose
- 7.2 Uses
- 7.3 Industrial Zones Dimensional Standards
- 7.4 I-MU Zone Design Standards
- 7.5 Additional Standards

### 7.1 Purpose

#### A. I-L Light Industrial Zone

The I-L Light Industrial Zone is intended to accommodate industrial activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and-nuisance-free environment. The I-L Zone may also accommodate select service or commercial uses.

#### B. I-H Heavy Industrial Zone

The I-H Heavy Industrial Zone is intended to accommodate those industrial activities which may produce moderate nuisances or hazards in areas that are incompatible with non-industrial development.

#### C. I-X Industrial Extraction Zone

The I-X Industrial Extraction Zone is intended to accommodate mining and associated outdoor extractive uses.

#### D. I-MU Industrial Mixed-Use Zone

The I-MU Industrial Mixed-Use Zone is intended to accommodate a mix of light industrial uses and compatible commercial uses such as retail and entertainment. This mix is designed to promote the reuse of older, character giving structures that may no longer be suitable for their original industrial purposes, but that can accommodate a variety of alternative types of uses. Residential uses are also permitted in the I-MU Zone.

### 7.2 Uses

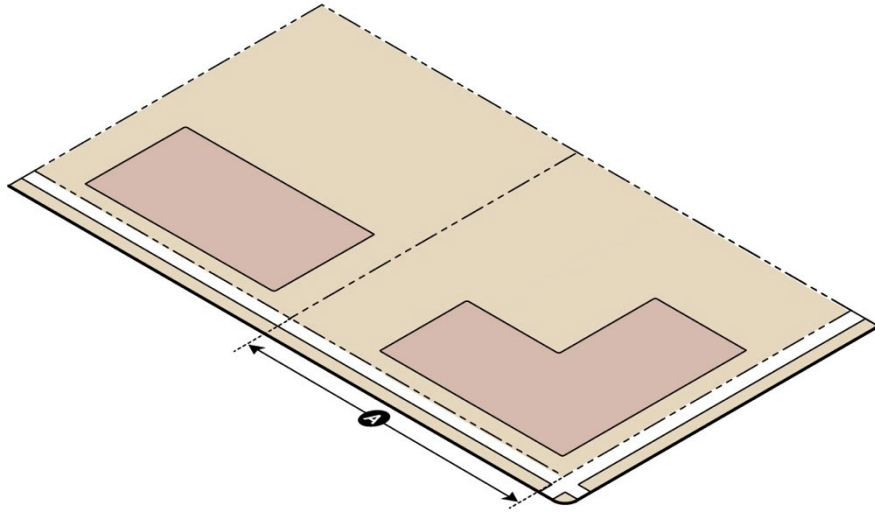
Article 9 lists principal, temporary, and accessory uses allowed within the industrial zones.

### 7.3 Industrial Zones Dimensional Standards

A. Table 7-1: Industrial Zones Dimensional Standards establishes the dimensional standards for the industrial zones. These regulations apply to all uses within each zone unless a different standard is listed for a specific use.

B. In the industrial zones, the maximum building height standard applies to principal buildings. Equipment and accessory structures integral to the operation of the use are permitted to exceed this height when such additional height is required for function.

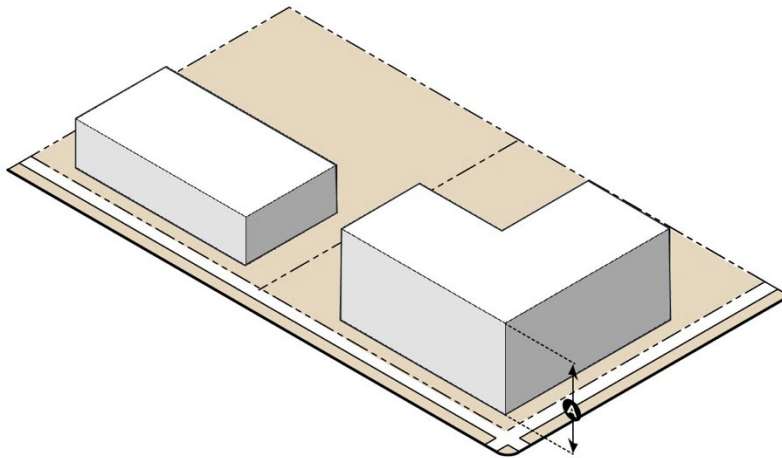
**LOT STANDARDS DIAGRAM**



*A = Lot Width*

Table 7-1: Industrial Zones Dimensional Standards – Lot Standards				
	I-L	I-H	I-X	I-MU
Minimum Lot Area	None	None	None	None

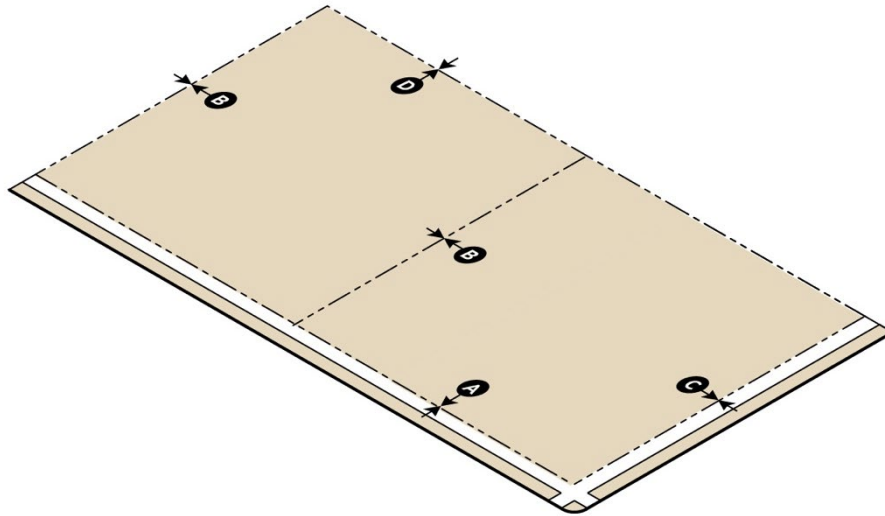
**HEIGHT DIAGRAM**



*A = Maximum Building Height*

Table 7-1: Industrial Zones Dimensional Standards – Height				
	I-L	I-H	I-X	I-MU
Maximum Building Height	50'	50'	50'	50'

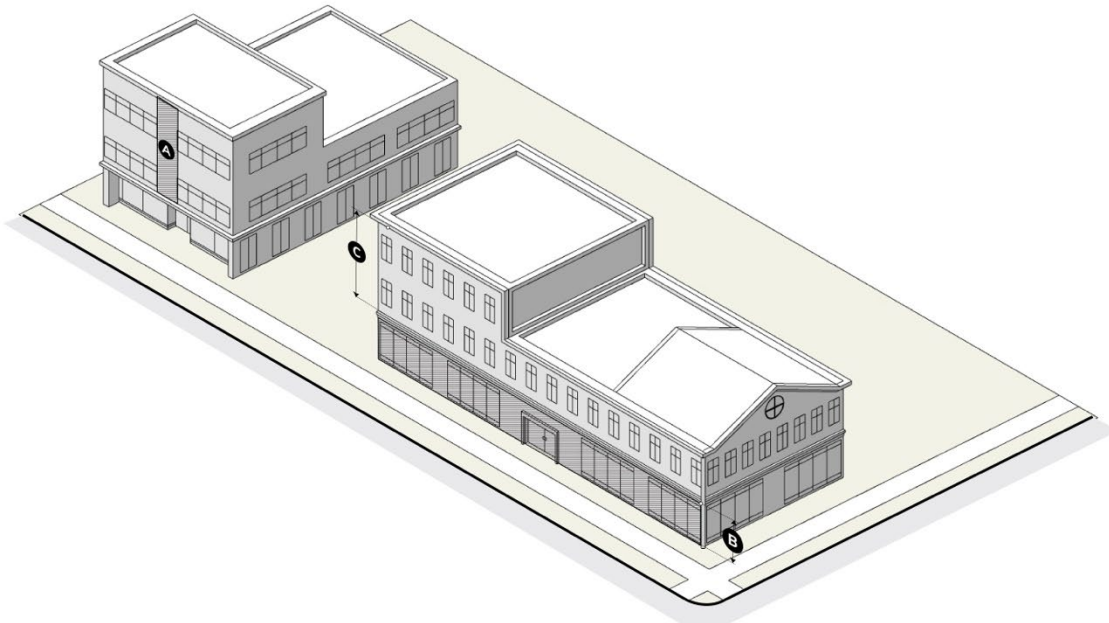
**SETBACKS DIAGRAM**



*A = Front Setback*  
*B = Interior Side Setback*  
*C = Corner Side Setback*  
*D = Rear Setback*

Table 7-1: Industrial Zones Dimensional Standards – Setbacks				
	I-L	I-H	I-X	I-MU
<b>Minimum Front Setback</b>	15'	25'	25'	15'
<b>Minimum Interior Side Setback</b>	None unless abutting residential zone then 15'	None unless abutting residential zone then 40'	25', unless abutting residential zone then 40'	None unless abutting residential zone then 15'
<b>Minimum Corner Side Setback</b>	15'	25'	25'	15'
<b>Minimum Rear Setback</b>	None unless abutting residential zone then 25'	None unless abutting residential zone then 40'	25', unless abutting residential zone then 40'	None unless abutting residential zone then 25'

**BUILDING ARTICULATION DIAGRAM**



*A = Blank Wall Limitation*  
*B = Ground Floor Transparency*  
*C = Upper Floor Transparency*

**Table 7-1: Industrial Zones Dimensional Standards – Building Articulation**

	I-L	I-H	I-X	I-MU
<b>Maximum Blank Wall Area – Nonresidential/Mixed-Use Facing Street or Waterfront</b>	N/A	N/A	N/A	50'
<b>Ground Floor Transparency – Nonresidential/Mixed-Use Facing Street or Waterfront</b>	N/A	N/A	N/A	40%
<b>Upper Floor Transparency – Nonresidential/Mixed-Use Facing Street or Waterfront</b>	N/A	N/A	N/A	20%

## 7.4 I-MU Zone Development Standards

### A. Applicability

1. The development standards of this section apply to nonresidential and mixed-use developments in the I-MU Zone only. Residential dwellings, including live/work dwellings, are not subject to these design standards but rather subject to the design standards included within the use standards of the dwelling type in Article 9.
2. Development standards apply to new construction.
3. When standards indicate that they are applicable when facing a street, this includes public and private streets and does not include existing alleys.
4. Any diagrams of these standards that may be included are for illustrative purposes only.

### B. Orientation

1. All buildings must have one prominent entrance along a façade facing a street. On a corner lot, only one street-facing façade must have a prominent entrance.
2. Where vehicle parking is accessed from an alley, an entrance to the building must be located and clearly marked on that façade facing an alley unless a pedestrian path is designed and has appropriate signage to direct pedestrians to the front entrance.

### C. Facade Design

1. For facades that face a street, the waterfront, riverwalk, or a park of 100 feet in length or greater, facades must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.
2. Façades that face a street, the waterfront, the riverwalk, or a park of 100 feet in length or greater must be designed with consistent building materials and treatments.
3. Facades that face a street, the waterfront, the riverwalk, or a park must include windows, projected or recessed entrances, overhangs, and other architectural features.

### D. Roof Design

1. Reflective roof surfaces that produce glare are prohibited, except for cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.
2. Green roof, blue roof, and white roof designs are permitted.

### E. Building Materials

The following building materials are limited to 25% of each façade in totality. They may also be used as a component of construction when not a surface finish material without limitation.

1. Mirrored glass
2. Exposed aggregate (rough finish) concrete wall panels
3. Exterior insulating finish systems (EIFS)
4. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)
5. Plastic, not including light transmitting plastic
6. Vinyl

7. Metal panels unless they meet the following requirement: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, are permitted provided they are part of a complete, manufacturer warranted cladding system, including integral anchorage to structural supports. Steel panels must be minimum US Standard 26 gauge. Metal panels that meet this requirement are permitted as surface finish material without limitation.

## 7.5 Additional Standards

### A. General Site Development Standards

See Article 10 for additional on-site development standards and requirements.

### B. Accessory Structures

See Article 11 for accessory structure standards and requirements.

### C. Parking, Loading, and Access

See Article 12 for parking, loading, and access standards and requirements.

### D. Landscape

See Article 13 for landscape, buffer, and screening standards and requirements.

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# Article 8. Special Purpose Zones

- 8.1 A-1 Urban Agricultural Zone
- 8.2 INST Institutional Zone
- 8.3 OS Open Space Zone
- 8.4 R-MH Manufactured Home Zone
- 8.5 Urban Overlay Zone
- 8.6 TOD Transit-Oriented Development Overlay Zone
- 8.7 Lovell Field Gateway Overlay Zone
- 8.8 FAA Aviation Overlay Zone
- 8.9 Airport Use Zone
- 8.10 F/W Floodway
- 8.11 F/H Flood Hazard

## 8.1 A-1 Urban Agricultural Zone

### A. Purpose

The A-1 Urban Agricultural Zone is intended to provide the opportunity for agricultural land and related uses within the City.

### B. Uses

Article 9 lists principal, temporary, and accessory uses allowed in the A-1 Zone.

### C. Dimensional Standards

1. Table 8-1: A-1 Zone Dimensional Standards establishes the dimensional standards for the A-1 Zone. These regulations apply to all uses within each zone unless a different standard is listed for a specific use.

Table 8-1: A-1 Zone Dimensional Standards	
Minimum Lot Area	5 acres
Minimum Lot Width	200'
Maximum Building Height	35'
Minimum Front Setback	25'
Minimum Interior Side Setback	25'
Minimum Corner Side Setback	25'
Minimum Rear Setback	25'

2. All agricultural structures including, but not limited to, barns, feeding areas, livestock enclosures, and roofed livestock structures, are prohibited within required setbacks and must be located a minimum of 100 feet from any lot line.
3. Maximum building height does not apply to any structure ancillary to and integral to active agricultural operations, which are not limited in height.

### D. Additional Standards

#### 1. General Site Development Standards

See Article 10 for additional on-site development standards and requirements.

#### 2. Accessory Structures

See Article 11 for accessory structure standards and requirements.

#### 3. Parking, Loading, and Access

See Article 12 for parking, loading, and access standards and requirements.

#### 4. Landscape

See Article 13 for landscape, buffer, and screening standards and requirements.

**8.2 INST Institutional Zone**

**A. Purpose**

The INST Institutional Zone is intended to accommodate governmental uses, larger public and private educational campuses, civic and cultural facilities, healthcare campuses, and similar uses located within the City.

**B. Uses**

Article 9 lists principal, temporary, and accessory uses allowed in the INST Zone.

**C. Dimensional Standards**

Table 8-2: INST Zone Dimensional Standards establishes the dimensional standards for the INST Zone. These regulations apply to all uses within each zone unless a different standard is listed for a specific use.

Table 8-2: INST Zone Dimensional Standards	
Minimum Lot Area	2 acres
Minimum Lot Width	50'
Maximum Building Height	70'
Minimum Front Setback	10'
Minimum Interior Side Setback	10', unless abutting a residential zone, then 20' plus 1' additional setback for each 2' of building height over 45'
Minimum Corner Side Setback	10'
Minimum Rear Setback	10', unless abutting a residential zone, then 20' plus 1' additional setback for each 2' of building height over 45'
Minimum Riverfront Setback	100'

**D. Additional Standards**

**1. General Site Development Standards**

See Article 10 for additional on-site development standards and requirements.

**2. Accessory Structures**

See Article 11 for accessory structure standards and requirements.

**3. Parking, Loading, and Access**

See Article 12 for parking, loading, and access standards and requirements.

**4. Landscape**

See Article 13 for landscape, buffer, and screening standards and requirements.

### 8.3 OS Open Space Zone

**A. Purpose**

The OS Open Space Zone is intended to accommodate and protect open space and public recreation facilities. Open space resources may include both passive and active recreation areas, as well as related ancillary uses within such open space, such as cultural facilities and performance venues, that are functionally part of the larger open space use.

**B. Uses**

Article 9 lists principal, temporary, and accessory uses allowed in the OS Zone.

**C. Dimensional Standards**

Table 8-3: OS Zone Dimensional Standards establishes the dimensional standards for the OS Zone. These regulations apply to all uses within each zone unless a different standard is listed for a specific use.

Minimum Lot Area	None
Maximum Building Height	35'
Minimum Front Setback	20'
Minimum Interior Side Setback	20'
Minimum Corner Side Setback	20'
Minimum Rear Setback	20'
Minimum Setback from Riverfront	100'

**D. Additional Standards**

**1. General Site Development Standards**

See Article 10 for additional on-site development standards and requirements.

**2. Accessory Structures**

See Article 11 for accessory structure standards and requirements.

**3. Parking, Loading, and Access**

See Article 12 for parking, loading, and access standards and requirements.

**4. Landscape**

See Article 13 for landscape, buffer, and screening standards and requirements.

### 8.4 R-MH Manufactured Home Zone

**A. Purpose**

The R-MH Manufactured Home Zone preserves appropriate land for the development for manufactured home parks and manufactured home subdivisions. Standards ensure that both manufactured home parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units provided.

**B. Uses**

Article 9 lists principal, temporary, and accessory uses allowed within the R-MH Zone.

**C. Manufactured Home Park Dimensional Standards**

**1. Dimensional Standards**

Table 8-1: MH Zone Dimensional Standards establishes the dimensional standards for manufactured home parks.

Table 8-1: MH Zone Dimensional Standards	
Park Dimension	Manufactured Home Park
Minimum Park Area	3 acres
<b>Height</b>	
Maximum Building Height	35'
<b>Minimum Perimeter Setbacks</b>	
Street Setback	20'
Interior Side Setback	30'
Rear Setback	30'
<b>Manufactured Home Stands</b>	
Minimum Stand Area	2,500sf
Minimum Stand Width	30'
Maximum Manufactured Homes Per Stand	1 manufactured home
<b>Manufactured Home Stand Setbacks</b>	
Internal Access Drive Setback	20'
Minimum Structure Separation - Broad Side to Broad Side	20'
Minimum Structure Separation - Narrow Side to Narrow Side	10'

**2. Required Recreational Facilities**

At least 10% of the total area of a manufactured home park must be devoted to recreational facilities for use by the residents of the park. Examples of such recreational facilities may include community buildings, gardens, outdoor play areas, swimming pools, and ball courts.

**3. Paving, Access, and Off-Street Parking**

- a. A minimum width of 22 feet is required for all internal access drives. Internal access drives must be paved and maintained in a smooth hard and dense surface that is well drained.
- b. Access to the manufactured home park must be from a public right-of-way.
- c. The park must have a minimum of one access drive to the public right-of-way and emergency access as required per Fire Code.
- d. Required parking spaces may clustered within the park. No single parking cluster may exceed 20 spaces. Clusters must be spaced 20 feet apart.

**4. Buffering and Screening**

The manufactured home park must be screened and buffered along the street, excluding ingress/egress points, and adjacent properties in accordance with a Class B landscape yard per Article 13.

#### D. Manufactured Home Subdivision Standards

1. A manufactured home subdivision requires a minimum of three acres.
2. Manufactured home subdivisions are subject to the standards of the RN-1-5 Zone. The standards are applied to individual lots within the development, whether a single-unit detached dwelling or manufactured home.
3. Only single-unit detached dwellings and manufactured homes are permitted within a manufactured home subdivision.

### 8.5 Urban Overlay Zone

#### A. Intent

As Downtown Chattanooga and its surrounding neighborhoods have a different development pattern than the rest of the City, the Urban Overlay Zone has been created to maintain the physical layout of this older urban area. This layout generally includes sidewalks, public transit routes, available on-street parking, and smaller lots. This Urban Overlay Zone, as defined by the attached map and legal description, is generally bounded by Missionary Ridge on the east, North Chattanooga to the north, the base of Lookout Mountain to the west and the state line to the south. An overlay zone is a tool to deal with special requirements and is placed over the existing zoning to alter some of the regulations. The overlay does not change the permitted uses, setbacks, landscaping, and height and access requirements present in the underlying zone.

#### B. Applicability

1. The Urban Overlay Zone contains that area described herein:

*BEGINNING at the intersection of the southeast corner of Tax Map 154-015, being The Chickamauga National Military Park, and the Tennessee Georgia State Line, thence following the east line of said parcel northeastwardly and northwestwardly to its intersection with the west line of the 4000 block of Jo Conn Guild Trail, thence some forty (40) feet east to the east line of said Trail, thence northeastwardly and northwestwardly along said east line to the southwest corner of Tax Map 155O-B-007, thence following the west line of parcel 007 to the southwest corner of Tax Map 155J-C-051, thence along the west line of parcel 051 to its north corner thence northeast to the southeast corner of Tax Map 155J-C-038, thence along the south line of parcel 038 to its southwest corner, thence along the west line of parcel 038 to the southwest corner of Tax Map 155J-C-039, thence northeast along the west line of parcel 039 to the northeast corner of Tax Map 155J-C-037, thence northwest to the southeast corner of Tax Map 155J-C-036, thence northeast along the east line of parcel 036 to its northeast corner, thence northwest to the southwest corner of Tax Map 155J-C-009, thence northeast along its west line to the northwest corner of parcel 009 and the south line of the 1800 block of Old Wauhatchie Pike, thence northwest across said pike to the southeast corner of Tax Map 155J-B-004, thence northeast along the east line of parcel 004 to the southeast corner of Tax Map 155J-B-001, thence to the northeast corner of parcel 001 and the south line of the 1900 block of Cummings Highway, thence northeast across said highway to the southwest corner of Tax Map 155G-A-0-14, thence northwest to the north line of Interstate 24 and the south line of the Tennessee River, then following the meanderings of said river northeastwardly to the northeast corner of Tax Map 145O-A-001, thence northwest along the north line of parcel 001 to its northwest corner and the east line of the Tennessee River, thence following the meanderings of the Tennessee River northwestwardly and northeastwardly to the center line of the Unit Block of Highway 27, thence northwestwardly along the center line of said highway to the center line Highway 27 at Whitehall North Bound Off Ramp, thence northeastwardly along said center line to its intersection with the center line of the 900 block of East Frontage Road, thence northeastwardly along said center line to its intersection with the City of Chattanooga/City of Red Bank City Limits Line, thence following said line northeastwardly and southeastwardly to the southeast corner of Tax Map 126E-B-019, thence southwardly to the center line of the 500 block of West Oxford Road, thence continuing southeast along said road to its intersection with the center line of the 1600 block of White Oak Road, thence northeast along the center line of White Oak Road to its intersection with the center line of Auburndale Avenue, thence continuing southeast along White Oak Road to its intersection with the center line of the 700 block of Dallas Road, thence northeast along the center line of Dallas Road to its intersection with the center line of the 1000 block of East Dallas Road, thence southeast along the center line East Dallas Road to its intersection with the 1200 block of Duane Road, thence continuing northeast along the center line of the 1200 block of East Dallas Road to its intersection with the center line of the 1800 block of Hixson Pike, "thence southeast along the center line of Hixson Pike at 1614 Hixson Pike to the northwest corner of Tax Map 127I-F-020, thence following the northern boundary of parcel 020 to its rear property line, thence southerly along the rear property line to its intersection*

with the side boundary of Tax Map 127I-F-019, thence northeast along the side line of parcel 019 to its rear property line, thence southeast along the rear property lines of parcels 019, 018 and 017, thence in a southwest direction along the side boundary of parcel 017 to the center line of Hixson Pike, thence southeast to 1508 Hixson Pike at the northwest corner of Tax Map 127P-S-014, thence following the northern boundary of said parcel 014 to its rear property line, thence southerly along the rear property lines of parcels 014, 013, 012 and 011, thence in a southwest direction along the southern side boundary of parcel 011 to the center line of Hixson Pike continuing south along said center line to 1422 Hixson Pike to the northwest corner of Tax Map 127P-T-054 and following the northern side boundary of parcel 054 to its rear property line, thence southerly along the rear property line of parcel 054 descending in a southerly direction to parcel 023, thence in a westerly direction approximately 108 feet, thence southerly (Tax Map 127P-T-022 through 054), extending into the center line of Falmouth Road, thence in a westerly direction to the center line of the 1200 block of Hixson Pike, thence southwest along the center line of said pike to its intersection with the southwest line of the 1300 block of Dorchester Road, thence southeastwardly to the northeast corner of Tax Map 136G-A-001, thence southwest along the north line of parcel 001 to its northwest corner, thence southeast along the west line of said parcel to the southeast corner of Tax Map 136H-M-022, thence southwest along the south line of parcel 022 to the northeast corner of Tax Map 136H-J-038.01, thence southeast along the east line of said parcel to the north line of Tax Map 136H-J-015.10, thence southwest along the north line of parcel 015.10 to the southwest corner of Tax Map 136H-J-015.04, thence northwest to the northeast corner of Tax Map 136H-J-015.14, thence southwest along the north line of said parcel to the northwest corner of said parcel, thence northeast to the northeast corner of Tax Map 135E-N-021, thence northwest along the north line of parcel 021, thence south to the south line of the 200 block of Dickerson Avenue, thence southwestwardly and northwestwardly to its intersection with the east line of the Unit Block of Georgian Avenue, thence southwest along the east line of Georgia Avenue to the south line of the Tennessee River, thence northeast along the south line of said river to the northeast corner of Tax Map 136P-A-001, thence southeast along the east line of parcel 001 to the north line of the 1000 block of Riverside Drive, thence southeast across said drive to the northeast corner of Tax Map 136P-D-001, thence southeast to the south line of the Southern Railway Right-of-way, thence following the south line of said railway right-of-way southeastwardly and northeastwardly to the south line of the 2100 block of Sims Street, thence southeast along the south line of Sims Street to the northeast corner of Tax Map 128P-G-001, thence southwest along the east line of parcel 001 to its southeast corner, thence southeast to the northeast corner of Tax Map 128P-G-002, thence southeast along the east line of parcel 002 to the north line of the 2300 block of Allin Street, thence southeast to the intersection of the center line of the 2300 block of Allin Street with the center line of the 2300 block of Searle Street, thence southeast along the center line of Searle Street to its intersection with the center line of an unnamed right-of-way, thence southeast along said right-of-way to its intersection with the center line of the 3200 block of Wheeler Avenue, thence southwestwardly along said avenue to its intersection with the center line of the 2400 block of Elmendorf Street, thence southeast to the center line of the 3100 block of North Chamberlain Avenue, thence southwest along the center line of said avenue to its intersection with the center line of an unnamed right-of-way, thence southeast along said right-of-way to its intersection with the center line of the 3100 block of Noa Street, thence southeast across said right-of-way to the northwest corner of Tax Map 128P-N-022, thence southeast following the north property lines of Tax Maps 128P-N-022, 128P-N-017 and 128P-N-013 to the west line of the 3100 block of Campbell Street, thence southeastwardly to the center line of Campbell Street, thence following the center line of said street southwestwardly and to its intersection with the 700 block of North Crest Road, thence following southeastwardly and southwestwardly along the center line of said road, thence across said road to the northeast corner of 137H-G-006, thence following the west property lines of Tax Maps 137H-G-006 and 137I-A-042 to the north line of Tax Map 137I-B-008, thence southeast to the west line of the 500 block of North Crest Road, thence southwest across North Crest Road to its intersection with the east line of the 2000 block of Marshall Street, thence southwest along the east line of said street to its intersection with the south line of the 1900 block of Marshall Street, thence southeast along the south line of said street to the northeast corner of Tax Map 137P-A-006, thence following the western property lines of Tax Maps 137P-A-004.01, 137P-A-006, 137P-A-007, 137P-A-007.01, 137P-A-009 thru 137P-A-023, 146D-M-001 thru 146D-M-008, 146E-K-001, 146E-K-002.01, 146E-K-002.02, 146E-K-003 thru 146E-K-011, 146E-K-013, 146E-K-015 thru 146E-K-017, and 146L-J-001 thru 146L-J-005 to the northwest line of the unit block of Shallowford Road, thence southwest to the northwest corner of Tax Map 146L-H-003, thence southeast to the northwest corner of Tax Map 146L-H-005, thence following the western property lines of Tax Maps 146L-L-005 thru 146L-L-010 and 146L-L-012 thru 146L-L-017 southwestwardly and southeastwardly to intersection of the east line of the 2900 block of Birds Mill Road with the west line of the unit block of North Crest Road, thence continuing southwest along North Crest Road to the northeast corner of Tax Map 146M-D-002, thence northwest along the north line of said parcel to its northwest corner, thence following the western property lines of Tax Maps 146M-D-002 thru 146M-D-009, 146M-D-010.02, 146M-D-011 thru 146M-D-014, 156D-C-002, 156D-C-003, 156D-C-007 thru 156D-C-011, and 156D-C-013 thru 156D-C-019 southwestwardly to the west line of South Crest Road, thence southwest along the west line of said road to the northwest corner of Tax Map 156F-P-009, thence following the western property lines of Tax Maps 156F-P-001 thru 156F-P-009,

156K-H-001, 156K-H-002, 156K-H-003.01, 156K-H-004.01, 156K-H-005 thru 156K-H-007.01, 156K-H-010 thru 156K-H-012, 156K-H-013.01, 156K-H-014.01, 156K-H-015, and 156K-H-016 southwestwardly to the east line of the 2100 block of Old Ringgold Road, thence southwest across said road to the northeast corner of Tax Map 156K-G-011, thence following the eastern property lines of Tax Maps 156K-G-011 thru 13 southwestwardly to the southwest corner of Tax Map 156N-D-001.02, thence southeast along the south line of parcel 001.02 to the northwest corner of 156N-D-002, thence following the eastern property lines of Tax Maps 156N-D-008 thru 156N D 015.01 to the east line of the 2900 block of Westside Drive, thence southeast along said drive to the north corner of Tax Map 168C-C-001, thence southwest following the eastern property lines of Tax Maps 168C C 001, 168C C 001.01, and 168C C 014 thru 168C C 022, thence northeast along the south line of Tax Map 168C-C-014 to the east line of the 3100 block of Westside Drive, thence southwest across said drive to the northeast corner of Tax Map 168C-B-016, thence following the western property lines of Tax Maps 168C-B-016 thru 019 southwestwardly to the northwest corner of Tax Map 168C-B-020, thence southeast to the west line of the 500 block of West Shadowlawn Drive, thence southeast across said drive to the northwest corner of Tax Map 168J-T-014.01, thence southeast to the northwest corner of Tax Map 168J-T-014, thence southwest following the western property lines of Tax Maps 168J-T-014 thru 168J-T-018, 168J-T-020 thru 168J-T-027, and 168J-T-029 to the north line of Tax Map 168J-T-001, thence southeast along the north line of parcel 001 to the northwest corner of Tax Map 168J-T-032, thence southwest following the western property lines of Tax Maps 168J-T-032, 168J-T-034, 168O-N-001 thru 168O-N-005, 168O-N-016 and 168O-N-017, thence southeast to the Tennessee/Georgia State Line, thence following said line southeast to the southeast corner of Tax Map 154-015, being The Chickamauga National Military Park, the point of BEGINNING.

2. For purposes of any location restrictions set forth herein, unless otherwise specified to the contrary, all measurements must be made from the property line of any property desiring a particular use to the nearest property lines of any properties within a distance restriction.

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URBAN OVERLAY ZONE



## 8.6 TOD Transit-Oriented Development Overlay Zone

[RESERVED]

## 8.7 Lovell Field Gateway Overlay Zone

### A. Purpose

The intent of the Lovell Field Gateway Overlay Zone is to realize the primary objectives of "BRAINERD . . . A Vision for Today" - the community's master plan. Adopted by the Chattanooga City Council in 2011, the Plan's goal is to create a vibrant town center along Brainerd Road that is well connected to adjacent neighborhoods. Specific issues and opportunities identified in the community's master plan and in meetings by the Brainerd community include:

1. Poor visual quality in the corridor attributed to sign clutter, overhead utility poles and electrical lines, lack of street trees, varying building setbacks, and poor quality building designs.
2. Poor walkability and pedestrian connectivity due to large parking lots and multiple curb cuts, gaps in the sidewalk network, and lack of landscaping along the street and in parking lots.
3. Unsafe cycling conditions due to multiple car/bicycle conflict points from numerous curb cuts, high traffic speeds, and lack of dedicated bike lanes.
4. Enhance the corridor as it acts as a gateway into the City.

### B. Applicability

1. The regulations of this Lovell Field Gateway Overlay Zone supplement the regulations of the underlying zone for all properties within the overlay zone area. However, single-unit dwellings are exempt from the Lovell Field Gateway Overlay Zone.
2. Where the following overlay zone regulations conflict with a standard set out in Chapter 8 of the City Code, the regulations of Chapter 8 control.
3. All other City codes, as currently adopted, apply to properties within the Lovell Field Gateway Overlay Zone, except where noted.
4. The following regulations apply to all properties within the Lovell Field Gateway Overlay Zone. Primary roads within this zone are Airport Road and Shepherd Road/Airport Connector Road.
5. Properties which choose to pursue dedication of streetscape land to the City must adhere to the following regulations:
  - a. Improvements must be installed prior to the start of the property dedication process.
  - b. The City will provide fair market value for property acquisition, if a judge requires this process.
  - c. All discussions for streetscape property dedication to the City must begin with the City of Chattanooga Department of Transportation.
6. The overlay zone regulations are divided into two categories: new development and redevelopment. The regulations of this section applies to these two categories as follows:
  - a. All new development, both public and private which constitutes one or more of the following situations:
    - i. Where a building expansion increases the building footprint by more than 50%.
    - ii. Where a parking lot or other pavement expansion of at least ten spaces increases the total number of spaces or paved surface by more than 50%.

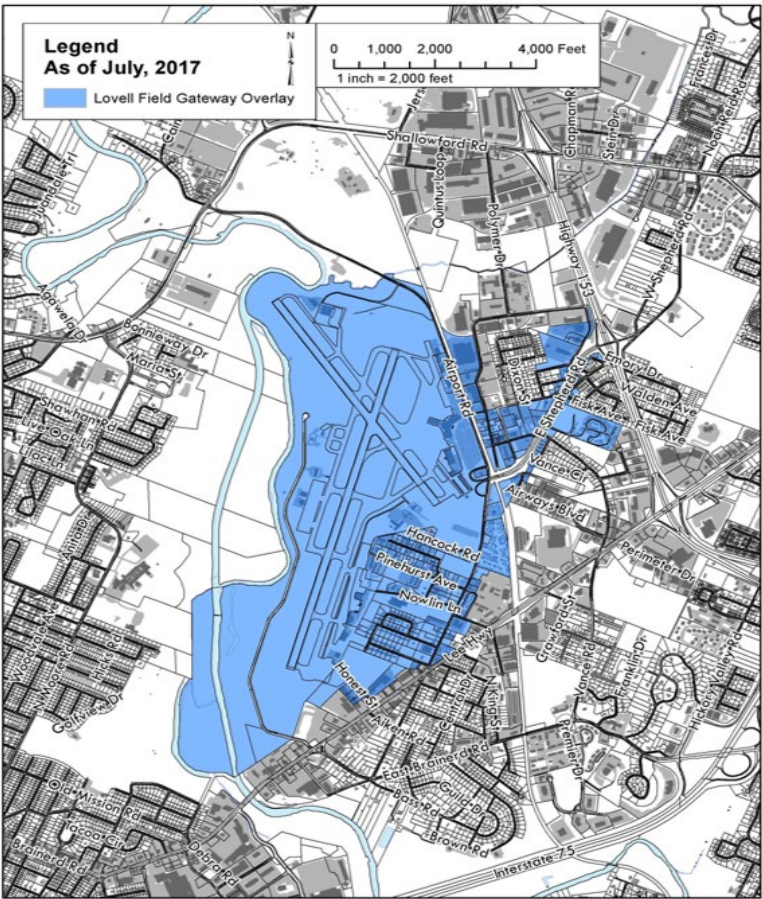
b. Redevelopment constitutes both public and private projects. For existing buildings and parking facilities, expansion in building footprint or parking spaces will trigger redevelopment regulations based on the Table 8-1: Redevelopment - Cumulative Scope of Work as established below.

Table 8-1: Redevelopment - Cumulative Scope of Work			
Building Expansion = Regulations (Cumulative Square Footage)		Parking Lot Expansion = Regulations (10 Spaces or More)	
< 10%	= Utility screening	< 10%	= Utility screening
10% to 25%	= Utility Screening + signage update	10% to 25%	= Utility Screening + signage update + all parking additions
>25% to 50%	= Utility screening + signage update + ½ of existing parking and all parking additions	>25% to 50%	= Utility screening + signage update + ½ of existing parking and all parking additions
> 50%	= All regulations	> 50%	= All regulations

**C. Maintenance**

Maintenance of the improvements required in the Lovell Field Gateway Overlay Zone are the responsibility of the property owner.

**OVERLAY ZONE MAP**



## D. Redevelopment

### 1. Specific Standards

Redevelopment that fronts Airport Road and Shepherd Road/Airport Connector Road must comply with the following sections:

#### a. Building Height

- i. There is no maximum building height.
- ii. The minimum building height for properties fronting Airport Road and Shepherd Road/Airport Connector Road is 18 feet.

#### b. Building Materials

- i. Brick, natural and architectural cast stone, architectural pre-cast concrete, glass, glass block, architectural metal panel systems, or concrete masonry units with an architectural coloration or finish on the ground floor of building facades are required to provide interest for the pedestrian. Other materials may be used on the upper floors.
- ii. Metal siding, aluminum siding, vinyl siding, synthetic rock, EIFS (synthetic stucco), or other similar exterior materials are prohibited for large expanses of facades. They may be used as accents.
- iii. Hard plastic awnings cannot be used. Awnings, when applied, must consist of flexible canvas, acrylic, or vinyl coated material.

#### c. Signs

##### i. On-Premise Building Signs

(A) Within this Overlay Zone, the following regulations are applicable in addition to the general Advertising Provisions in Chapter 3 of the Chattanooga City Code.

(B) A City of Chattanooga Sign Permit is still required.

(C) Structural regulations in the Chattanooga Sign Ordinance still apply to the Lovell Field Gateway Overlay Zone.

(D) The Lovell Field Gateway Overlay Zone is exempt from all dimensions, location, and type regulations in the Chattanooga Sign Ordinance.

##### ii. On-Premise Monument Signs

(A) A monument sign is defined as an advertising or identification device that is ground mounted and constructed so that there is no space between the ground and the bottom of the device.

(B) One monument sign is permitted per parcel.

(C) Pole-mounted signs are prohibited.

(D) Monument signs cannot exceed six feet in height or ten feet in width. Signs cannot exceed 25 square feet per face and total sign area cannot exceed 50 square feet total of all faces. Height is measured from the top of the sign to the lowest point of the ground upon which the proposed sign is to be located.

(E) Monument signs cannot be located in the sight distance triangle or otherwise obstruct lines of sight for vehicular or pedestrian traffic.

(F) Monument signs cannot be closer than 18 feet to any right-of-way.



(G) Materials that match the materials of the associated building must be used.

(H) Signs must be illuminated by indirect lighting. Internally illuminated box-type plastic signs are prohibited, but signs composed of illuminated individual letters are permitted.

**iii. Off-Premise Billboard Signs**

Off-premise billboard signs are prohibited.

**d. Screening of Utilities**

i. Completely screen dumpsters, loading areas, mechanical equipment, outdoor storage areas, and other visible utilities with an opaque wall or fence as follows:

ii. The height of the screen must be a minimum of six feet or 12 inches taller than the object, whichever is higher, and adequate to completely conceal the dumpster or equipment.

iii. Chain link fences or slats are prohibited.

iv. Screens must consist of masonry, stucco, stone, wood, or decorative metal.

v. Landscaping, including shrubs, trees, perennials, or green screens, must be added to screening to soften the appearance of screening walls or fences.

**2. Front Setback**

Buildings are subject to a build-to zone of 18 feet to 26 feet.

**3. Curb Cuts**

a. A net increase in the number of curb cuts is prohibited along Airport Road and Shepherd Road/Airport Connector Road.

b. Property owners must meet with the Chattanooga Department of Transportation to discuss consolidating existing driveways and curb cuts.

**4. Parking Lot Regulations**

**a. Parking Location**

These regulations only apply to new or expanded parking facilities.

i. The Parking Zone is located to the rear of buildings.

ii. New parking is not permitted between a building and the Airport Road and Shepherd Road/Airport Connector Road frontage.

iii. If all new parking cannot be accommodated to the rear of the building, parking on the side of the building may be allowed if it is screened from the public right-of-way per this section.

iv. Garages for new residential dwellings must be located behind the primary building.

**b. Parking Space Regulations**

i. The base zone parking space requirements apply.

ii. The number of spaces provided cannot exceed the minimum required number of spaces by more than 50%.

iii. The City's Department of Transportation (CDOT) may allow the following discounts for required car parking spaces. Applicants should schedule a consultation with CDOT to determine potential parking discounts.

**c. 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 abut the subject property.

**REDEVELOPMENT PROFILE DIAGRAM**



**E. New Development**

**1. Front Setback**

Buildings are subject to a build-to zone of 18 feet to 26 feet.

**2. Curb Cuts**

- a. Only one Airport Road and Shepherd Road/Airport Connector Road curb cut per 150 linear feet of street frontage is permitted.
- b. Property owners must meet with the Chattanooga Department of Transportation to discuss consolidating existing driveways and curb cuts.

**3. Elements Not Permitted**

The following are not permitted in the front setback:

- a. Parking
- b. Chain link or slat fence
- c. Drive lanes
- d. HVAC equipment
- e. Dumpsters

**4. Front Setback Materials**

- a. Front setbacks do not include paved surfaces.
- b. Front setbacks may include lawn, shrubs, green infrastructure, street trees, bus shelters, road signage, street and pedestrian lighting.

c. Green infrastructure (landscaped planters, bioswales, etc.) may be included. All development must adhere to the City's water quality regulations. Refer to City of Chattanooga's Code, Chapter 31, and the City's Rainwater Management Guide for Green Infrastructure applications.

**5. Street Trees**

- a. When warranted, dimensions and locations of street trees will be specified by Chattanooga Department of Transportation.
- b. The City's Urban Forester must approve all of the following:
  - i. Selection of all trees.
  - ii. Removal or pruning of street trees.
  - iii. Construction or demolition of any buildings fronting the zone to ensure the protection of existing trees.

**6. Bus Shelters**

- a. The Chattanooga Department of Transportation (CDOT) will determine if a bus shelter is needed, based on a consultation with the Chattanooga Area Regional Transportation Authority (CARTA).
- b. Coordinate the placement, design, lighting, and construction of bus shelters with the CARTA and the CDOT.

**7. Lighting**

- a. When warranted, pedestrian and street light design, type, spacing and mounting height are determined by the Chattanooga Department of Transportation and the Electric Power Board.
- b. New lighting in the front setback must be aligned with the street trees and parallel to the edge of right-of-way.
- c. Exterior lighting must be equipped with full cut-offs to direct light downward and to minimize glare, shadows, night sky pollution, and excessive light levels.

**9. Storefront/Building Zone**

**a. Dimensions/Location**

**i. Location**

The Storefront/Building Zone is located in the build-to zone of 18 feet to 26 feet setbacks fronting Airport Road and Shepherd Road/Airport Connector Road.

**ii. Width**

The Storefront/Building Zone is limited to a maximum of eight feet in width.

**iii. Elements Not Permitted**

The following are not permitted in the Storefront/Building Zone: parking, chain link or slat fence, drive lanes, HVAC equipment, and dumpsters.

**b. Building Height**

- i. There is no maximum building height.
- ii. The minimum building height for properties fronting Airport Road and Shepherd Road/Airport Connector Road is 18 feet.



**c. Building Placement**

- i. Buildings are subject to a build-to zone of 18 feet to 26 feet fronting Airport Road and Shepherd Road/Airport Connector Road.
- ii. Primary building entries must be clearly identifiable and visible from the street.

**d. Building Materials**

- i. Use brick, natural and architectural cast stone, architectural pre-cast concrete, glass, glass block, architectural metal panel systems, or concrete masonry units with an architectural coloration or finish on the ground floor of building facades to provide interest for the pedestrian.
- ii. Other materials may be used on the upper floors.
- iii. Metal siding, aluminum siding, vinyl siding, synthetic rock, EIFS (synthetic stucco), or other similar exterior materials are prohibited for large expanses of facades but may be used as accents.
- iv. Hard plastic awnings cannot be used. Awnings, when applied, must consist of flexible canvas, acrylic, or vinyl coated material.

**9. Signs**

**a. Sign Dimensions**

- i. Signs on any one side of a building, cannot exceed 1.5 square feet per linear foot of that building side. Awnings and permanent banners used for advertising are considered part of the building signage and square footage calculation.
- ii. Projecting signs cannot exceed 16 square feet in area.
- iii. Signs painted on windows cannot cover more than 20% of the total window area.

**b. Sign Locations**

- i. Projecting signs must be located a minimum of 12 inches below the second story windowsill or top of the building, whichever is lower.
- ii. Signs must fit within the architectural elements such as in the lintel or sign frieze that separates the ground level from the upper facade, on the upper facade walls, or projecting from the face of the building.
- iii. Signs cannot obstruct the architectural elements and details of a building.
- iv. Wall signs must be placed such that they align with other signs on the block.
- v. Roof signs are prohibited.
- vi. For buildings with multiple tenants, signs must be located only on the portions of the building directly outside the area occupied by that tenant or contained within consolidated directories, as defined in the Sign Ordinance.

**c. Sign Types**

- i. Signs must be illuminated by indirect lighting. Internally illuminated box-type plastic signs are prohibited, but signs composed of illuminated individual letters are permitted.
- ii. Temporary signs or banners, regardless of size, are limited to 30 days and require a sign permit, per the Sign Ordinance.
- iii. Mass produced neon signs are prohibited.

**d. On-Premise Building Signs**

The following regulations are applicable in addition to the general Advertising Provisions in Chapter 3 of the Chattanooga City Code.

- i. A sign permit is required.
- ii. Structural regulations in the Sign Ordinance apply to the Lovell Field Gateway Overlay Zone.
- iii. The Lovell Field Gateway Overlay Zone is exempt from all dimensions, location, and type regulations in the Sign Ordinance.

**e. On-Premise Monument Signs**

**i. Monument Sign Permissions**

A monument sign is defined as an advertising or identification device that is ground mounted and constructed so that there is no space between the ground and the bottom of the device.

- (A) One monument sign is permitted per parcel.
- (B) Pole-mounted signs are prohibited.

**ii. Monument Sign Dimensions/Location**

- (A) Monument signs cannot exceed six feet in height or ten feet in width. Signs cannot exceed 25 square feet per face and total sign area cannot exceed 50 square feet total of all faces. Height is measured from the top of the sign to the lowest point of the ground upon which the proposed sign is to be located.
- (B) Monument signs cannot be located in the sight distance triangle or otherwise obstruct lines of sight for vehicular or pedestrian traffic.
- (C) Monument signs cannot be closer than 18 feet to any right-of-way.

**iii. Monument Sign Materials**

Materials that match the materials of the associated building must be used.

**iv. Monument Sign Illumination**

Signs must be illuminated by indirect lighting. Internally illuminated box-type plastic signs are prohibited, but signs composed of illuminated individual letters are permitted.

**f. Off-Premise Billboard Signs**

Off-premise billboard signs are prohibited.

**9. Parking Zone**

**PARKING ZONE BEHIND BUILDINGS**



**a. Location**

- i. The Parking Zone is located to the rear of buildings.
- ii. New parking is not permitted between a building and the Airport Road and Shepherd Road/Airport Connector Road frontage.
- iii. If all new parking cannot be accommodated to the rear of the building, parking on the side of the building may be allowed if it is screened from the public right-of-way per this section.
- iv. Garages for new residential dwellings must be located behind the primary building.

**b. Parking Space Regulations**

- i. The base zone parking space requirements apply.
- ii. The number of spaces provided cannot exceed the minimum required number of spaces by more than 50%.
- iii. The City's Department of Transportation (CDOT) may allow the following discounts for required car parking spaces. Applicants should schedule a consultation with CDOT to determine potential parking discounts.
  - (A) One car parking space may be discounted for every bicycle parking space required.
  - (B) 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.
  - (C) If the development is located within one-quarter mile of an established transit stop, a 10% discount may be applied.
  - (D) 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	Institution
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%

- (1) Shared parking discounts are applied before multi-modal discounts
- (2) 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.

**c. 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 abut the subject property.

**d. Parking Lot Lighting**

- i. All parking lot lighting must be equipped with full cut-offs to direct light downward and to minimize glare, shadows, night sky pollution, and excessive light levels.
- ii. Light spill on neighboring property is prohibited.

iii. Maximum mounting height of light fixtures in parking lots is 20 feet.

**e. Green Infrastructure**

i. All development must adhere to the City's water quality regulations. Refer to City of Chattanooga's Code, Chapter 31, and the City's Rainwater Management Guide for Green Infrastructure applications.

**11. Screening of Utilities**

Completely screen dumpsters, loading areas, mechanical equipment, outdoor storage areas, and other visible utilities with an opaque wall or fence as follows:

- a. The height of the screen must be a minimum of six feet, or 12 inches taller than the object, whichever is higher, and adequate to completely conceal the dumpster or equipment.
- b. Chain link fences or slats are prohibited.
- c. Screens must consist of masonry, stucco, stone, wood, or decorative metal.
- d. Landscaping, including shrubs, trees, perennials, or green screens, must be added to screening to soften the appearance of screening walls or fences.

**NEW DEVELOPMENT PROFILE DIAGRAM**



**8.8 FAA Aviation Overlay Zone**

Property within the FAA Aviation Overlay Zone, as defined in Chapter 8 of the Chattanooga City Code and shown on the AOD Map, attached as Appendix A to Chapter 8, are subject to additional requirements described in Chapter 8 in addition to the requirements set forth of this Code.

**8.9 Airport Use Zone**

**A. Property Owned by Chattanooga Metropolitan Airport Authority**

Property within the Airport Use Zone, as defined in Chattanooga City Code Chapter 8 and shown on the Airport Use Zone Map, attached as Appendix B to Chattanooga City Code Chapter 8, which is owned by the Chattanooga Metropolitan Airport Authority, is governed by the permitted uses and requirements described in Chattanooga City Code Chapter 8 and the zones of this Zoning Code do not apply.

**B. Property Not Owned by Chattanooga Metropolitan Airport Authority**

For all property owners of land within the Airport Use Zone, except for the Chattanooga Metropolitan Airport Authority, the zones and requirements described in this Zoning Code apply and the Airport Use Zone, as described in Chattanooga City Code Chapter 8, has no effect.

## 8.10 F/W Floodway

### A. Purpose

The F/W Floodway Zone is established to:

1. Maintain the capability of the Tennessee River (Nickajack Lake), its tributaries, and their adjacent lands to drain flood waters
2. Protect the river, creek channels, streams, and flood plains from encroachment, so that flood heights and flood damage will not be increased
3. Provide necessary regulations for the protection of the public health and safety.
4. Reduce the financial burdens imposed upon the community by floods and the inundation of land.

### B. Permitted Uses

Any lawful use permitted in the various zones is also permitted in the portions of such zones lying within the F/W Floodway Zone, subject to all applicable zone standards, off-street parking, and other regulations applicable in the zone. However, no fill, structure, development, encroachment, or substantial improvements is permitted within the Floodway Zone.

## 8.11 F/H Flood Hazard

### A. Applicability

1. The F/H Flood Hazard Zone includes all areas covered by the F/W Floodway Zone plus all areas of special flood hazard as set forth and identified as such by the Federal Emergency Management Agency (FEMA) in its most recent floodway maps and Flood Insurance Rate Maps (FIRM) for the community, all property which is considered to be below the elevation of the "High Water Stage" for the Tennessee River and its tributaries and any area included or added by Tennessee Valley Authority (TVA) study unless certification and documentation by a registered professional engineer or architect is provided demonstrating to the satisfaction of the Land Development Office that a certain property in question is actually above the High Water Stage. Such certification and documentation must be filed and maintained as part of the permanent record.
2. Regardless of the elevation, if the site is located within the Special Flood Hazard Area on the FIRM, insurance will still be required as a condition of a loan unless an official Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) is obtained from FEMA. Procedures for obtaining LOMA/LOMR's are available from the Director of the Land Development Office.
3. The areas of special flood hazard identified on the City of Chattanooga, Tennessee, FEMA Flood Insurance Study and the FIRM, Community Panel Numbers listed below, effective date February 3, 2016, are adopted by reference.

### B. Permitted Uses

Any lawful use permitted in the various zones is also permitted in the portions of such zones underlying the F/H Flood Hazard Zone subject to all applicable zone standards, off-street parking, and other regulations applicable in such zones. However, in the case of conflict, the provisions of this section for flood hazard reduction control.

### C. General Standards for Flood Hazard Reduction

In all areas of special flood hazard the following provisions are required:

1. All new construction and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage.
3. All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage.

4. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system in accordance with regulations of the Tennessee Department of Health.
5. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems in to flood waters in accordance with regulations of the Tennessee Department of Health. Sewers and manholes constructed below the 100-year elevation must be watertight. All manholes must be constructed so that the manhole covers are not below the High Water Stage.
6. On-site waste disposal systems are not allowed.
7. Any alteration, repair, reconstruction, or improvements to a building on which the start of construction was begun after the effective date of these regulations, must meet the requirements of “new construction” as contained in these regulations.
8. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities must be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
9. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access, or storage in an area other than a basement and subject to flooding must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided. The bottom of all openings must be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
10. Commercial hazardous waste processing and storage facilities are prohibited.

#### **D. Specific Standards**

In all areas of special flood hazard where base flood elevation data has been determined, the following specific provisions are required as determined by the intended land use.

##### **1. Residential Construction**

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building or manufactured home must have the lowest floor, including basement, elevated to no lower than two feet above the Base Flood Elevation if constructed of wood or one foot above base flood elevation if constructed of concrete (slab on grade type construction). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls must be provided in accordance with the standards of “Enclosures” as provided in item 2 below.

##### **2. Nonresidential Construction**

a. In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, must have the lowest floor, including basement, elevated or floodproofed to no lower than one foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls must be provided in accordance with the standards of “Enclosures” as provided in item 3 below.

b. A registered professional engineer, architect, or licensed surveyor must certify that the standards of this subsection are satisfied. Such certification and the specific elevation (in relation to mean sea level) to which such structures are flood proofed must be provided to the Land Development Office.

##### **3. Elevated Buildings**

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest flood that are subject to flooding, must be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer, architect, or licensed registered surveyor or meet or exceed the following minimum criteria.
  - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - ii. The bottom of all openings must be no higher than one foot above the finished grade.
  - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area must be the minimum necessary to allow for parking of vehicles, storage, or building access.
- c. The interior portion of such enclosed area must not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions must comply with the provisions of items 1 and 2 above.

#### 4. Standards for Manufactured Homes and Recreational Vehicles

- a. In AE Zones, all manufactured homes placed or substantially improved on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than two feet above the level of the Base Flood Elevation.
  - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength of no less than 36 inches in height above grade.
  - iii. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement.

In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of items i and iii above.

- c. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - i. Be on the site for fewer than 180 consecutive days.
  - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions).
  - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of item a or items b.i and b.iii above.

#### 5. Standards for Subdivision Proposals

- a. All subdivision proposals must be consistent with the need to minimize flood damage. All subdivision proposals must have the public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- b. All subdivision proposals must have adequate drainage provided to reduce exposure to flood hazards. Base flood elevation data must be provided for subdivision proposals and other proposed development which is greater than the lesser 50 lots or five acres.



## E. Development Permit

### 1. Establishment

A development permit is required to assure that all development takes place in conformance with the provisions of these regulations. No building or land may be located, extended, converted, or structurally altered without full compliance with the terms of this section of these and other applicable regulations. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and others conflict or overlap, whichever imposes the more stringent restrictions controls.

### 2. Procedure

Application for a development permit must be made to the Director of the Land Development Office on forms furnished by them and may include, but not be limited to, the following:

- a. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, and storage of materials, drainage facilities, and the location of such.
- b. Specifically, the following information is required:
  - i. Elevation in relation to mean sea level of the lowest floor (including basement) of all buildings.
  - ii. Elevation in relation to mean sea level to which any nonresidential building has been floodproofed.
  - iii. A certificate from a registered professional engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria.
  - iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## F. Variance

### 1. Procedure

- a. The City Council, as established by these regulations, will hear and decide appeals and requests for variances from the requirements of this section.
- b. The City Council will hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of the Land Development Office in the enforcement or administration of these regulations.
- c. Any person aggrieved by the decision of the City Council or any taxpayer may appeal such decision to a court of competent jurisdiction.
- d. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of these regulations.
- e. In passing upon applications which relate to areas of special flood hazard, the City Council will consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:
  - i. The danger that materials may be swept onto other lands to the injury of others.
  - ii. The danger of life and property due to flooding or erosion damage.
  - iii. The susceptibility of the proposed facility and its content flood damage and the effect of such damage on the individual owner.
  - iv. The importance of the services provided by the proposed facility to the community.
  - v. The necessity to the facility of a waterfront location, where applicable.

- vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  - vii. The compatibility of the proposed use with existing and anticipated development.
  - viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
  - ix. The safety of access to the property in time of flood for ordinary and emergency vehicles.
  - x. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
  - xi. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- f. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- g. Upon consideration of the factors listed above and the purposes of these regulations, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.
- h. Variances will not be issued within the Floodway Zone if any increase in flood levels during the base flood discharge would result.

## 2. Conditions for Variances

- a. Variances will only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances will only be issued upon:
  - i. A showing of good and sufficient cause.
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.
- b. Any applicant to whom a variance is granted will be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.
- c. The Director of the Land Development Office will maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

## G. Director of the Land Development Office

### 1. Designation

The Director of the Land Development Office is hereby appointed to administer and implement the provisions of these regulations.

## 2. Duties and Responsibilities

Duties of the Director of the Land Development Office include, but are not limited to:

- a. Review all development permits to assure that the permit requirements of these regulations have been satisfied.
- b. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- c. Notify adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- e. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings.
- f. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed.
- g. When floodproofing is utilized for a particular building, the Director of the Land Development Office must obtain certification from a registered professional engineer or architect.
- h. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Director of the Land Development Office will make necessary interpretation. The person contesting the location of the boundary must be given a reasonable opportunity to appeal the interpretation as provided in this section.
- i. When base flood elevation and Floodway data has not been provided, then the Director of the Land Development Office will obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of this Code.
- j. All records pertaining to the provisions of these regulations will be maintained in the office of the Director of the Land Development Office and open for public inspection.

## H. Interpretation

In the interpretation and application of these regulations, all provisions must be:

- i. Considered as minimum requirements.
- ii. Liberally construed in favor of the governing body.
- iii. Deemed neither to limit nor repeal any other powers granted under state statutes.

## I. Penalties for Violation

Any person who violates these regulations or fails to comply with any of these requirements will, upon conviction thereof, be punished as provided in Article 18, and in addition pay all costs and expenses involved in the case. Each day such violation continues is considered a separate offense. Nothing prevents the City from taking such other lawful action as is necessary to prevent or remedy any violation.

## J. Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations do not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

## Article 9. Uses

- 9.1 General Use Regulations
- 9.2 Use Matrix
- 9.3 Principal Use Standards
- 9.4 Accessory Use Standards
- 9.5 Temporary Use Standards
- 9.6 Use Definitions

### 9.1 General Use Regulations

- A. No structure or land may be used or occupied unless allowed as a permitted or special exception use within the zone.
- B. All uses must comply with any applicable federal and state requirements, and any additional federal, state, or city ordinances.
- C. Any use that is not included in the use matrix or is not interpreted as part of a listed use is prohibited in all zones.
- D. A lot may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately.
  - 1. In certain cases, uses are defined to include ancillary uses that provide necessary support or are functionally integrated into the principal use.
  - 2. More than one principal use on a lot is not permitted in the residential zones.
- E. All uses, whether permitted or special, must comply with the use standards of Section 9.3 for principal uses, Section 9.4 for accessory uses, or Section 9.5 for temporary uses, as applicable.
- F. Short-term vacation rental uses are regulated separately in Article 17. Short-term vacation rental uses are defined in Article 17.

### 9.2 Use Matrix

- A. Table 9-1: Use Matrix identifies the principal, accessory, and temporary uses allowed within each zone.
- B. The permissions in Table 9-1 are indicated as follows:
  - 1. P indicates that the use is permitted by-right in the zone.
  - 2. SE indicates that the use is a special exception.
  - 3. If a cell is blank, the use is not allowed in the zone.
- C. All uses in Table 9-1 are defined in Section 9.6.

TABLE 10-1: USE MATRIX  
P = Permitted Use || SE = Special Exception

PRINCIPAL USES	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3	TRN-1	TRN-2	TRN-3	TRN-4	R-MH	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2	I-L	I-H	I-X	I-MU	A-1	INST	OS	Use Standards	
	Adult Use																		SE							9.3.A
Agriculture																						P				
Alternative Correctional Facility																							P			
Amusement Facility - Indoor														P	P	P	P				P					
Amusement Facility - Outdoor														SE	SE	SE	SE				P					
Animal Care Facility - With Outdoor Area											SB	SB	P	P	P	P	P	P			P				9.3.B	
Animal Care Facility - Fully Indoors											P	P	P	P	P	P	P	P			P				9.3.B	
Animal Shelter															SE						P				9.3.B	
Art Gallery											P	P	P	P	P	P	P				P					
Arts and Fitness Studio											P	P	P	P	P	P	P				P					
Bed and Breakfast – With Reception Facilities	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE											P			9.3.C	
Bed and Breakfast – No Reception Facilities	P	P	P	P	P	P	P	P	P	P	P											P			9.3.C	
Body Modification Establishment													P	P	P	P	P				P					
Borrow Pit																				P	P				9.3.D	
Broadcasting Facility - With Antennae																		P			P					
Broadcasting Facility - No Antennae														P	P	P	P	P			P					
Campground/RV Park																						SE		P	9.3.E	
Campground, Resort																						SE		P	9.3.F	
Car Wash																SE		P			SE					
Cemetery																								P	9.3.G	
Children's Home	P																						P			
Commercial Kitchen														SE	P	SE	SE	P			P					
Community Center	P	P	P	P	P	P	P	P	P					P	P	P	P				P					
Community Garden	P	P	P	P	P	P	P	P	P		P										P	P	P	P	9.3.H	
Conservation Area																										
Cottage Court Development	P	P	P	P	P	P	P	P	P																9.3.I	
Cultural Facility														P	P	P	P				P					
Day Care Center																										
Day Care Home – 8 or Less Children/Adults	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P				P				9.3.J	
Day Care Home – 9 or More	SE	SE	SE	SE	SE	SE	SE	SE	SE																	9.3.J

TABLE 10-1: USE MATRIX  
P = Permitted Use || SE = Special Exception

PRINCIPAL USES	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3	TRN-1	TRN-2	TRN-3	TRN-4	R-MH	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2	I-L	I-H	I-X	I-MU	A-1	INST	OS	Use Standards
Children/Adults																									
Drug Treatment Clinic															SE						SE		P		9.3.K
Dwellings																									
Dwelling - Single-Unit Detached	P	P	P	P	P	P	P	P	P		P											P			9.3.L
Dwelling - Single-Unit Attached			P	P	P	P	P	P	P		P														9.3.L
Dwelling - Two-Unit			P	P	P	P	P	P	P																9.3.L
Dwelling - Three-Unit					P	P	P	P	P							P									9.3.M
Dwelling - Four-Unit					P	P	P	P	P							P									9.3.M
Dwelling - Townhouse			P	P	P	P	P	P	P						P	P	P				P				9.3.M
Dwelling - Multi-Unit					P	P	P	P	P						P	P	P				P				9.3.M
Dwelling - Above the Ground Floor																									
Dwelling - Live/Work											P														9.3.N
Dwelling - Manufactured Home	SE		SE	SE						P															9.3.O
Eating and Drinking Establishment																									
Educational Facility - College/University												P	P	P	P	P	P	P	SE			P			
Educational Facility - Primary or Secondary	P	P	P	P	P	P	P	P	P																
Educational Facility - Vocational												P	P	P	P	P	P	P	SE						9.3.P
Financial Institution																									
Financial Service, Alternative (AFS)															SE	SE	SE								
Food Bank															SE	SE	SE	P	P		P				
Food Pantry															P	P	P	P			P				
Food Truck Park																					P				9.3.Q
Fraternity/Sorority																							P		
Freight Terminal																									
Funeral Home																									
Gas Station															SE	SE	SE	P	P						9.3.R
Golf Course/Driving Range																									
Government Office/Facility																								P	
Group Home: Over 8 Residents	P	P	P	P	P	P	P	P	P		P														9.3.S
Halfway House											SE														9.3.T
Heavy Retail, Rental, and Service																									
Hospital															SE	P							P		

**TABLE 10-1: USE MATRIX**  
P = Permitted Use || SE = Special Exception

	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3	TRN-1	TRN-2	TRN-3	TRN-4	R-MH	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2	I-L	I-H	I-X	I-MU	A-1	INST	OS	Use Standards
<b>PRINCIPAL USES</b>																									
Hotel																									
House Museum	SE	SE	SE	SE	SE	SE	SE	SE	SE												SE	SE	SE	9.3.U	
Industrial – Artisan/Craft																		P			P				9.3.V
Industrial – General																			P						
Industrial – Light																			P		P				
Industrial Design											P		P	P	P	P	P								
Junk Yard/Salvage Yard																			P						9.3.W
Live Entertainment - Secondary Use														SE	P	P	P				P				
Live Performance Venue																					P				
Lodge/Private Social Club						SE						P	P	P	P	P	P				P	P			9.3.X
Manufactured Home Park									P																Sec. 8.4
Manufactured Home Subdivision										P															Sec. 8.4
Medical/Dental Office/Clinic										SE	P	P	P	P	P	P	P					P			
Micro-Production of Alcohol												SE	SE	P	P	P	P	SE			P				9.3.Y
Movie Studio																			P	P					
Neighborhood Commercial Establishment	SE	SE	SE	SE	SE	SE	SE	SE	SE																9.3.Z
Nightclub														SE	SE	SE	SE				SE				
Office											P	P	P	P	P	P	P								
Outdoor Market											SE	SE	SE	SE	SE	SE	SE				SE				9.3.AA
Outdoor Storage Yard																		P	P						9.3.BB
Park	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P				P	P	P		
Parking Lot (Principal Use)														SE	SE	SE	SE				SE				Article 12
Parking Structure (Principal Use)														SE	SE	SE	SE								Article 12
Passenger Terminal																					SE				
Personal Service Establishment											P	P	P	P	P	P	P				P				
Place of Worship	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P				P	P	P		
Private Recreation Club									SE																
Public Safety Facility	P	P	P	P	P	P	P	P	P																
Public Works Facility																									
Public Works Facility																									
Quarry/Mining and Extraction																									
Reception Facility																									9.3.CC
Reception Facility, Estate	SE	SE	SE	SE	SE	SE	SE	SE	SE		SE														9.3.DD
																						SE			9.3.EE



**TABLE 10-1: USE MATRIX**  
P = Permitted Use || SE = Special Exception

	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3	TRN-1	TRN-2	TRN-3	TRN-4	R-MH	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2	I-L	I-H	I-X	I-MU	A-1	INST	OS	Use Standards
<b>PRINCIPAL USES</b>																									
Recycling Processing Facility																			P	P					9.3.FF
Research and Development																					P				
Residential Care Facility									SE					SE	SE	SE					SE		P		9.3.GG
Residential Addiction Treatment Facility									SE					SE	SE	SE					SE		P		9.3.GG
Retail Goods Establishment											P	P	P	P	P	P	P	P							
Retail Sales of Alcohol											SE														
Self-Storage Facility: Enclosed															P	SE	SE	P							9.3.HH
Self-Storage Facility: Outdoor															SE			P							9.3.HH
Shelter – Low Barrier															SE			SE			SE		P		
Shelter – High Barrier															SE			SE			SE		P		
Shelter, Domestic Violence	P	P	P	P	P	P	P	P					P	P	P						P		P		
Social Service Center															P	P	P				P		P		
Solar Energy System																		P					P		
Specialty Food Service															P	P	P	P							
Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9.3.II
Vehicle Dealership																									
Vehicle Operation Facility																									
Vehicle Rental																									
Vehicle Repair/Service: Major															SE			P	P						9.3.KK
Vehicle Repair/Service: Minor															P	P	P	P							9.3.LL
Warehouse																		P	P						
Wholesale																									
Wind Energy System																		SE				SE			9.3.MM
Wireless Telecommunications	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	P, SE	9.3.NN
<b>ACCESSORY USES</b>																									
Drive-Through Facility														SE	P			P			SB				9.4.A
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	P	P			P											P			9.4.B
Farmstand																						P			9.4.C
Helistop																							SE		9.4.D
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								9.4.E
Keeping of Livestock/Equines	P																								9.4.F
Outdoor Sales and Display												P	P	P	P	P	P								9.4.G

TABLE 10-1: USE MATRIX  
P = Permitted Use || SE = Special Exception

	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3	TRN-1	TRN-2	TRN-3	TRN-4	R-MH	C-NT	C-N	C-TMU	C-C	C-R	C-MU1	C-MU2	I-L	I-H	I-X	I-MU	A-1	INST	OS	Use Standards
<b>PRINCIPAL USES</b>																									
Outdoor Storage																		P	P		P	P			9.4.H
Outdoor Seating/Activity Area												P	P	P	P	P	P	P			P				9.4.I
<b>TEMPORARY USES</b>																									
Mobile Food Vendor												P	P	P	P	P	P	P			P		P		9.5.A
Mobile Retail Vendor												P	P	P	P	P	P				P				9.5.B
Temporary Outdoor Entertainment and/or Sales Event	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P			P	P	P	P	9.5.C



***INSERT USE MATRIX***

DRAFT

## 9.3 Principal Use Standards

### A. Adult Use

1. No adult use may be located within 500 feet of any boundary of a residential zone or within 500 feet of a residential use within any zone.
2. No adult use may be located within 500 feet from the nearest property line of a site which is used for the purpose of a park, place of worship, educational facility – primary/secondary, day care center, or other adult use.
3. Measurement is from the nearest lot line of the adult use to the nearest lot line of the uses listed in this section.

### B. Animal Care Facility and Animal Shelter

1. Animal care facilities and shelters must locate all overnight boarding facilities indoors.
2. Animal care facilities and shelters must locate any exterior exercise areas to the side or rear of the building. A fence a minimum of six feet and a maximum of eight feet in height is required for all exterior exercise areas.
3. Exterior exercise areas must provide covered areas as shelter against sun/heat and weather.
4. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

### C. Bed and Breakfast

1. A bed and breakfast must be operated entirely within a single-unit detached dwelling. No part of a bed and breakfast may be operated within an accessory structure.
2. A bed and breakfast is limited to a maximum of nine bedrooms that may be let out to guests.
3. A bed and breakfast must be operated by the property owner who also resides on the property
4. The exterior of a bed and breakfast must maintain its original appearance as a single-unit dwelling. No parking may be located in front of the front building facade.
5. Cooking equipment is prohibited in individual guestrooms. However, this does not include a mini-refrigerator, coffee maker, and/or a microwave, which are allowed.
6. Bed and breakfasts with reception facilities are allowed only as specified in Table 9-1.
7. No retail sales are permitted with the exception of accessory retail of related items such as souvenirs, postcards, and snack items.
8. No bed and breakfast may operate a restaurant. Meals may only be served to registered guests and at private events when allowed.
9. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to five feet in height and must be a minimum of five feet from any lot line.

### D. Borrow Pit

1. A lot area of five acres is required.
2. No excavation or other activities related to the borrow pit may be conducted within 50 feet of the lot line.
3. The lot must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height. Locking gates a minimum of six feet and a maximum of eight feet in height must be included at all ingress and egress points.

**E. Campground/Recreational Vehicle (RV) Park**

1. The minimum area for a campground or RV park is five acres.
2. Campgrounds or RV parks must provide a common recreational area consisting of 100 square feet per campsite or recreational vehicle parking site.
3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for staff, and other uses and structures customarily associated with the operation of a campground are permitted.
4. Storage of equipment must be within enclosed structures.
5. Within a campground a maximum of 30% of the total campsites may be cabins for use of the guests.
6. Year-round residency is prohibited. Use of tents or recreational vehicles as a principal residence is prohibited. This excludes any permanent structures erected for an on-site caretaker or manager, which may be a year-round residency.
7. Individual campsites or recreational vehicle parking sites and any structures must be set back a minimum of 50 feet from all lot lines.

**F. Campground, Resort**

1. The minimum area for a resort campground is five acres.
2. Resort campgrounds must provide a common recreational area consisting of 100 square feet per cabin.
3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for staff, and other uses and structures customarily associated with the operation of a resort campground are permitted.
4. Storage of equipment must be within enclosed structures.
5. Year-round residency is prohibited. This excludes any permanent structures erected for an on-site caretaker or manager, which may be a year-round residency.
6. All structures must be set back a minimum of 50 feet from all lot lines.

**G. Cemetery**

1. A minimum lot area of 25 acres is required. If a lot abuts or adjoins an existing cemetery, a minimum lot area of one acre is required.
2. Access must be from an arterial or collector street.
3. For cemeteries of 25 acres or more there must be a 100 foot buffer area. For cemeteries of less than 25 acres, there must be a 25 foot buffer area. The buffer area should be set aside along all lot lines abutting residential zones. The buffer area must be used only for the location of trees, shrubs, fencing, or other site-obscuring ornamentation. The buffer area cannot be used for grave sites, interior drives, parking, or service buildings.
4. All land intended for grave sites must be above the elevation of the 100 Year Flood.

**H. Community Garden**

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation.
2. The keeping of livestock, chickens or other poultry, and any aquaculture is prohibited. Apiaries are permitted.

- 3. Accessory structures such as high tunnels/hoop-houses, coldframes, and similar structures, are permitted to extend the growing season. This includes sheds, gazebos, and pergolas. All accessory structures must be located a minimum of five feet from any lot line.
- 4. Farmstands are permitted and are limited to sales of items grown at the site. Farmstands must be removed from the premises during the time of the year when the use is not open to the public. Only one farmstand is permitted per lot.

**I. Cottage Court Development**

**1. General Development Standards**

- a. Cottage court development may take one of two forms:
  - i. A development may be designed with individual lots.
  - ii. A development may also be designed as a multi-dwelling development.
- b. A cottage court development requires the establishment of a homeowners association (HOA), property management company, or other designated managing entity approved by the City in place for the maintenance of all common elements.

**2. Use Limitations**

- a. Table 9-2: Cottage Court Permitted Dwelling Types indicates the permitted dwelling types within a cottage court development:

Table 9-2: Cottage Court Permitted Dwelling Types								
Dwelling Type	RN-1-6	RN-1-5	RN-2	RN-2T	RN-3	TRN-1	TRN-2	TRN-3
Dwelling - Single-Unit Detached	P	P	P	P	P	P	P	P
Dwelling - Single-Unit Attached	P	P	P	P	P	P	P	P
Dwelling - Two-Unit	P	P	P	P	P	P	P	P
Dwelling - Townhouse				P	P		P	P

- b. Accessory dwelling units are prohibited within a cottage court development.

**3. Development Standards**

- a. Cottage court development may be used for any development of four or more buildings and requires a minimum of four structures.
- b. The maximum number of buildings within a cottage court development is 10.
- c. The minimum total lot area required for a cottage court is determined by calculating the cumulative lot area required by the base zoning district for the number of buildings to be constructed, and reducing the result by 50%.
- d. Individual lots or building sites within the cottage court development are exempt from the base zoning district standards for lot area, lot width, setbacks, and building coverage. However, dwellings oriented toward the common area must provide a five foot minimum setback from the common area. Such setback does not count toward any required common area.
- e. The cottage court development as a whole must meet the following standards:
  - i. Along the lot lines of the development as a whole, a minimum setback of 15 feet is required. No streets or other vehicle access is permitted within this setback. However, pedestrian paths across this setback to connect to adjacent lots are allowed.

- ii. The development as a whole is limited to a maximum building coverage of 50%.
- iii. The development as a whole is limited to a maximum impervious surface coverage of 65%.
- f. All buildings and lots within the cottage court development must front on a street or a common open space.
- g. Structures within a cottage court development are subject to the design standards for dwelling type. Where design standards are distinguished with requirements for facades facing a street, those standards are also applicable to facades facing a courtyard.
- h. Required off-street parking may be provided on individual development sites for each dwelling within the cottage court development, or in a shared parking area serving multiple dwellings on-site. Common parking areas may contain no more than 15 spaces each and must be screened from abutting lots that are not part of the development. Parking may not be located between principal structures and the street, between a common area and a street, or within any required common area.

#### **4. Common Open Space Design**

- a. Central common open space is required and must meet the following standards:
  - i. The minimum size of the central common open space is 3,000 square feet, or 500 square feet per dwelling unit, whichever is greater.
  - ii. The central common open space must maintain a minimum width of 50 feet, be contiguous and centrally located, and front on a public or private street.
  - iii. A maximum of 25% of the central common open space may be hardscape.
- b. Once central common open space requirements are met, additional common open space within the development is permitted.

#### **J. Day Care Center and Day Care Home**

- 1. Each day care center or day care home must comply with all applicable state regulations, including required indoor and outdoor space.
- 2. The day care center or day care home operator license must be displayed publicly.

#### **K. Drug Treatment Clinic**

- 1. All drug treatment clinics must be separated by a distance of at least 1,000 feet from any residential zone.
- 2. All drug treatment clinics must be separated by a distance of at least 1,000 feet from any other drug treatment clinics.

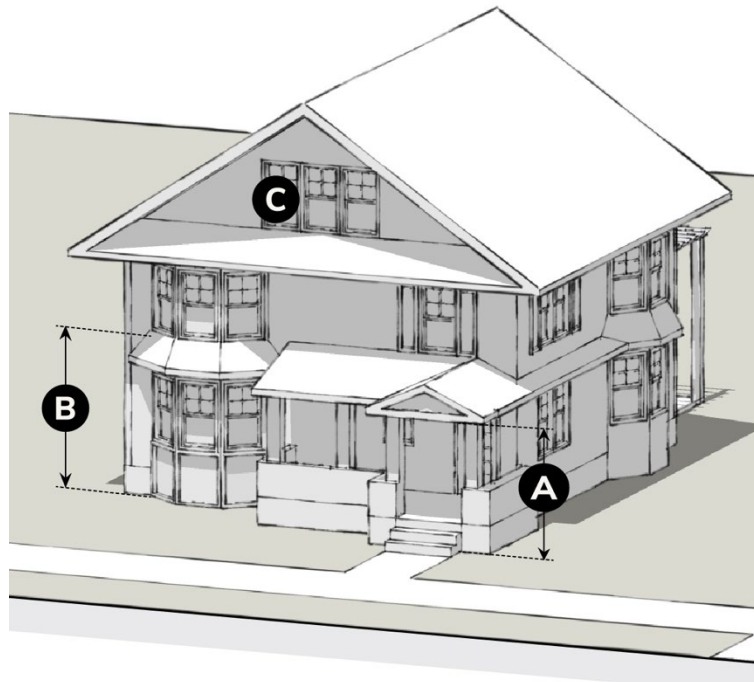
#### **L. Dwelling: Single-Unit Detached; Single-Unit Attached; Two-Unit**

- 1. The dwelling must have an entrance from a façade facing the street. The front entry must be a dominant feature on the front elevation, using features such as porches, raised steps and stoops, or decorative railings to articulate the front façade. On a corner lot, only one façade facing the street requires a primary entrance.
- 2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
- 3. A 10% minimum transparency requirement applies to any façade facing a street and is calculated on the basis of the entire area of the façade.



4. A front-loaded attached garage cannot project beyond the building facade line. This applies to garages that take access/load from a front lot line or a corner side lot line.
5. The attached garage must be set back a minimum of 20 feet from the lot line the garage is accessed from.

#### SINGLE-UNIT DETACHED DWELLING



*A = Primary Entrance*  
*B = Architectural Features*  
*C = Required Transparency*

#### M. Dwelling: Three-Unit; Four-Unit; Multi-Unit, Townhouse

##### 1. Development Standards

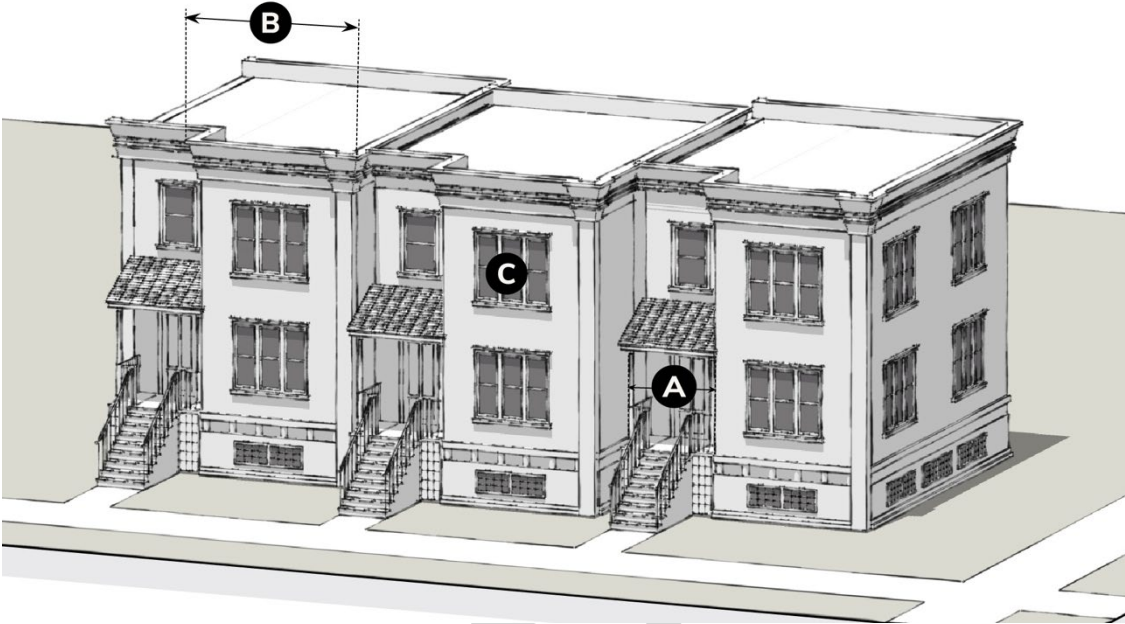
- a. Multi-family units in the TRN-2 Zone are limited to a maximum of six units within a multi-unit development.
- b. Townhouse developments in the RN-2T and TRN-2 Zones are limited to a maximum of six attached units.

##### 2. Development Standards

- a. Street-facing building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
- b. Three-unit, four-unit, and townhouse dwellings must have an entrance from a façade facing the street. The entry must be a dominant feature on the front elevation, using features such as porches, raised steps and stoops, or decorative railings to articulate the façade.
- c. For multi-unit dwellings, there must be one prominent entrance along a façade facing a street.
- d. The following minimum transparency requirements apply to any façade facing a street and are calculated on the basis of the entire area of the façade:
  - i. Townhouse: 10%

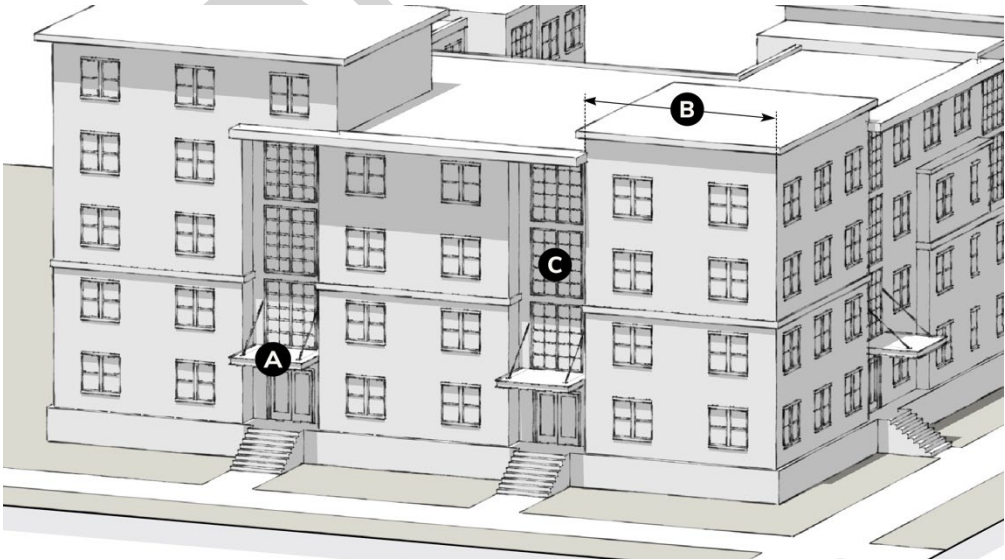
ii. Three-Unit, Four-Unit, Multi-Unit: 15%

**TOWNHOUSE DWELLING**



*A = Primary Entrance*  
*B = Architectural Features*  
*C = Required Transparency*

**MULTI-UNIT DWELLING**



*A = Prominent Entrance*  
*B = Architectural Features*  
*C = Required Transparency*

**N. Dwelling – Live/Work**

1. Live/work is permitted in units with street level access only.
2. A minimum of one person must occupy the live/work unit as their primary residence.
3. The live/work unit may employ no more than two persons not living on the premises at any one time.
4. No storage or warehousing of material, supplies, or equipment is permitted outside of the live/work unit.
5. The nonresidential use of the unit is limited to nonresidential uses allowed in the zone.
6. No equipment or process may be used in connection with the live/work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the premises.

**O. Dwelling – Manufactured Home**

1. All manufactured home dwellings must meet the following standards.
  - a. The area beneath a home must be fully enclosed with durable skirting within 60 days of placement. As a minimum, such skirting must be a product designed and sold for use as skirting or as approved by the Zoning Administrator.
  - b. All wheels, axles, transporting lights, and towing apparatus must be removed.
2. Manufactured home dwellings located in residential zones, as applicable, or within manufactured home subdivisions must meet the following standards.
  - a. Such dwellings have the same general appearance as required for site-built homes.
  - b. A perimeter wall of solid masonry, concrete, or other material approved by the Land Development Office must be installed around the base of the dwelling.
  - c. All roofing, siding, veneers, and other exterior materials are limited to materials permitted for site-built housing.
  - d. The manufactured home must be at least 12 feet in width along the majority of its length.

**P. Financial Services, Alternative (AFS)**

1. No alternative financial service may be located within 1,320 feet of an existing alternative financial service, measured from lot line to lot line.
2. No alternative financial service may be located within 500 feet of a residential zone, measured from lot line to lot line.

**Q. Food Truck Park**

1. A minimum of 20% of the food truck park lot area must be shared common area, not including any food truck sites and vehicle parking spaces. The common area must be designed for customer use, which includes elements such as seating areas, restroom facilities, and lawn and landscaped areas.
2. Food truck parks may be standalone uses or may be co-located with another principal use. These properties must be designed to be able to accommodate all required development standards for all principal uses.
3. A commissary for the use of food truck vendors is permitted.
4. No temporary use permits for individual food truck vendors are required within food truck parks.
5. The area must be always kept clear of litter and debris. Waste receptacles and/or recycling bins must be provided.

**R. Gas Station**

1. The principal building must meet the setback requirements of the zone in which it is located.
2. Gasoline pump islands must:
  - a. Be located no closer than 15 feet to any street lot line when constructed parallel to the pavement edge.
  - b. Be located no closer than 30 feet to any street lot line when constructed perpendicular to the pavement edge.
  - c. Be set back 15 feet from all lot lines other than a street lot line.
3. Gas station canopies cannot be constructed closer than 15 feet from any street lot line.
4. One automated car wash bay is permitted in connection with the principal gas station use.

**S. Group Home**

1. A group home with eight or fewer residents is considered a single-unit dwelling. Such group homes are not subject the standards of this section but rather are subject to the standards that apply to all single-unit dwellings.
2. A group home of eight or more residents is subject to the standards for a single-unit detached dwelling unless modified by this section.
3. Group homes must be licensed by the state.
4. New group homes must be separated from existing group homes by a distance of 1,000 feet.

**T. Halfway House**

1. Each halfway house must identify a manager to act as a 24 hour contact.
2. Halfway houses are limited to six residents.
3. The manager contact information must be printed legibly and posted in such a way as to be conspicuous and readable from the exterior of each building to a person at the front entrance of a building. The posting must contain the address of the property, the name of the manager of the property, and the phone number of the manager.
4. New halfway houses must be separated from an existing halfway house by a distance of 1,000 feet.

**U. House Museum**

1. A house museum is limited to a maximum of six events per year. This includes both indoor and outdoor events and any combination of such.
2. Any outdoor events or any combination of an indoor and outdoor event require a temporary use permit for a temporary outdoor entertainment and/or sales event

**V. Industrial – Artisan/Craft**

1. Artisan industrial uses are limited to a maximum gross square footage of 10,000 square feet in the following zones: C-C, C-MU1, C-MU2 Zones. There is no limit within other zones where the use is allowed.
2. Outside storage or display is prohibited. All business, sales, servicing, processing, and storage uses must be located within the structure.

**W. Junk Yard/Salvage Yard**

1. Junk yards/salvage yards must be located at least 1,000 feet from any other abutting zone lot line that is not an I-H or I-X Zone, as measured from the lot lines of the junkyard.
2. Junk yards/salvage yards storage areas must be located at least 500 feet from the lot line of any other abutting use other than a junk yard/salvage yard.
3. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of seven feet in height, including ingress and egress

**X. Lodge/Meeting Hall**

1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only or for lessees when leased or used as reception facilities.
3. Sleeping facilities are prohibited.
4. Lodges/meeting halls leased or used as reception facilities cannot charge a general admission fee or any other monetary donations (payment at the door to the general public) for entrance, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar uses.

**Y. Micro-Production of Alcohol**

1. All alcohol production must be within completely enclosed structures.
2. The establishment must include a restaurant, bar, and/or tasting room within the same building. The minimum size of the restaurant, bar, and/or tasting room must be 20% of the total square footage of the use or 1,200 square feet, whichever is less.
3. Facilities may include retail areas for the purchase of beverages manufactured on-site and related items.

**Z. Neighborhood Commercial Establishment**

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential or mixed-use with ground floor nonresidential in their construction and/or use as of (*insert the effective date of this Code*).
2. The following nonresidential uses are permitted within a neighborhood commercial establishment. After the approval of the initial special exception use approval for the neighborhood commercial establishment and its initial intended use, as allowed by the list below, a new special exception use approval is required for a change of use. However, a special exception may be granted for multiple uses from the list below which would not require a special exception use for a use change.

- a. Art gallery
- b. Arts and fitness studio
- c. Day care center
- d. Eating and drinking establishment
- e. Office
- f. Personal service establishment
- g. Retail goods establishment - no sales of alcohol
- h. Specialty food service establishment

3. No additional off-street parking is required. However, any off-street parking currently provided must be maintained.
4. Drive-through facilities are prohibited.
5. Outside storage or display is prohibited. All business, sales, servicing, processing, and storage uses must be located within the structure. Outdoor dining is allowed,
6. Signs are limited to those allowed in the C-N Zone.

**AA. Outdoor Market**

1. A minimum of 10% of the outdoor market lot area must be shared common area designed for customer use, which includes elements such as seating areas, restroom facilities, and lawn and landscaped areas.
2. The area must be kept clear of litter and debris at all times. Waste receptacles and/or recycling bins must be provided.
3. Restroom facilities for the use of the public are required.
4. The days and hours of operation must be clearly posted on-site.
5. The on-site presence of a manager is required when the market is open to the public.

**BB. Outdoor Storage Yard**

1. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of seven feet in height, including ingress and egress.
2. Fences or walls along a front or corner side lot line must be set back a minimum of ten feet from the lot line. Within that setback, shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. Plantings must be placed outside the fence facing the right-of-way.
3. Storage of any kind is prohibited outside the fence or wall.
4. No items stored within 25 feet of the fence may exceed the height of the fence or wall.

**CC. Quarry/Mining and Extraction**

In addition to all state or federal surface mining regulations, the following additional standards apply:

1. A copy of a pre-blast survey for all properties located within a one mile radius of the area covered by the mining permit must be filed with the Land Development Office.
2. A plan of operation must be prepared and submitted to the Land Development Office for approval showing all intended haul routes within the City and evidence that all load limits of bridges used in the operation will be met. No variation from the approved route is permitted except by written permission of the Land Development Office.
3. The owner or operator of the facility must maintain, during the term of its use, liability insurance and performance bonds as follows. These requirements may be waived if appropriate alternative security is approved by the City Council upon recommendation by the City Attorney.
  - a. Evidence of liability insurance in an appropriate amount (to be determined by the City Council upon recommendation of the City Attorney) must be maintained with current certificates of insurance filed with the City's Risk Manager.
  - b. The owner or operator of the facility must maintain a current performance bond in the amount of \$2,000.00 per acre to be filed with the City's Risk Manager to assure compliance if state, federal, and local laws and regulations apply relative to reclamation of disturbed land within the City.

#### **DD. Reception Facility**

1. A general admission fee or any other monetary donations (i.e., payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.

#### **EE. Reception Facility, Estate**

1. A minimum lot size of one acre is required for an estate reception facility.
2. A general admission fee or any other monetary donations (i.e., payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.
3. An estate reception facility must be operated by the property owner who also resides on the property.
4. Receptions may be held within accessory structures located on the property.
5. An estate reception facility may also let rooms within the principal building to guests during the reception. Rooms may be let two days before and two days after the reception.

#### **FF. Recycling Processing Facility**

1. All processing such as compacting, shredding, or bailing must be within an enclosed building.
2. All outdoor storage must be concealed from view, beyond the limits of the property, by fencing or natural screening.
3. Any other storage must be within an enclosed building.
4. No salvaging of parts or dismantling is allowed.
5. An applicant for a special exception to establish a recycling processing facility must:
  - a. Furnish complete plans and method of operation.
  - b. Have present at the hearing 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.

#### **GG. Residential Care Facility and Residential Addiction Treatment Facility**

1. Residential care facilities and residential addiction treatment facilities must comply with all standards for multi-unit dwellings in the zone in which they are located, including the standards for design of multi-unit dwellings in this Article.
2. For mixed-use developments, where the ground floor and any additional upper floors are designed for nonresidential uses, with such residential facilities above, such facilities must comply with the mixed-use development standards.

#### **HH. Self-Storage Facility: Enclosed and Outdoor**

1. The minimum lot area for an outdoor facility is two acres. Enclosed self-storage facilities must meet the zone standards for lot size or 10,000 square feet, whichever is less.
2. For outdoor facilities, a solid fence or wall a minimum of six feet to a maximum of seven feet in height must be provided when the self-service storage facility abuts a residential zone.
3. Any proposed outdoor storage areas must be shown on a site plan for the facility. . In no case may parking areas or driveways be used for storage.



4. The following uses are prohibited as part of a self-service storage facility operation:
  - a. Auctions, wholesale, and retail sales, miscellaneous or garage sales. However, this does not apply to auctions or sales conducted by the property manager of the contents of abandoned storage units.
  - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - c. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment, except for purposes of construction and repair of the self-service storage facility.
  - d. Transfer and storage business.
  - e. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations.
  - f. The storage of hazardous materials.
5. Storage units cannot be used for residential occupancy or to conduct business.
6. No plumbing connections are permitted in self-storage units.
7. For self-storage facilities that include both indoor and outdoor facilities, both types of uses must be allowed in the zone.
8. The following additional standards apply to enclosed self-storage facilities:
  - a. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only.
  - b. All facilities must meet the design standards of the district.
  - c. No storage units located on the first floor may be located within the first 20 feet of a façade facing a street. No storage units located on the first floor may be visible from the public right-of-way.
  - d. Access to loading areas must be located to the side or rear of the building.
9. The following additional permissions apply to outdoor self-storage facilities:
  - a. Outdoor self-storage facilities only are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.
  - b. No storage of recreational vehicles is allowed within ten feet of any rear lot line or interior side lot line that abuts a residential zone. No storage of recreational vehicles is allowed within 25 feet of any front or corner side lot line.

## II. Utility

1. Any minimum building height regulations required by the zone do not apply to utility buildings.
2. Utility equipment located outside must be set back 20 feet from all required setback lines.

**KK. Vehicle Repair Facility: Major**

1. Repair of vehicles is prohibited outdoors. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
2. Major vehicle repair facilities require a solid fence or wall a minimum of six feet to a maximum of eight feet in height along the interior side and rear lot lines. One shrub, a minimum of three feet in height at maturity, is required every three linear feet, along such fence or wall, placed inside the fence toward the interior of the lot. This does not apply in the industrial zones unless such lot lines abut a residential zone.
3. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
4. The sale of new or used vehicles is prohibited unless separately approved.
5. No motor vehicles may be stored and no repair work may be conducted in the right-of-way.

**LL. Vehicle Repair Facility: Minor**

1. Repair of vehicles is prohibited outdoors. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
2. Minor vehicle repair facilities require a solid fence or wall a minimum of six feet to a maximum of eight feet in height along the interior side and rear lot lines when such lot lines abut a residential zone. One shrub, a minimum of three feet in height at maturity, is required every three linear feet, along such fence or wall, placed inside the fence toward the interior of the lot.
3. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
4. The sale of new or used vehicles is prohibited unless separately approved.
5. No motor vehicles may be stored and no repair work may be conducted in the right-of-way.

**MM. Wind Energy System**

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers, such as Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
2. Wind turbines must comply with the following design standards:
  - a. Wind turbines must be a non-obtrusive and non-reflective color.
  - b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
  - c. Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
  - d. On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
  - e. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.

3. The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert, indicating possible risks to local wildlife, habitat, and migratory birds.
4. Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
5. Wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
6. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
7. All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
8. The facility owner or operator must comply with all applicable codes regulating sound generation. A predictive sound study of turbine noise must accompany the application to verify that all code requirements can be met for dBA sound levels. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels per the City Code, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.
9. A shadow flicker study is required and must be submitted with the application. Projects must mitigate shadow flicker on existing structures and shadow flicker must not fall within the buildable area of an adjacent lot, as defined by current setback requirements.
10. The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, once the use of the wind energy system or any individual wind turbines are discontinued. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines and related aboveground equipment.

#### **NN. Wireless Telecommunications**

All wireless telecommunication towers, facilities, and antennas are special exception uses with the exception of antenna stealth design (item 5 below).

##### **1. Application Requirements**

All applications to erect, construct, or modify any part of a wireless telecommunications system require site plan review must include the following items:

- a. A site plan showing:
  - i. The location, size, screening, and design of all structures, including fences.
  - ii. The location and size of all outdoor equipment.
  - iii. Elevations showing antenna height.
  - iv. If the site plan is for a new wireless telecommunications facility, a landscape plan showing all screening.
  - v. If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.
- b. A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, such as maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.

- c. A disclosure of what is proposed, demonstrating the need for the wireless telecommunications system in the proposed location. This is not required for co-location or stealth design antennas.
- d. The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives. This is not required if the proposal is does not involve the erection of a new tower.
- e. The service area of the proposed wireless telecommunications system.
- f. If the proposal is for a new telecommunications tower, then a map showing collocation opportunities within the City and within areas surrounding the borders of the City must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g. If the proposal is for a new telecommunications tower, certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

## 2. Setbacks

- a. All wireless telecommunications towers must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements, no less than the tower height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- b. All wireless telecommunications facilities must be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

## 3. Height

The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily. The application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function, which will be reviewed and approved as part of site plan review. The City has the ability to hire an independent consultant to assist in review of the proposed height, whose fee will be charged to the applicant. Where a wireless telecommunications tower exceeds the maximum height permitted in the district, the City may require additional setbacks from all lot lines.

## 4. Lighting and Marking

Wireless telecommunications systems must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

## 5. Specific Standards for Wireless Telecommunications Antennas

Wireless telecommunications antennas are a special exception use in all districts, unless they are stealth design in which case they are a permitted use. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review. All applications for wireless telecommunications antennas must include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- a. To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b. Wireless telecommunication antennas must be mounted at least 30 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design. Wireless telecommunication antennas mounted lower than 30 feet are considered a special exception use.
- c. Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (must be behind the parapet wall), and steeples, and designed to blend in with the structure.

- d. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design. However, such antennas cannot increase the overall height of the existing wireless telecommunications tower.
- e. No antenna may increase the overall height of any structure on which it is mounted by more than 15 feet.

**6. Specific Standards for Wireless Telecommunications Facilities**

- a. Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site.
- b. Commercial advertising is prohibited. Only signs that are part of the equipment as manufactured or warning signage is permitted.

**7. Specific Standards for Wireless Telecommunications Towers**

- a. The use of guyed towers is prohibited. Towers must be monopoles, meaning self-supporting with no wires, cables, or beams.
- b. Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- c. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a galvanized silver or gray finish.

**8. Abandonment**

Any wireless telecommunications system that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the tower or facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.

**9. Nonconformities**

- a. Ordinary maintenance, including replacement/upgrading, of antenna equipment may be performed on nonconforming antennas or towers. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or tower, a variance is required.
- b. Co-location of an antenna on an existing nonconforming tower is a permitted use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not increase the overall height of the nonconforming tower.

## 9.4 Accessory Use Standards

**A. Drive-Through Facility**

- 1. All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Code. Further, additional internal queuing and stacking spaces and other access points to prevent disruption of traffic flow on adjacent streets may be required.
- 2. Stacking spaces provided for drive-through uses must be:
  - a. A minimum of ten feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 20 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
  - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a drive-through sign). Spaces must be placed in a single line behind each lane or bay.

3. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods unless required for emergency or traffic safety reasons as determined by the Chattanooga Department of Transportation.
4. The minimum width for a drive through lane is ten feet.
5. Drive-through facilities require a solid fence or wall a minimum of six feet to a maximum of seven feet in height along the interior side and rear lot lines when such lot lines abut a residential zone, or the C-NT, C-N, or C-TMU Zones. One shrub, a minimum of three feet in height at maturity, is required every three linear feet, along such fence or wall, placed inside the fence toward the interior of the lot.
6. All drive-through facilities, including but not limited to drive-through signs stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through facility, must be located to the side or rear of the building. Drive-through windows and lanes may not be placed between the street and the associated building.
7. No drive-thru component, such as drive-up windows, lanes, or order box, is allowed within 50 feet of a residential use, excluding mixed-use developments, measured from the residential lot line to the closest point of the drive-thru lane.
8. All drive-through areas, including but not limited to drive-through signs, stacking lanes, trash receptacles, ordering boxes, drive up windows, and other objects associated with the drive-through must be located to the side or rear of the principal building. Drive-through windows and lanes may not be placed between a public street and the structure.

#### **B. Accessory Dwelling Unit (ADU)**

1. ADUs are intended as accessory uses to single-unit detached dwellings. ADUs must be located on the same lot as the principal dwelling unit.
2. Only one ADU is permitted per lot per single-unit detached dwelling.
3. The ADU must be owned by the same property owner(s) as the principal dwelling unit and cannot be subdivided or otherwise separated in ownership such that the ADU is located on a different lot than the principal dwelling unit. Under no circumstances may the ADU be converted to a horizontal ownership regime or a fee simple condo.
4. Maximum height for detached ADUs:
  - a. When the height of the principal dwelling unit is more than one-story: Maximum of 24 feet or two stories
  - b. When the height of the principal dwelling unit is one-story: Maximum of 24 feet when measured to the peak of the roof for all roof types
5. Maximum height for attached ADUs: Limited to the maximum height of the zone and cannot exceed the height of the principal dwelling
6. Detached ADUs must be located in the rear or interior side yard only. Detached ADUs are not permitted in the front yard.
7. Attached ADUs must meet the minimum setback requirements as required for the principal structure in the zone.
8. The maximum size of a detached ADU cannot exceed a gross square footage of 700 square feet. This is measured by the exterior dimensions of the building. Sleeping lofts and interior stairwells that are conditioned are also added into this square footage.
9. The maximum size of an attached ADU cannot exceed a gross square footage of 700 square feet. This is measured by the exterior dimensions of the building. Sleeping lofts and interior stairwells that are air conditioned are also added into this square footage.

10. ADU conversions must meet the minimum standards, including 700 square feet in size, if an existing portion of a single-unit dwelling or detached accessory structure is to be converted to an ADU.

11. Detached ADU minimum setbacks are as follows:

- a. Not permitted in front yard.
- b. Corner Side Setback: 10 feet
- c. Interior Side Setback: 5 feet
- d. Alley Setback: 5 feet
- e. Functional Rear Yard of a Double-Frontage Lot: Required front setback of zone
- f. Rear Setback: 5 feet

12. Attached ADU must maintain the setback requirements of the underlying zone for principal structures.

13. There is no minimum on-site parking requirement for ADU's. Existing required parking for the principal dwelling unit must be maintained or replaced on-site if parking is lost due to the creation of the ADU.

14. Home occupations are allowed in the ADU.

15. The following design standards apply:

- a. Shipping containers and recreational vehicles are prohibited as an ADU.
- b. The ADU must have a permanent foundation either through digging and pouring a footer or being attached to an existing permanent structure.
- c. ADUs must follow all design standards applicable to single-unit detached houses.
- d. For attached ADUs, an exterior staircase used to access an ADU cannot be located on the front facade of the structure.
- e. The ADU must have a separate entrance located on the side yard or rear yard. An entrance at the front of the principal dwelling is allowable if it is a single entrance door for both the principal dwelling and the accessory unit. A front entrance solely for the ADU is allowed if the entrance door existed prior to May 31, 2022. A separate entrance must lead directly to the outside and cannot be through a garage.

16. Nonconforming or existing ADUs that that were constructed prior to May 31, 2022 may continue to exist and will be considered legal units if they are brought up to all applicable building, fire, and municipal codes as required by the Land Development Office. This includes any existing ADUs (as of May 31, 2022) within a front yard. Such ADUs may be repaired and rebuilt to the existing footprint. When the principal structure is demolished, this permission is deemed null and void.

### C. Farmstand

1. Farmstands are limited to sales of items grown at the site or value-added products from items grown at the site. No resale of items is permitted at farmstands.
2. Only one farmstand is permitted per lot.

### D. Helistop

1. A helistop must be designed and constructed in accordance with all federal and state regulations.



## **E. Home Occupation**

1. Home occupations are permitted in a dwelling unit as an accessory use provided that this use is clearly incidental and secondary to the primary use of the dwelling for residential purposes and does not change the character of the dwelling unit or adversely affect the surrounding residential district of which it is a part.
2. The home occupation may be conducted within the principal structure or within a detached accessory structure.
3. Only a full-time resident of the dwelling and no more than two persons employed who is not a resident may be in the home at any given time to work in connection with the home occupation.
4. No alteration of any structure may be made that changes the residential character of that dwelling. Displays or activities that indicate from the exterior that a structure is being used, in part, for any purpose other than that of a residence or an accessory structure are prohibited.
5. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
6. The home occupation and all related activity, including storage, equipment, and display, must be conducted completely within the principal building or accessory structure.
7. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on-site. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
8. The use or storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.
9. The home occupation cannot create greater vehicular or pedestrian traffic than is average for a residential area. The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way.
10. Only one non-illuminated, affixed wall sign no more than 1.5 square feet in area is permitted in association with the home occupation.
11. Day care homes of any type are not considered a home occupation and are regulated separately by this Ordinance as a principal use.
12. Repair and service of any vehicles, any type of heavy machinery, or any type of engine is prohibited. Small electronic repair, such as computers, is allowed.
13. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product, are prohibited
14. Dispatching services, where workers report to the home for dispatching, are prohibited
15. The business of firearm transfers is prohibited.

## **F. Keeping of Livestock/Equines**

1. A minimum lot size of one acre is required.
2. All enclosures for livestock and/or equines, including stables, barns, and animal pens, must be located 100 feet from the lot line.

### **G. Outdoor Sales and Display (Accessory)**

1. The regulations of this section apply to outdoor sales and display located entirely on the lot and accessory to the principal use of the site. Outdoor sales and display located on the right-of-way is regulated separately by the City Code.
2. Accessory outdoor sales and display of merchandise must be merchandise that customarily sold on the premises.

### **H. Outdoor Storage (Accessory)**

1. The regulations of this section apply only to outdoor storage located entirely on the lot and accessory to the principal use of the site. Outdoor storage as a principal use of the site is regulated as a principal use.
2. Outdoor storage of material and equipment is associated directly with and accessory to the on-site principal business (input materials, equipment, or outgoing product) use.
3. Outdoor storage areas occupy no more than 40% of the lot area, excluding the area where buildings are located or the principal building, whichever is less.
4. Outdoor storage areas require a solid fence or wall a minimum of six feet to a maximum of eight feet in height along the interior side and rear lot lines. One shrub, a minimum of three feet in height at maturity, is required every three linear feet, along such fence or wall, placed inside the fence toward the interior of the lot. This does not apply in the industrial zones unless such lot lines abut a residential zone.
5. No outdoor storage is permitted in any public right-of-way. No outdoor storage may be located so that it obstructs pedestrian or vehicular traffic.

### **I. Outdoor Seating/Activity Area**

This section regulates outdoor seating/activity areas that occurs on private property only. Outdoor seating/activity on the right-of-way is regulated within the City Code.

1. Outdoor seating/activity areas must be established in conjunction the principal use on the site.
2. No outdoor seating/activity areas may be located within required off-street parking areas including access aisles. The outdoor dining area must not interfere with the circulation of pedestrian or vehicular traffic.
3. When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designed as a permanent outdoor seating/activity areas, which may be setback up to 30 feet from the required build-to line.
4. The hours of operation for the outdoor dining area may be no greater than that of the principal use.

## **9.5 Temporary Use Standards**

These regulations are for temporary uses located on private property. Temporary use permissions are granted to property, not individual temporary use permit applicants or temporary use operators. Where temporary uses are limited in timeframes, such as number of times per year, such timeframes apply to the property, not the permit applicant. Temporary uses require a temporary use permit per Section 17.9 unless specifically cited as exempt.

### **A. Mobile Food Vendor**

These standards apply to individual mobile food trucks and food trailers that locate on private property as an individual temporary use. When food trucks and trailers are included as part of another temporary use, such as temporary outdoor entertainment event, they are approved as part of that use but are still subject to items 5 through 9 below.

1. The timeframe of a mobile food vendor, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
2. If the operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
3. The permit holder must keep the area clear of litter and debris at all times.

4. All food trucks and food trailers must be properly licensed by the health department.
5. Outdoor seating may be provided on the site, but no seating may be permanently installed.
6. A permanent water or wastewater connection is prohibited.
7. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
8. Drive-through service is prohibited.
9. Shipping containers cannot be used a mobile food vendor.

**B. Mobile Retail Vendor**

These standards apply to individual mobile retail vendors that locate on private property as an individual temporary use. When such vendors are included as part of another temporary use, such as temporary outdoor entertainment event, they are approved as part of that use but are still subject to items 3 through 6 below.

1. The timeframe of a mobile retail vendor, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
2. If the operator is not the owner of the site where the vendor will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
3. The permit holder must keep the area clear of litter and debris at all times.
4. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
5. Drive-through service is prohibited.
6. Shipping containers cannot be used a mobile retail vendor.

**C. Temporary Entertainment and/or Sales Event**

The standards of this section and the use permission in Table 9-1 are for temporary entertainment and/or sales event that are located on private property. A special event permit and/or other authorization within the City Code is required for such events located in the right-of-way. However, when an event is authorized to occur in the public right-of-way, adjacent private properties may be included in the area of the event; in such case, an additional temporary use permit for the private property is not required.

1. The timeframe of a temporary entertainment and/or sales event, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. The temporary use permit may be issued on a yearly basis.
2. Temporary entertainment and/or sales events in the residential zones is restricted to those events associated with and conducted by an institutional use within the district, such as a place of worship and educational facility, and must take place entirely on the lot containing the use.
3. A management plan is required and must be approved as part of the temporary use permit application that demonstrates the following:
  - a. An estimate of the daily number of attendees.
  - b. General layout of performance or sales areas, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the site.
  - c. An established set of operating rules addressing the governance structure of the event, hours of operation, maintenance, and security requirements.
  - d. The on-site presence of a manager during the event.

- e. Provision for waste removal and for recycling.
  - f. The days and hours of operation, including set-up and take-down times.
  - g. A description of crowd control and security measures.
  - h. For outdoor events, a lighting plan describing all temporary lighting to be installed.
  - i. A parking and loading management plan.
4. Any temporary structures must be removed within three days of conclusion of the event.

## 9.6 Use Definitions

**Accessory Dwelling Unit (ADU).** An additional dwelling unit associated with and incidental to a principal dwelling on the same lot.

1. **Attached Accessory Dwelling Unit.** An additional subordinate dwelling unit located on the same lot as a principal dwelling unit which is joined to another dwelling at one or more sides by a wall and contained entirely within the footprint of the principal dwelling unit. Examples include converted living space, attached garages, basements, or attics, additions, or a combination thereof.
2. **Detached Accessory Dwelling Unit.** An additional subordinate dwelling unit located on the same lot as a principal dwelling unit and is a stand-alone, separate structure. This can include an existing garage or other accessory structure detached from the principal dwelling unit that is legally converted (fully or partially) to an accessory dwelling unit.

**Adult Use.** For the purpose of this use, adult uses include the following:

1. **Adult.** Any person who is 18 years of age or older.
2. **Adult Entertainment.** Any exhibition of any adult-oriented motion picture, live performance, display, or dance of any type that has as a principal portion of such performance, any actual or simulated performance of specified sexual activities, sexual conduct, or exhibition and viewing of any specified anatomical areas, removal of articles of clothing or appearing unclothed, or any other personal service offered customers involving exhibition and viewing of specified anatomical areas.
3. **Adult-Oriented Establishments.** Establishments that include, but are not limited to, sexually explicit establishments which cater to an exclusively or predominantly adult clientele and offer adult entertainment for business purposes such as: adult bookstores, adult motion picture theaters, adult cabarets, escort agencies, sexual encounter centers, adult massage parlors, adult video stores, and other enterprises which regularly feature materials, acts, or displays involving complete nudity or exposure of the specified anatomical areas defined below and/or sexual excitement or enticement. Adult-oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, , exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, lingerie studio, or any other term of like import which regularly feature materials, acts or displays involving complete nudity or exposure of the specified anatomical areas defined below for sexual excitement or enticement as a business purpose.
4. **Adult Bookstore.** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, sexual devices, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis on the display of sexual conduct, specified sexual activities, or specified anatomical areas. A business purpose for purposes of these definitions is defined below.
5. **Adult Motion Picture Theater.** Any public place, whether open or enclosed, which is used as one of its principal business purposes for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct, specified sexual activities, or specified anatomical areas for observation by patrons therein. A business purpose for purposes of these definitions is defined below.

**6. Adult Cabaret.** Any restaurant, bar, dance hall, nightclub or other such public place which as one of its principal business purposes regularly features entertainment of an erotic nature, including exotic dancers, strippers, or similar entertainers, and prohibits access by minors, because of age, to the premises, and/or advertises itself as offering “adult” or “XXX” or “X-rated” or “erotic” or “sexual” or “sensual” or “pornographic” material on signage. A business purpose for purposes of these definitions is defined below.

**7. Adult Video Store.** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one of the following: photographs, films, motion pictures, sexual devices, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis on the display of sexual conduct, specified sexual activities, or specified anatomical areas. A business purpose for purposes of these definitions is defined below.

**8. Adult Massage Parlors.** Any premises, public place, place of business or membership club which as one of its principal business purposes includes the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage, a sauna, a bath, body painting, or similar massage services or procedure, and prohibits access by minors, because of age, to the premises, and/or advertises itself as offering “adult” or “XXX” or “X-rated” or “erotic” or “sexual” or “sensual” or “pornographic” material on signage. This definition is not construed to include a principal business purpose such as a hospital, nursing home, medical clinic, exercise facility, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, holistic medicine, or osteopath. Nor is this definition be construed to include a barber shop, beauty salon, or spa operated by a duly licensed barber or cosmetologist,. A business purpose for purposes of these definitions is defined below.

**9. Minor.** Any person less than 18 years of age.

**10. Principal Portion.** At least 33.3% of the thing so described whenever such term is used in this Code.

**11. Business Purpose.** A business purpose for purposes of these definitions is a principal business purpose if any one or more of the following criteria applies:

- a. A principal portion of the business’ displayed merchandise consists of the foregoing enumerated items.
- b. A principal portion of the wholesale value of the business’ displayed merchandise consists of the foregoing enumerated items.
- c. A principal portion of the retail value of the business’ displayed merchandise consists of the foregoing enumerated items.

**12. Sexual Conduct.** The engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks, or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

**13. Sexual Device.** Any three-dimensional object primarily designed and marketed for the stimulation of the male or female human genital organs or anus, and includes three-dimensional reproductions or representations of the human genital organs or anus. Nothing in this definition is construed to include devices primarily intended for medical education, protection against sexually transmitted diseases, or for prevention of pregnancy.

**14. Sexual Device Shop.** A commercial establishment that regularly features sexual devices or offers for sale sexual devices as one of its principal business purposes. Nothing in this definition is construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor is this definition construed to include commercial establishments which do not restrict access to any portion of their premises to minors by reason of age. A business purpose for purposes of these definitions is defined below.

**15. Specified Sexual Activities.**

- a. Human genitals in a state of actual or simulated sexual stimulation or arousal.
- b. Acts of actual or simulated human masturbation, sexual intercourse or sodomy.
- c. Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

**16. Specified Anatomical Areas.**

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, and/or female breast below a point immediately above the top of the areola.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Agriculture.** Agriculture includes:

1. The land, buildings and machinery used in the commercial production of farm products and nursery stock.
2. The activity carried on in connection with the commercial production of farm products and nursery stock.
3. Recreational and educational activities on land used for the commercial production of farm products and nursery stock.

As used in this definition, the term farm products mean forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber, or fur. The term nursery stock means all trees, shrubs, or other plants, or parts of trees, shrubs, or other plants, grown or kept for, or capable of, propagation, distribution, or sale on a commercial basis. Agriculture includes a single-unit detached dwelling used as a dwelling for the operators/owners of the farm.

**Alternative Correctional Facility.** A monitored housing facility for adults or minors that is required by the courts or otherwise available as an alternative to incarceration.

**Amusement Facility – Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, indoor sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include uses such as, but not limited to, concession stands, eating and drinking establishments, and retail sales as ancillary uses.

**Amusement Facility – Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor sports stadiums, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, eating and drinking establishments, and retail sales as ancillary uses.

**Animal Care Facility.** An establishment which provides care for animals, excluding livestock, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming establishments, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays. Animal care facilities include pet cremation services.

**Animal Shelter.** A facility used to house or contain stray, homeless, abandoned, and/or unwanted animals.

**Art Gallery.** An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

**Arts and Fitness Studio.** An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes; health clubs are not an arts and fitness studio, but a personal service establishment.

**Bed and Breakfast.** A single-unit dwelling where a resident/owner provides lodging for a daily fee and prepares meals for guests. A bed and breakfast may include dining facilities for the guests. A bed and breakfast may or may not have reception facilities.

**Borrow Pit.** Land used as an excavation area where materials like soil, sand, gravel, or stone are extracted for construction purposes. Such excavation is a principal use of the land.



**Body Modification Establishment.** An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

**Broadcasting Facility.** A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

**Campground/Recreational Vehicle (RV) Park.** Land used for transient occupancy primarily by camping in tents and/or recreational vehicles, such as camp trailers, travel trailers, motor homes, or similar movable temporary sleeping quarters.

**Campground, Resort.** Land used for transient occupancy by camping primarily in cabins and other shelters such as domes, yurts, and treehouses.

**Car Wash.** An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

**Cemetery.** Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

**Children's Home.** An institutional residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased or otherwise unable or unwilling to care for them. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Commercial Kitchen (Standalone).** A certified shared commercial kitchen in which individuals or businesses prepare value-added food products and meals, usually paying an hourly or daily rate to lease a space shared by others.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities. A community center may serve as a local "food hub" where regionally grown food, including value added food, can be grown and/or brought for distribution and sale.

**Community Garden.** Fruits, flowers, vegetables, or ornamental plants cultivated by one or more individuals.

**Conservation Area.** Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

**Cottage Court Development.** A small lot residential development in a manner that organizes various dwelling types around a common open space, designed as a cohesive whole and maintained in shared stewardship by residents.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items, performance spaces and auditoriums, and eating and drinking establishments as ancillary uses.

**Day Care Center.** A facility where, for a portion of a 24 hour day, care and supervision is provided for minors, the elderly, and/or functionally-impaired adults in a protective setting.

**Day Care Home.** A residential dwelling where a permanent occupant of the dwelling provides care for minors, the elderly, and/or functionally-impaired adults from outside households in a protective setting for less than 24 hours per day. A day care home does not include facilities that only receive children from a single household.

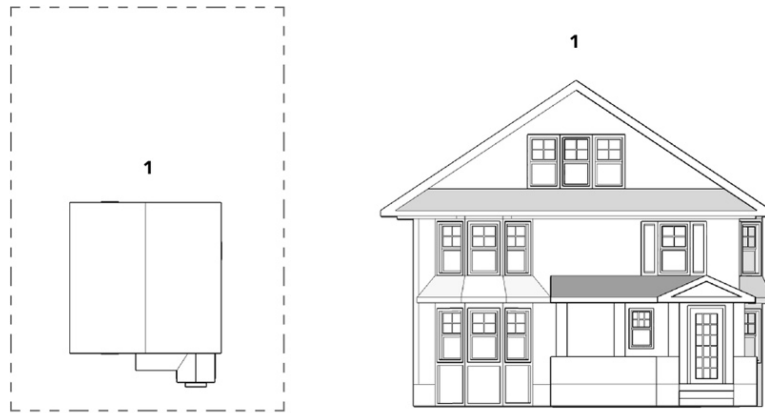
**Drive-Through Facility.** That portion of a business where transactions occur directly with customers via a service window, kiosk, or other configuration that allows customers to remain in their vehicle.

**Drug Treatment Clinic.** A licensed facility authorized by the state to administer drugs, such as methadone or suboxone, in the treatment, maintenance, or detoxification of persons.



**Dwelling – Single-Unit Detached.** A structure containing one dwelling unit located on a single lot.

**DWELLING – SINGLE-UNIT DETACHED**



Dwelling – Single-Unit Detached.

**Dwelling – Single-Unit Attached.** A structure containing one single-unit dwelling attached at an interior side lot line by a vertical party wall to another single-unit dwelling. Each single-unit dwelling is located on a separate lot.

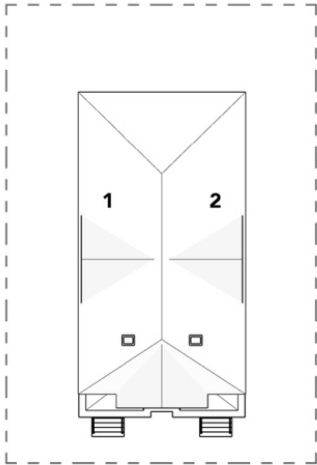
**DWELLING – SINGLE-UNIT ATTACHED**



Dwelling – Single-Unit Attached.

**Dwelling – Two-Unit.** A structure containing two dwelling units on one lot.

**DWELLING – TWO-UNIT**

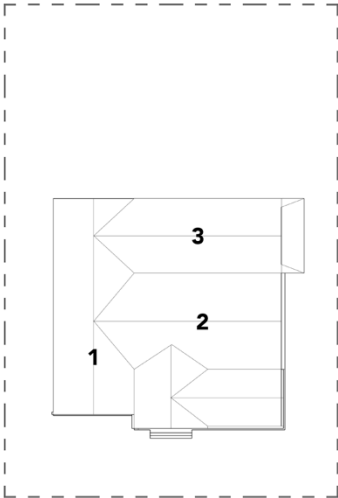


Dwelling – Two-Unit.



**Dwelling – Three-Unit.** A structure containing three dwelling units on one lot.

**DWELLING – THREE-UNIT**



Dwelling – Three-Unit.



**Dwelling – Four-Unit.** A structure containing four dwelling units on one lot.

**DWELLING – FOUR-UNIT**



**Dwelling – Four-Unit.**

**Dwelling – Townhouse.** Three or more attached dwellings where each townhouse building in the larger structure is attached to another townhouse building by a vertical party wall and designed so that each townhouse building in the development has a separate exterior entrance to the dwelling unit.

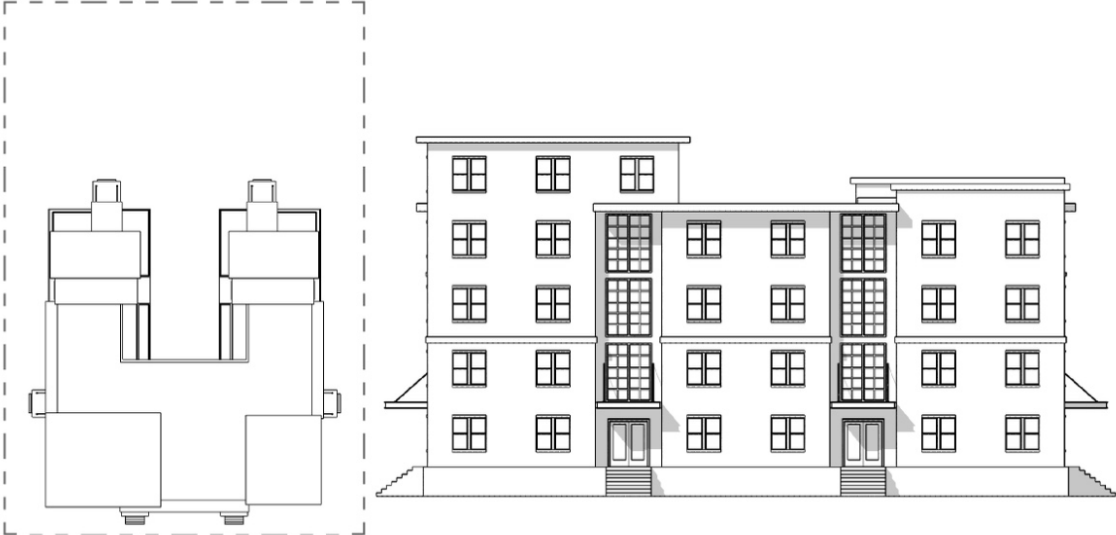
**DWELLING – TOWNHOUSE**



**Dwelling – Townhouse.**

**Dwelling – Multi-Unit.** A structure containing five or more dwelling units within a single building where the units are accessed by one or more common entryways. However, ground floor units may be accessed by individual entry ways.

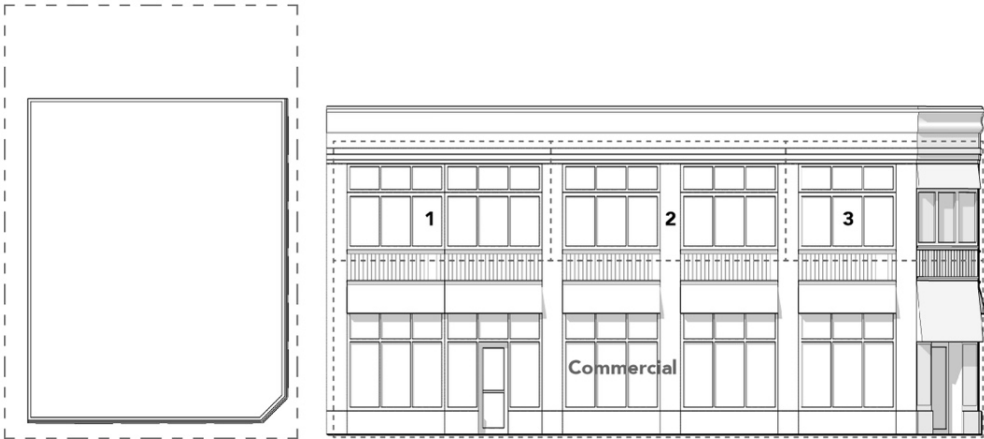
**DWELLING – MULTI-UNIT**



Dwelling – Multi-Unit.

**Dwelling – Above the Ground Floor.** Dwelling units located above ground-floor nonresidential uses.

**DWELLING – ABOVE THE GROUND FLOOR**



Dwelling, Above the Ground Floor

**Dwelling - Live/Work.** A principal structure that combines a dwelling unit with a commercial use permitted in the zoning district that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Code.

**Dwelling - Manufactured Home.** A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured home includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

1. For manufactured homes built before June 15, 1976, manufactured home means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. Manufactured home also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.
2. Modular buildings and modular homes are not considered manufactured homes and refer to a method of construction. Modular homes are built in multiple sections, called modules, at a facility and then delivered to the site where the modules are set onto the building's foundation and joined together to make a single building. Modular buildings and modular homes must conform to all zoning requirements for the dwelling type and meet all local building code requirements.

**Eating and Drinking Establishment.** An establishment where food and/or drinks are prepared and provided to the public for on-premises consumption by seated patrons, carry-out, and/or delivery service. Restaurants and bars are considered eating and drinking establishments.

**Educational Facility - College/University.** A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, housing for staff and students, fraternities/sororities, cafeterias, eating and drinking establishments, retail sales, indoor or outdoor recreational facilities, and similar uses.

**Educational Facility - Primary or Secondary.** A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels. A pre-school may also be included as part of a primary school. Educational facilities – primary or secondary include ancillary uses such as dormitories, housing for staff and students, cafeterias, indoor or outdoor recreational facilities, and similar uses.

**Educational Facility - Vocational.** A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or commercial vehicle driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum. This does not include primary or secondary educational facilities.

**Farmstand.** A structure used to display and sell products grown on a lot in agricultural use.

**Financial Institution.** A bank, savings and loan, credit union, or mortgage office.

**Financial Institution, Alternative.**

Alternative financial institution means establishments that are:

1. Not licensed by an appropriate state or federal agency as a bank, savings and loan association, or credit union, industrial loan and thrift offices, insurance premium finance companies, or mortgage companies.
2. Regulated by the Tennessee Department of Financial Institutions.

3. Categorized for purposes of this Code as:
  - a. Pawnbrokers as defined at T.C.A. § 45-6-203.
  - b. Title pledge lenders as defined at T.C.A. § 45-15-103.
  - c. Deferred presentment services as defined at T.C.A. § 45-17-102.
  - d. Check cashers as defined at T.C.A. § 45-18-102 except that check cashers do not include check cashers exempt from state regulation pursuant to T.C.A. § 45-18-103.
  - e. Flexible credit licensee that offers flex loans pursuant to Chapter 12, Title 45 of the Tennessee Code Annotated.
  - f. Any combination of alternative financial services which include, but are not limited to, pawnbrokers, title pledge lenders, deferred presentment services, check cashers, and/or flexible credit licensee.

**Food Bank.** A non-profit or governmental organization that collects and distributes food to hunger relief organizations. Food is not distributed to the public or individuals from a food bank.

**Food Pantry.** A non-profit or governmental organization that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be an ancillary use of a place of worship, community center, social service center, and/or homeless shelter.

**Food Truck Park.** The use of land designed to accommodate one or more food truck vendors offering food and/or beverages for sale to the public as the primary use of the property, which may include seating areas for customers.

**Fraternity/Sorority.** A structure used by a chartered fraternal or sororal membership organization or association, used as a residence or a dining and recreational facility for members of organizations or associations who are students at a university, which permits the organization or association to use its facilities because of the relationship of such organization or association to the body of students enrolled in such institution.

**Freight Terminal.** A processing node for freight, such as a trucking terminal.

**Funeral Home.** An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

**Gas Station.** An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Gas stations may include solar and/or electric charging stations. A gas station may also include ancillary retail.

**Golf Course/Driving Range.** A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.

**Government Office/Facility.** Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as City offices and post offices. Government offices do not include public safety or public works facilities.

**Group Home.** A group care facility, operated on a for-profit basis, in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision, including drug and alcohol rehabilitation (excluding medical detoxification). Group home does not include persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined in Tennessee Code Annotated § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness. A group home with eight or fewer residents is considered a single-unit dwelling.

**Halfway House.** A residential facility for persons who have been institutionalized for criminal conduct and who either require a group setting to facilitate the transition to society, or have been ordered to such facilities by the court as a condition of parole or probation.

**Heavy Retail, Rental, and Service.** Retail, rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers with outdoor storage, display, and rental components, lumberyards, recreational vehicle dealerships, boat sales, rental, and service, truck rental establishments, and sales, rental, and repair of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail, rental, and service establishments.

**Helistop.** Land or part of a structure used for the landing of helicopters.

**Home Occupation.** An activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling.

**Hospital.** Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories and staff housing, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, eating and drinking establishments, retail sales, and similar uses.

**Hotel.** A commercial facility that provides transient lodging accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, eating and drinking establishments, and recreational facilities for the use of guests. Hotel includes motels, hostels, and extended stay hotels. Hotels may be constructed as a series of detached structures.

**House Museum.** A dwelling converted from its original principal use as a dwelling unit to a permanent, staffed institution dedicated to the collection, preservation, study, display, and educational use of objects, and which is open to the public on a regular and limited schedule, is owned and operated as a nonprofit organization, and has a board of trustees or directors to oversee its operation and management and to ensure that the institution is true to its purpose.

**Industrial – Artisan/Craft.** Artisan-related crafts and industrial processes that are more intensive uses, such as small-scale metalworking, glassblowing, furniture making, and small-scale food production that includes preparation, processing, canning, or packaging of food products. Micro-production of alcohol and specialty food production are regulated separately from artisan/craft industrial. An artisan/craft industrial use may also include sales of products created on-site.

**Industrial - General.** The manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, and incidental storage, sales, and distribution of such products. General industrial uses may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have outdoor storage areas.

**Industrial - Light.** Research and development activities, and the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, where such activities are conducted wholly within an enclosed building. A light industrial use may also include a showroom, sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

**Industrial Design.** An establishment for the research, design, and brand development of products for future production. Industrial design integrates the creative fields of art, science, and/or engineering to determine and define a product's form and features in advance of the physical act of making a product. An industrial design establishment may create prototypes, but may not mass manufacture products from the premises.

**Junk Yard/Salvage Yard.** A facility used for the abandonment, sale, storage, collection, or baling of scrap metal, other scrap or discarded materials, waste tire processing or collection area, and/or abandoned vehicles or machinery, or parts thereof.

**Keeping of Livestock/Equines.** The keeping of livestock and/or equines, including the associated structures, such as stables, as an accessory use to a non-agricultural uses, such as a dwelling.



**Live Entertainment - Secondary Use.** A live performance, performed live by one or more persons including, but not limited to, musical acts, including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, included as part of the operation of an eating and drinking establishment, amusement facility, or similar use. As a secondary use, the other principal use operating on the site is open to public during hours when no performance is scheduled. Live entertainment - secondary use is approved separately as a principal use. Live entertainment - secondary use does not include:

1. Any adult use.
2. Live performance venue.
3. Periodic performances or entertainment at educational facilities, places of worship, cultural facilities, reception facilities, and performances at weddings and similar events.
4. Incidental entertainment, which is defined as background music provided at an eating and drinking establishment.

**Live Performance Venue.** A facility for the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance or may be purchased at the venue on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any adult use.

**Lodge/Private Social Club.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Lodge/private social club also includes an establishment owned or operated by a corporation, association, or group of private individuals, open to members, their families, and invited guests, organized and operated for pursuit of a common interest, occupation, or activity.

**Manufactured Home Park.** A parcel of land under single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

**Manufactured Home Subdivision.** A parcel of land under single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use and single-unit detached dwellings, where each lot is individually owned.

**Medical/Dental Office/Clinic.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

**Micro-Production of Alcohol.** A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. Facilities include a tasting room and may include retail areas for the purchase of beverages manufactured on-site and related items.

**Mobile Food Vendor.** A motor vehicle or food trailer towed by another vehicle, designed, and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors.

**Mobile Retail Vendor.** A motor vehicle, or trailer towed by another vehicle, designed and equipped to sell goods directly to consumers. It does not include wholesale distributors.

**Movie Studio.** Facilities for the production of motion pictures and film, including stages, exterior sets, film laboratories, sound recording facilities, construction, repair and storage facilities, caretaker and temporary housing, related commercial vehicles, and accessory fabrication activities.

**Neighborhood Commercial Establishment.** A commercial use within a residential neighborhood that is nonresidential in its original construction and/or use. The structure containing a neighborhood commercial establishment may also contain dwelling units.

**Nightclub.** An establishment that provides entertainment of a participatory nature, including disc jockeys (DJs), by providing a place for dancing designed with an area designated as a dance floor, including any stage area; however portions of the floor area may be set up for alcohol service, including a bar counter, with or without stools, and other seating areas.

**Office.** An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution or industrial design.

**Outdoor Market.** An outdoor site, where individual stalls or spaces are provided to vendors to display, buy, sell, exchange, or deal in produce, food, and new or used goods.

**Outdoor Sales and Display (Accessory).** Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

**Outdoor Seating/Activity Area (Accessory).** An outdoor seating/activity area as an accessory use is located outside the permanent enclosed area, and is used for seating, for food and/or beverage consumption, and/or participatory activities such as trivia. This includes, but is not limited to, areas such as patios, decks, rooftops, and open areas.

**Outdoor Storage (Accessory).** The storage of materials, supplies, equipment, vehicles, and similar items outdoors accessory to and used by the principal use of land.

**Outdoor Storage Yard.** The storage of material outdoors as a principal use of land for more than 24 hours. An outdoor storage yard often functions as a secondary principal use to businesses with outdoor storage of materials, such as storage of materials used in a contracting business where the contractor's office is also on-site.

**Park.** A facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, athletic fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Park may also include non-commercial indoor recreation facilities, and amphitheaters, as well as ancillary uses such as, but not limited to, eating and drinking establishments and retail establishments, and temporary outdoor uses such as festivals and performances.

**Parking Lot (Principal Use).** An open, hard-surfaced area, excluding a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

**Parking Structure (Principal Use).** A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge.

**Passenger Terminal.** A facility for the assembly and dispersal of travelling passengers.

**Personal Service Establishment.** An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, spas, massage parlors, laundromats, health clubs, dry cleaners, tailors and the like.

**Place of Worship.** A facility where persons regularly assemble for religious purposes and related social events and may include group housing for persons under religious vows or religious orders. Places of worship may also include ancillary uses such as day care and pre-school facilities, meeting rooms, emergency shelters, auditoriums, and/or classrooms for weekly religious instruction.

**Private Recreation Club.** An establishment owned or operated by a corporation, association, or group of private individuals, open to members, their families, and invited guests organized and operated for social and recreation purposes, and which may include recreation facilities, both indoor and outdoor, restaurants and bars, meeting rooms, and/or similar uses.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department, emergency medical services, and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

**Public Works Facility.** A facility operated by the municipal public works departments to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.

**Quarry/Mining and Extraction.** An open excavation for obtaining building stone, slate, limestone or other mineral substances. The process of removal can include blasting, crushing, screening, sizing and conveying of the material. The material derived is usually sold on a commercial basis.

**Reception Facility.** A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as an eating and drinking establishment with regular hours of operation.

**Reception Facility, Estate.** A single-unit dwelling that hosts private events both within the dwelling and on the property including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. Private events may also be hosted within accessory structures located on the site.

**Recycling Processing Facility.** An establishment for construction, demolition, or other materials to be recycled and used in new products.

**Research and Development.** A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products but may not manufacture products for direct sale and distribution from the premises.

**Residential Care Facility.** A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum.

**Residential Addiction Treatment Facility.** A licensed care facility that provides 24-hour medical, non-medical, and/or therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification.

**Retail Goods Establishment.** An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishments do not include heavy retail, rental, and service establishments, including whole goods establishments.

**Retail Sales of Alcohol.** Retail sales of alcoholic beverages for consumption off-premises. Micro-production of alcohol facilities which may sell alcoholic products produced on-site is not considered retail sales of alcohol.

**Self-Storage Facility: Enclosed.** A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

**Self-Storage Facility: Outdoor.** A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Any self-storage facility constructed with multiple buildings for storage are considered outdoor self-storage. Outdoor self-storage also includes structures that are double loaded “strip” buildings where access is from an interior hallway.

**Shelter, Domestic Violence.** A licensed facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety services to help individuals and their children including counseling and legal guidance.

**Shelter – Low-Barrier.** Low-barrier shelters provide immediate shelter for unhouse individuals without strict conditions on entry.

**Shelter – High-Barrier.** High-barrier shelters provide a structured environment to assist unhoused individuals in addressing the underlying issues contributing to their situation, such as substance abuse, mental health challenges, or unemployment.

**Social Service Center.** A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

**Solar Energy System.** A ground-mounted solar array operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

**Specialty Food Service.** Specialty food service is an establishment where food products are prepared, processed, canned, and/or packaged and all processing is completely enclosed on-site and there are no outside impacts. Such business specializes in the sale of specific food products made on-site, such as a coffee roaster, nut roaster, and cheesemaker, and may offer areas for retail sales and/or eating and drinking areas that serve the products processed on-site. Catering businesses are considered a specialty food service. Specialty food service does not include bakeries, even if products are prepared on-site.

**Temporary Entertainment and/or Sales Event.** One or a combination of the following events:

- 1. Temporary Entertainment Event.** A temporary entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary entertainment event includes festivals, carnivals/circuses, temporary worship services, and others.
- 2. Temporary Sales Event.** A temporary sales event where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, temporary vehicle sales, and holiday sales, such as firework stands, Christmas tree lots, and pumpkin sales lots. This temporary use category does not include garage sales, which are regulated by Section 62-13 of the City Code.

**Utility.** Any facility, infrastructure, and/or equipment used for the generation, transmission, storage, or distribution of electric energy, natural or manufactured gas, water, stormwater, cable television, internet, telephone services, or wastewater, between the point of generation and the end user. A utility does not include wireless telecommunications towers, antennas and/or facilities, satellite dish antennas, waste management facilities, recycling collection facilities, or radio, television, or microwave transmission or relay towers. Utility also includes utility operation facilities where all activity occurs indoors. Utility does not include electric vehicle charging stations, solar energy systems or panels, or wind energy systems or private turbines.

**Vehicle Dealership.** An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

**Vehicle Operation Facility.** A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operation facility does not include a public works or public safety facility.

**Vehicle Rental.** An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

**Vehicle Repair Facility: Major.** A business that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (e.g., upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include services considered minor vehicle repair.

**Vehicle Repair Facility: Minor.** A business that provides services in minor repairs to motor vehicles and motorcycles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, tire replacement, wheel servicing, alignment, and balancing, realignment, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, and wheel bearings, and similar minor repairs.

**Warehouse.** An enclosed facility for the storage and distribution of manufactured products or raw materials, supplies, and/or equipment.

**Wholesale.** A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

**Wind Energy System.** An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

**Wireless Telecommunications.** Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

**1. Antenna**

A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.

**2. Facility**

A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.

**3. Tower**

A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.

## Article 10. General Development Standards

### 10.1 General Development Standards Applicable to Zones

#### 10.2 Exterior Lighting Controls

#### 10.3 Permitted Encroachments

#### 10.4 Performance Standards

### 10.1 General Development Standards Applicable to Zones

#### A. Applicability of Dimensional Requirements

1. All structures must meet the dimensional requirements of the zone in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in a manner that conflicts with the requirements of the zone in which the structure it is located unless a variance is approved.
2. The location of required setbacks on irregularly shaped lots will be determined by the Director of the Land Development Office. The determination will be based on the spirit and intent of this Code to achieve an appropriate spacing and location of buildings on individual lots.

#### B. Development on Individual Well and Septic Tanks

The minimum lot area requirement for development of lots on individual wells and septic tanks is 25,000 square feet. Only single-unit detached dwellings are permitted on lots served by individual wells and septic tanks.

#### C. Number of Structures on a Lot

1. Lots used for single-unit (detached or attached), two-unit, three-unit, or four-unit dwellings are limited to one principal building per lot. An accessory dwelling unit is not considered a principal building.
2. For all other uses, there may be more than one principal building on a lot, but all buildings must comply with all standards of the zone.

#### D. Structures Prohibited in Utility Easements

Permanent structures, including buildings, retaining walls, and decks, and accessory structures, are prohibited within utility easements unless otherwise approved by the authorizing agency. If any structures are located within a utility easement and repair or replacement of the utility is needed, neither the City nor the utility is not responsible for the replacement of any structures that may be damaged.

#### E. Sight Visibility

All hedges, fences, shrubs, or other obstructions located at street intersections must comply with the sight visibility requirements of Section 32-34 of the City Code.

#### F. Lots to Front on a Street

##### 1. Residential

- a. Every residential building hereafter erected, reconstructed or structurally altered must be located on a lot fronting a public street, except for any recorded lot that is currently five acres or larger in size and was five acres or larger in size at the time it was annexed into the City and has a recorded access easement that is at least 15 feet wide for each lot it serves but not required to exceed 50 feet. This does not apply to cottage court developments.
- b. The Board of Appeals may grant a variance to this requirement if the following two conditions are met:
  - i. The recorded lot was smaller than five acres at the time it was annexed into the City.
  - ii. The recorded lot has a recorded access easement that is at least 15 feet wide for each lot it serves but not required to exceed 50 feet.
- c. Residential structure or structures meet the definition of a Horizontal Property Regime (HPR) as defined in T.C.A. § 66-27-103. However, the residential structures must comply with the allowed uses within the individual zones.



## 2. Nonresidential

Every nonresidential structure erected, reconstructed, or structurally altered must be located on a lot fronting a public or private street or a permanent recorded easement approved by the City of Chattanooga Transportation Department.

### G. Special Exception for Movement of Single-Unit Dwellings

#### 1. Intent

In order to ensure that the movement of single-unit dwellings is compatible to the area where the residence is to be moved, the following guidelines and criteria listed (pursuant to T.C.A. §§ 13-3-501 through 504) must be followed by the specified body as referred to below.

- a. This applies to single-unit dwellings only and does not apply to manufactured homes.
- b. "Developed area of single unit residences" (as used in this part) means an area generally referred to as a subdivision as indicated on a plat filed in the Register of Deeds Office.

#### 2. Requirements

Requirements for moving single-unit dwelling from one foundation to another are as set forth below.

- a. No single-unit dwelling may be moved from an existing foundation to another foundation located within a developed area of single unit residences unless:
  - i. The dwelling to be moved is consistent with the age, value, size, and appearance of existing dwellings within the developed area of single-unit dwellings to which the single-unit dwelling is to be moved and provided that the value of the dwelling may be greater than that of the existing residences and the size of the house may be larger than that of the existing residences; and
  - ii. Approval for the movement of the single-unit dwelling to a foundation within a developed areas of single-unit dwellings has been given by the following specified body:
    - (A) The homeowners' association of the development where the dwelling is to be moved, if a homeowner's association is in existence.
    - (B) A neighborhood association where the dwelling is to be moved that has been in existence for more than one year prior to the date the dwelling is to be moved, if a neighborhood association is in existence in the area.
    - (C) The Planning Commission by issuance of a special exceptions permit, if (A) or (B) above does not apply.

#### 3. Age, Value, Size, and Appearance Criteria

The residence to be moved must be consistent with:

- a. The age of existing dwellings within the developed area of single-unit dwellings if the dwelling to be moved is within ten years of the average age of the existing structures within the developed area.
- b. The value of existing dwellings within the developed area of single-unit dwellings, if the valuation of the dwelling being moved appraised, prior to being moved, at a value that is at least equal to the average appraisal of the existing structures within the developed area; provided that nothing in this subdivision must be construed to prevent such dwelling from exceeding the value of such existing dwellings. In establishing the value of existing dwellings, the value of modular homes located in such developed area cannot be used in arriving at the average appraisal of the existing structures.

If the value of the dwelling, prior to being moved, appraised at a value that is at least equal to the average appraisal of the existing structures within the developed area, then it is presumed that such dwelling will appraise at least at the same or greater value once it is moved.

In obtaining approval from the specified body as proof that the value of the dwelling or appearance of the dwelling is consistent with the value or appearance of such existing dwellings, evidence may be presented that includes photographs of the inside and outside of the residence to be moved as well as the appraised



value of such dwelling as determined by the assessor of property, or the fair market value of such dwelling as determined by an independent appraiser. Such proof must be a rebuttable presumption that the value and appearance of the dwelling is at least equal to the value and appearance of the existing structures within the developed area. Additional documents showing intended improvements may also be presented.

c. The size of existing dwellings within the developed area of single-unit dwellings, if the size of the dwelling being moved is at least within 100 square feet of the average size of the existing dwellings within the developed area, provided that nothing in this subdivision must be construed to prevent such dwelling from exceeding such average square footage. In establishing the average size of existing structures, the square footage of a modular home cannot be used in making such calculations.

d. The appearance of existing dwellings within the developed area of single-unit dwellings as determined by the specified body giving its approval for the single-unit dwelling to be moved to the developed area.

#### 4. Enforcement

a. An approval letter from the specified body, along with documentation of the required criteria, must be submitted to the Land Development Office before the issuance of a building permit for the movement of a single-unit dwelling.

b. All structural improvements which will affect the value and appearance of the dwelling moved to the developed area of single-unit dwellings must be made to such dwelling in accordance to applicable codes and ordinances in effect. If improvements have not been completed on the dwelling at least equal to the average standards in the developed area, such dwelling is deemed to be in violation of the local government building codes, and penalties associated with such violations may begin to accrue in accordance with all relevant local building codes and ordinances adopted and in effect in the local jurisdiction where the residence is located.

## 10.2 Exterior Lighting Controls

### A. Lighting Plan Required

1. A lighting plan is required for all nonresidential uses, mixed-use, and multi-unit developments. Other developments are exempt from a required lighting plan but are subject to applicable lighting standards of Item B below.
2. A lighting plan must include the following:
  - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting.
  - b. Specifications for luminaires, including certifications of energy efficient lighting, and lamp types, and poles, including photographs or drawings of proposed light fixtures.
  - c. Pole and luminaire details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
  - d. Elevations of the site including all structures and luminaires sufficient to determine the total cutoff angle of all luminaires and their relationship to abutting parcels.
  - e. For developments subject to site plan review, photometric plans that show the footcandle measurement at all lot lines may be required if the lot is adjacent to a residential zone.
  - f. Other information and data reasonably necessary to evaluate the required lighting plan.

### B. Lighting Standards

1. The maximum allowable footcandle at any lot line is one footcandle.
2. All luminaires must be full cutoff luminaire design.
3. The maximum total height of a freestanding luminaire is 20 feet in a nonresidential zone, and 15 feet in a residential zone.

4. All outdoor luminaires must be located and adequately shielded so that there is no glare onto adjacent lots or onto the public right-of-way. All lighting must be directed away from residential zones.
5. Those uses required to submit a lighting plan, per item A above, are also subject to the following:
  - a. All public lighting sources must have a correlated color temperature (CCT) at or below 3200°K. This does not apply to outdoor recreation fields.

### C. Exceptions to Lighting Standards

1. Luminaires used for public roadway illumination or installed by a utility to light public rights-of-way are exempt from the requirements of this Code.
2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are exempt from the requirements of this Code.
3. Shielded, directional accent lighting, or uplighting is permitted but must be aimed at a building facade, sign, or accent feature, such as landscape, and directed so that glare is not visible from adjacent properties. However, such lighting must not exceed one footcandle at any lot line.
4. Security lighting installed with a motion vacancy sensor, which extinguishes the lights within 15 minutes after the area is vacated.
5. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational fields (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, driving ranges, and other similar uses are exempt from the lighting standards of Item B above and subject to the following:
  - a. Recreational fields are permitted a total luminaire height of 65 feet in any zone. Luminaires greater than 65 feet in total height may only be approved by conditional use.
  - b. All lighting must be directed onto the field.
  - c. Lighting outside the recreational field, such as for parking areas, must comply with the lighting standards of Item B above
  - d. The recreational field lighting must be extinguished one hour following the end of the event. Lighting outside the recreational field, such as for parking areas, is not subject to this timeframe in order to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities.
6. Temporary holiday and seasonal lighting designs are exempt from the requirements of this Code.
7. Certain temporary uses may use lighting that does not meet the requirements of this section. When such temporary uses are allowed, approval of the lighting plan is required as part of the temporary use permit.

### D. Prohibited Lighting

1. Flickering or flashing lights.
2. Searchlights, laser source lights, or any similar high intensity.
3. The use of neon or LED lighting to outline doors, windows, architectural features, and building facades. This does not apply to uplighting of architectural features and building facades as permitted above.
4. Any light fixture that can be confused with or construed as a traffic control device.

### 10.3 Permitted Encroachments

An encroachment is the extension or placement of an architectural feature into a required setback. Permitted encroachments are indicated in Table 10-1: Permitted Encroachments into Required Setbacks.

- A. Article 11 contains regulations for accessory structures, which may include additional permissions or restrictions on their permitted encroachment into required setbacks. Additional regulations from uses within Article 9 may also include additional permissions or restrictions on their permitted encroachment into required setbacks.
- B. When an architectural feature regulated by Table 10-1 is allowed within a yard, it is also allowed within the required setback, subject to any additional standards.
- C. When an architectural feature regulated by Table 10-1 is prohibited from encroachment into a required setback, it may be allowed within the corresponding yard unless specifically prohibited by the Table.
- D. Unless specifically allowed by the Table, no architectural feature may project into a right-of-way or over a lot line.
- E. All permitted encroachment must comply with the Fire Code, which may further restrict encroachments.

Table 10-1: Permitted Encroachments Into Required Setbacks				
Y= Permitted // N= Prohibited				
Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Awning (Non-Sign) Max. of 3.5' into setback, except interior side is limited to a max. of 2' Min. vertical clearance of 8'	Y	Y	Y	Y
Balcony Max. of 3.5' into setback, except interior side is limited to a max. of 2' Min. vertical clearance of 8'	N	N	Y	Y
Bay Window Max. of 3.5' into setback, except interior side is limited to a max. of 2' Min. vertical clearance of 24"	Y	Y	Y	Y
Canopy (Non-Sign) Max. of 3.5' into setback, except interior side is limited to a max. of 2' Min. vertical clearance of 8'	Y	Y	Y	Y
Chimney Max. of 2' into setback	Y	Y	Y	Y
Decks (Ground Floor) Max. height of first finished floor Min. 5' from any lot line, except must be 10' from the rear lot line	N	Y	N	Y
Decks (Upper Floor) Max. of 10' into rear setback Prohibited in front yard	N	N	N	Y
Eaves and Cornices Max. of 3' into setback	Y	Y	Y	Y
Exterior Stairwell Max. of 3.5' into setback Prohibited in front yard	N	N	N	Y
Fire Escape Max. of 3.5' into setback, except interior side is limited to a max. of 2'	N	N	Y	Y

Table 10-1: Permitted Encroachments Into Required Setbacks				
Y= Permitted // N= Prohibited				
Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Porch - Unenclosed Max. of 5' into front setback Min. 5' from any lot line, except must be 10' from the rear lot line Enclosed porches are considered part of the principal structure	Y	Y	N	Y
Sills and belt courses Max. of 2' into setback	Y	Y	Y	Y
Stoop and Steps Max. of 3.5' into setback, except interior side is limited to a max. of 2'	Y	Y	Y	Y

## 10.4 Performance Standards

All uses must comply with the performance standards established in this section unless any federal, state, or local law, code, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

### A. Noise

All activity must comply with the City's noise ordinance in Chapter 25, Article 3 of the City Code.

### B. Glare and Heat

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

### C. Vibration

No earthborne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

### D. Dust, Air, and Water Pollution

1. Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.
2. Storage of materials must include all proper precautions to protect any surface water or groundwater sources, whether natural or manmade, from contamination.

### E. Discharge and Disposal of Hazardous Waste

The discharge of fluid and the disposal of hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. Hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

### F. Electromagnetic Interference

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

### G. Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified to remove the odor.

## Article 11. Accessory Structures

### 11.1 General Accessory Structure Regulations

### 11.2 Specific Accessory Structure Standards

#### 11.1 General Accessory Structure Regulations

Accessory structures are subject to the requirements of this Article and this section. Certain specific accessory structures are regulated in Section 11.2. All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this section or Code.

**A.** No accessory structure may be constructed prior to construction of the principal building to which it is accessory. Where there is no principal structure as part of the use, such as a community garden, no accessory structure may be constructed until the use is approved. The following exception applies:

1. A detached accessory building for purposes of storage only may be located on a separate, vacant lot abutting a lot on which the main building is located provided that the storage building has no standalone electric service, is not larger than 12 feet by 12 feet, and has a maximum height to the low point of the eaves of six feet.

**B.** Detached accessory structures must be setback as follows, unless otherwise permitted or restricted by this Code:

1. A minimum of five feet from any interior side or rear lot line.
2. No detached accessory structure may be located in a front or corner side yard unless specifically allowed by this Code.
3. A minimum of three feet from any principal building unless specifically allowed by this Code.

**C.** Certain accessory structures may be prohibited in specific yards. The use of the term “yard” refers to the area between the principal building line and applicable lot line (see definitions in Article 2). The distinction is made because certain principal buildings may be built further back than the required zone setback lines, thereby creating a yard larger than the minimum setback dimension of the zone.

**D.** The maximum height of any detached accessory structure is 24 feet, unless otherwise permitted or restricted by this Code; however, no accessory structure may exceed the height of the principal building.

**E.** The footprint of any single detached accessory structure cannot exceed the footprint of the principal building.

#### 11.2 Specific Accessory Structure Standards

##### **A. Amateur (ham) Radio Equipment**

1. Towers that solely support amateur (ham) radio equipment are permitted in the rear yard only, and must be located ten feet from any lot line. Towers are limited to the maximum building height of the applicable zone plus an additional five feet.
2. If a taller tower is technically necessary to engage successfully in amateur radio communications, the operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard. Site plan review is required.
3. Antennas may also be building-mounted and are limited to a maximum height of five feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and conditional use approval is obtained.
4. Amateur (ham) radio equipment must conform to all applicable performance criteria set forth in Section 10.4.

**B. Apiary**

1. All apiaries must comply with and register as required with the Tennessee Apiary Act of 1995.
2. Hives are allowed only in rear yards.
3. Hives must be set back 25 feet from all lot lines.
4. When the apiary is located within a yard not bounded by a solid wall or solid fence, a flyway of at least six feet in height comprising of a lattice fence, dense hedge, or similar barrier must be established in front of the opening of the hive such that the bees fly upward and away from neighboring properties. The flyway must be located within three feet of the hive opening and extend at least two feet in width on either side of the hive opening.
5. For any rooftop apiary within 20 feet of doors and/or windows of a principal building on an abutting lot, one of the following conditions must exist:
  - a. The hive opening must face away from doors and/or windows of the principal building on the abutting lot.
  - b. A flyway of at least six feet in height comprising of a lattice fence, dense hedge, or similar barrier must be established in front of the opening of the hive such that the bees fly upward and away from neighboring properties. The flyway must be located within three feet of the hive opening and extend at least two feet in width on either side of the hive opening.

**C. Carport (Detached)**

1. A carport may not be erected closer than five feet from any lot line
2. No carport is permitted in a required front setback or corner side setback.
3. A carport cannot exceed 12 feet in width, 22 feet in length, and 15 feet in height. If located within the rear yard it may be 22 feet in width.
4. A carport must be located a minimum of 20 feet from the lot line that provides access to the street.

**D. Fences, Walls, and Retaining Walls**

1. Fences and walls are permitted to be constructed on a lot line.
2. Fence and wall height are regulated by the Building Code.
3. Retaining walls are regulated by the Building Code

**E. Garage, Detached**

1. Detached garages are permitted in the rear, corner side, and interior side yards, and must be five feet from any lot line.
2. Detached garages are not permitted in the front yard and must be located a minimum of five feet behind the front building line.
  - a. Existing garages, as of the effective date of this Code (*insert date*), that are located within the front yard are deemed conforming and may be repaired and rebuilt to the existing footprint. However, once the principal structure is demolished, this deemed conforming provision is null and void and new garages must be constructed per the regulations of this section and Code.
2. Detached garages in the rear and interior side yards must be set back a minimum of 20 feet from the lot line where access to the garage is taken. This does not apply where garages take access from an alley access. Where detached garages are accessed by the alley, they may be located a minimum of one foot from the rear lot line.
3. Detached garages in the corner side yard are subject to the following:

a. Where the garage is located in the corner side yard and takes access from the abutting street, the garage must be set back 20 feet from the corner side lot line.

b. Where the garage is located in the corner side yard but does not take access from the abutting street, the garage must be set back five feet from the corner side lot line and must be set back a minimum of 20 feet from the lot line where access to the garage is taken. This does not apply where garages take access from an alley. Where detached garages are accessed by the alley, they may be located a minimum of one foot from the rear lot line.

4. The area above vehicle parking spaces in a detached garage may not contain cooking facilities. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.

## **F. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, power storage, pool pumps, and similar equipment.

### **1. Ground-Mounted Equipment**

a. Ground-mounted mechanical equipment is permitted in the interior side or rear yard only.

b. Ground-mounted mechanical equipment may encroach up to five feet into a required interior side setback.

c. Ground-mounted mechanical equipment that is visible from a public street, not including an alley, must be fully screened by landscape or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

### **2. Roof-Mounted Equipment**

1. Roof-mounted equipment must be set back at least ten feet from the edge of the roof.

2. New buildings must provide a parapet wall or other architectural element that matches the principal building in terms of texture, quality, material, and color that fully screens roof-mounted equipment from ground level view at the public street.

3. For buildings with no or low parapet walls, roof-mounted equipment must be screened on all sides by an opaque screen that matches the principal building in terms of texture, quality, material, and color.

### **3. Wall-Mounted Equipment**

a. Wall-mounted mechanical equipment is not permitted along the front or corner side façade of the building.

b. For multi-unit and nonresidential developments, including mixed-use, wall-mounted mechanical equipment that protrudes more than 18 inches from the outer building wall must be screened from view by structural features that are compatible with the architecture of the subject building.

c. Wall-mounted mechanical equipment that protrudes less than 18 inches must be designed to blend with the primary color and architectural design of the subject building.

d. These requirements do not apply to:

i. Window air conditioning units

ii. Satellite dishes

iii. Required public utility meters

iv. Any equipment related to public safety, such as fire

v. HVAC mini-split systems for single-unit, two-unit, three-unit, and four-unit dwellings.



### **G. Recreational Equipment**

Personal recreation game courts are permitted only in the rear yard. Courts must be located ten feet from any lot line.

### **H. Refuse and Recycling Containers**

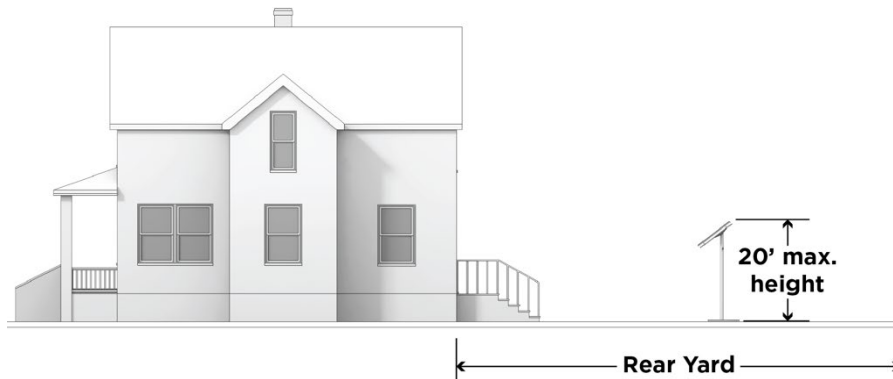
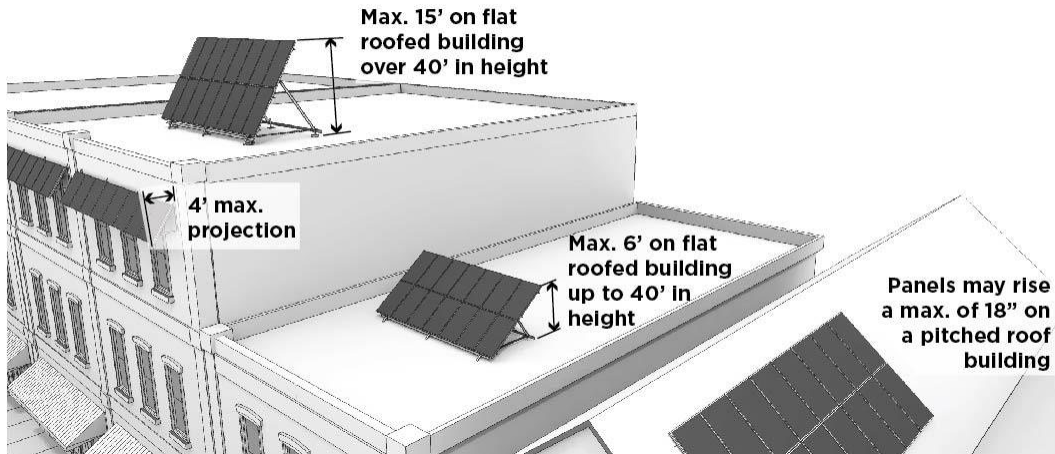
These provisions do not apply to standard personal refuse and recycling bins, approximately 96 gallons or less in size.

1. Refuse and recycling containers must be located to the side or rear of principal buildings.
2. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. A wall extension must be constructed as an integral part of the building's architectural design.
3. The enclosure must be gated. The gate must be solid and a minimum of six feet and a maximum of eight feet in height. This requirement does not apply to refuse containers located adjacent to an alley.

### **I. Solar Panels**

1. Solar panels may be building-mounted or freestanding, subject to the regulations of this section.
2. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
3. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
  - a. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
  - b. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
  - c. Wall-mounted solar panels may project up to four feet from a building façade and must be integrated into the structure as an architectural feature. Wall-mounted panels cannot encroach more than three feet into a required setback.
4. A freestanding solar energy system is permitted only in the rear yard and must meet the following standards. A freestanding solar energy system may not be the only use on a lot.
  - a. A freestanding solar energy system must be located ten feet from any lot line.
  - b. The system is limited to a maximum of 20 feet in height, measured to the highest point of the structure including the solar panel.
  - c. Freestanding solar panels are excluded from any building coverage and impervious surface coverage calculations.
5. Solar panels within the historic districts may require a certificate of appropriateness.

## SOLAR PANELS



### J. Swimming Pools, Private: Pools Associated with Single-Unit, Two-Unit, Three-Unit, and Four-Unit Dwellings

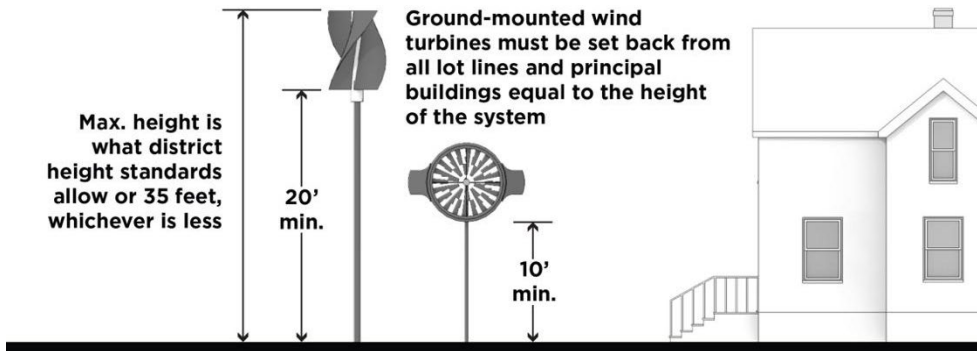
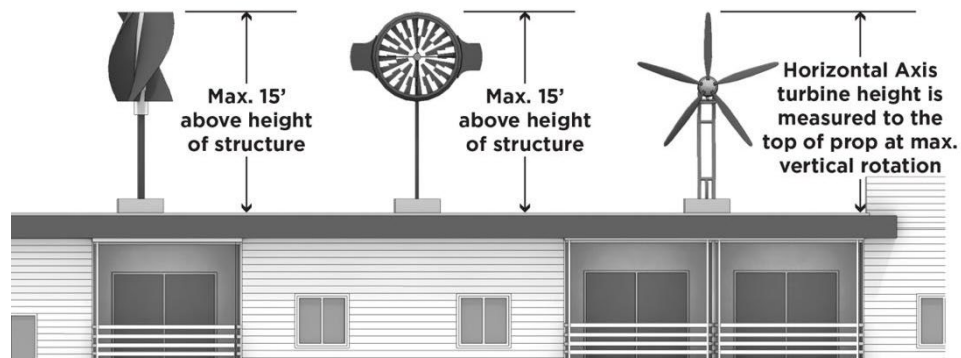
1. Private swimming pools must meet the applicable standards of Chapter 33 of the City Code and any other applicable standards within the City Code.
2. Private swimming pools for single-unit, two-unit, three-unit, and four-unit dwellings are allowed only in the rear yard.

### K. Wind Turbines

1. Wind turbines may be designed as either vertical or horizontal axis turbines or as a design that combine elements of the different types of turbines.
2. Wind turbines are subject to the following height restrictions:
  - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the zone or 35 feet, whichever is less.
  - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.

- c. Maximum height is the total height of the turbine system as measured from the base of the tower to the top. For horizontal axis turbines, the maximum vertical height of the turbine blades is measured as the length of a prop at maximum vertical rotation.
  - d. No portion of exposed turbine blades may be within 20 feet of the ground. Unexposed turbine blades may be within ten feet of the ground.
3. Ground-mounted wind turbines are permitted only in the rear yard. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
  4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.
  5. Wind turbines within the historic districts may require a certificate of appropriateness.

### WIND TURBINES



## Article 12. Off-Street Parking & Loading

- 12.1 General Requirements
- 12.2 Required Off-Street Vehicle and Bicycle Parking Spaces
- 12.3 Required Parking Flexibilities, Exemptions, and Reductions
- 12.4 Required Electric Vehicle Charging Stations
- 12.5 Off-Street Parking Facility Design
- 12.6 Bicycle Parking Design
- 12.7 Required Off-Street Loading
- 12.8 Commercial Vehicle Storage
- 12.9 Recreational Vehicle Storage

### 12.1 General Requirements

#### A. Existing Parking Facilities

1. The existing number of off-street parking and loading spaces may not be reduced below the requirements of this Code. If the number of such existing spaces is already less than required, it may not be further reduced.
2. Existing off-street parking and loading areas that do not conform to the requirements of this Code but were in conformance with the requirements of this Code at the time the parking or loading facilities were established, are permitted to continue.
3. If a building permit for a structure was issued prior to the effective date of this Code, the number of off-street parking and loading spaces must be provided in the amount required at the issuance of the building permit unless the amount required by this Code is less. In such case, only the number required by this Code needs to be installed.
4. Minimum parking requirements apply to expansions of an existing building, use, or site as follows:
  - a. When an existing building, use, or site is increased in gross floor area or improved site area by up to 25% cumulatively, the parking requirements apply only to the additional floor or site area.
  - b. When an existing building, use, or site is increased in gross floor area or improved site area by more than 25% cumulatively, the existing building or site must conform to all parking requirements.

#### B. Adaptive Reuse of Existing Structures

1. As of the effective date of this Code, existing nonresidential and mixed-use structures in the commercial and mixed-use zones, and the I-MU Zone that currently do not provide the required amount of parking on the lot to accommodate parking are exempt from minimum parking requirements regardless of a change in use or intensity of use.
2. Any existing parking located on the site must be retained.
3. Once the principal building is demolished, this exemption is no longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased or leased), this exemption is no longer valid.
4. Any right-of-way improvements that may be triggered by a change in use may still apply.

#### C. Completion of Off-Street Parking Facilities

All off-street vehicle and bicycle parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.

#### D. Use of Parking Facilities

1. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited.
2. The property owner is responsible for ensuring that parking and loading facilities are only used by residents, tenants, employees, visitors, and/or other authorized persons.

3. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.

#### **E. Form-Based Code Zones**

Parking within the Form-Based Code Zones have additional regulations within Article 6. In the case of conflict with the provisions of this article, Article 6 requirements control in the Form-Based Code Zones.

## **12.2 Required Off-Street Vehicle and Bicycle Parking Spaces**

### **A. General Applicability**

1. Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements states the minimum number of off-street vehicle and bicycle parking spaces to be provided for the designated uses for all zones except the Form-Based Code Zones (the Form-Based Code Zones parking requirements are found in Article 6). Certain uses listed within the zones do not have parking requirements; these types of uses are not listed within Table 12-1.
2. The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless such use is a multi-tenant retail center, which has a separate requirement per item B below. The following standards for computation apply:
  - a. When calculating the number of required off-street spaces results in a fractional requirement of 0.5 spaces or more, said fraction is rounded up.
  - b. In places of assembly in which patrons or spectators occupy benches, pews, or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every six square feet in the prayer hall if prayer mat spaces are not marked.
3. Section 12.3 includes exemptions and flexibilities for the off-street spaces required by this section.
4. For new construction as of the effective date of this Code, when the parking requirement in Table 12-1 results in a requirement of three or fewer parking spaces for a nonresidential use, such parking spaces do not have to be provided.

### **B. Multi-Tenant Retail Center Parking Standard**

1. Parking for multi-tenant retail centers is calculated as one space required per 300 square feet of gross floor area, rather than by the individual uses. A multi-tenant retail center is defined as a group of three or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers and strip retail centers.
2. Multi-tenant retail centers over 20,000 square feet in gross floor area require one bicycle space per 2,500 square feet of gross floor area.

### **C. Vehicle Parking Space Maximums**

1. Required off-street vehicle parking for nonresidential uses is subject to a parking maximum of 135%.
2. ADA required spaces are not counted toward the parking maximum. Electric vehicle charging stations are also not counted toward the vehicle maximum.
3. The following are exempt from the vehicle parking maximums:
  - a. Residential dwellings in any zone, including that component of mixed-use development.
  - b. The industrial zones.
  - c. The R-MH, A-1, INST, and OS Zones.

- d. Multi-story parking structures.
  - e. Parking made available for public use, including private parking available for public use after business hours, is exempt from the parking maximum. For parking made available for public use, the property owner must submit a signed affidavit with their permit application certifying the parking to be made publicly available.
4. Where the number of existing vehicle parking spaces exceeds the maximum number of allowed parking spaces for the proposed use, the additional parking spaces may remain in place, at the applicant’s discretion.

**D. Accessible Spaces Required**

All parking lots must comply with the “ADA Accessibility Guidelines for Buildings and Facilities” regulations issued by federal agencies under the latest edition of the Americans with Disabilities Act (ADA) and State of Tennessee and local requirements for the amount and design of accessible vehicle parking spaces required in parking lots and structures. The number of required ADA spaces is based upon the minimum parking required before any discounts are applied.

**E. Bicycle Parking Spaces**

Certain uses listed within Tables 12-1 and 12-2 are required to provide bicycle parking spaces. Bicycle parking spaces are required only for new construction as of the effective date of this Code.

- 1. In all cases where bicycle parking is required, a minimum of two bicycle spaces is required.
- 2. Where bicycle parking space requirements indicate “Over 10,000sf GFA” or other threshold, this means that bicycle spaces are required only for structures over a certain gross floor area. Bicycle parking space requirements are then calculated on the basis of the entire gross floor area.
- 3. In no case are more than 25 bicycle parking spaces required to be provided. Additional spaces over 25 may be provided at the property owner’s option.
- 4. When a use is exempt from a minimum vehicle parking requirement, it is also exempt from the requirement to provide bicycle spaces.

Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements – Excludes Form-Based Code Zones		
Principal Uses	Minimum Vehicle Spaces Required	Minimum Bicycle Spaces Required
Adult Use	1 per 500sf GFA	
Agriculture		
Alternative Correctional Facility	1 per 500sf GFA of office area	
Amusement Facility - Indoor	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA
<i>Indoor Stadium</i>	<i>1 per 20 seats</i>	<i>1 per 100 seats</i>
Amusement Facility - Outdoor	1 per 1,000sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA
<i>Outdoor Stadium</i>	<i>1 per 20 seats</i>	<i>1 per 100 seats</i>
Animal Care Facility	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Animal Shelter	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Art Gallery	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Arts and Fitness Studio	1 per 300sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Bed and Breakfast – With Reception Facilities	2 spaces + 1 per guestroom + 1 per 200sf of indoor or enclosed reception facilities	
Bed and Breakfast – No Reception Facilities	2 spaces + 1 per guestroom	
Body Modification Establishment	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Broadcasting Facility	1 per 500sf GFA of office + studio area	
Campground/RV Park	1 per site	1 per 5 sites
Campground, Resort	1 per site	1 per 5 sites

Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements – Excludes Form-Based Code Zones		
Principal Uses	Minimum Vehicle Spaces Required	Minimum Bicycle Spaces Required
Car Wash	1 per car wash bay + 3 stacking spaces per bay	
Cemetery	1 per 300sf of GFA of office and/or chapel/parlor	
Children's Home	1 per 500sf GFA of office area	
Commercial Kitchen	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Community Center	1 per 500sf GFA	1 per 2,500sf GFA
Cottage Court Development	<i>Based on dwelling types included in development</i>	
Cultural Facility	1 per 500sf GFA	1 per 2,500sf GFA
Day Care Center	1 per 750sf GFA	
Drug Treatment Clinic	1 per 300sf GFA	
<i>Dwellings</i>		
Dwelling - Single-Unit Detached	2 per dwelling unit When located in Urban Overlay Zone (Sec. 8.5): 1 per dwelling unit	
Dwelling - Single-Unit Attached	2 per dwelling unit When located in Urban Overlay Zone (Sec. 8.5): 1 per dwelling unit	
Dwelling - Two-Unit	2 per dwelling unit When located in Urban Overlay Zone (Sec. 8.5): 1 per dwelling unit	
Dwelling - Three-Unit	2 per dwelling unit When located in Urban Overlay Zone (Sec. 8.5): 1 per dwelling unit	
Dwelling - Four-Unit	2 per dwelling unit When located in Urban Overlay Zone (Sec. 8.5): 1 per dwelling unit	
Dwelling - Townhouse	2 per dwelling unit When located in Urban Overlay Zone (Sec. 8.5): 1 per dwelling unit	
Dwelling - Multi-Unit	1.5 per dwelling unit When located in Urban Overlay Zone (Sec. 8.5): 1 per dwelling unit	1 per 4 dwelling units
Dwelling - Above the Ground Floor	1.5 per dwelling unit When located in Urban Overlay Zone (Sec. 8.5): 1 per dwelling unit	1 per 4 dwelling units
Dwelling – Live/Work	1 per dwelling unit	
Dwelling – Manufactured Home	2 per dwelling unit	
Eating and Drinking Establishment	1 per 200sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Educational Facility - College/University	4 per classroom + 2 per office	1 per 5 classrooms
Educational Facility - Primary or Secondary		
<i>Educational Facility – Primary (Elementary and/or Junior High)</i>	<i>3 per each classroom + 3 per office</i>	<i>1 per 10 classrooms</i>
<i>Educational Facility – High School</i>	<i>6 per classroom + 4 per office</i>	<i>1 per 10 classrooms</i>
Educational Facility - Vocational	4 per classroom + 2 per office	1 per 5 classrooms
Financial Institution	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Financial Service, Alternative (AFS)	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Food Bank	1 per 500sf GFA of office area	Over 10,000sf GFA: 1 per 2,500sf GFA
Food Pantry	1 per 500sf GFA of office area	Over 10,000sf GFA: 1 per 2,500sf GFA
Food Truck Park	1 per 1,000sf of lot area	1 per 2,500sf of lot area



Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements – Excludes Form-Based Code Zones		
Principal Uses	Minimum Vehicle Spaces Required	Minimum Bicycle Spaces Required
Fraternity/Sorority	1 per rooming unit	.25 per rooming unit
Freight Terminal	1 per 500sf GFA of office area	
Funeral Home	1 per 200sf GFA	
Gas Station	2 per pump island + 4 stacking spaces if car wash bay included	
Golf Course/Driving Range	3 per hole and tee + 1 per 500sf GFA of indoor public areas	2 per hole and tee
Government Office/Facility	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Group Home: Over 8 Residents	1 per 2 rooms	
Halfway House	1 per 500sf GFA of office area	
Heavy Retail, Rental, and Service	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Hospital	1 per 3 beds	1 per 100 beds
Hotel	1.5 per room	
House Museum	2 spaces	
Industrial – Artisan/Craft	1 per 1,000sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Industrial – General	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor area)	Over 10,000sf GFA: 1 per 2,500sf GFA
Industrial – Light	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor area)	Over 10,000sf GFA: 1 per 2,500sf GFA
Industrial Design	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Junk Yard/Salvage Yard	1 per 300sf GFA of office area	
Live Performance Venue	1 per 1,000sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Lodge/Private Social Club	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Manufactured Home Park	2 per site	1 per 4 sites
Manufactured Home Subdivision	2 per site or dwelling unit	
Medical/Dental Office/Clinic	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Micro-Production of Alcohol	1 per 1,000sf GFA of production facility + 1 per 500sf GFA of public space	Over 5,000sf GFA: 1 per 2,500sf GFA
Movie Studio	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes outdoor area)	Over 10,000sf GFA: 1 per 2,500sf GFA
Nightclub	1 per 200sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Office	1 per 300sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Outdoor Market	1 per 1,000sf of site area	1 per 2,500sf GFA
Outdoor Storage Yard	1 per 500sf GFA of office area	
Passenger Terminal	1 per 2,000sf GFA	
Personal Service Establishment	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Place of Worship	1 per 4 seats	1 per 25 seats
Public Safety Facility	1 per 500sf GFA of office area	
Public Works Facility	1 per 500sf GFA of office area	
Reception Facility	1 per 200sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Reception Facility, Estate	1 per 200sf GFA	

Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements – Excludes Form-Based Code Zones		
Principal Uses	Minimum Vehicle Spaces Required	Minimum Bicycle Spaces Required
Research and Development	1 per 300sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below:</i>	Over 10,000sf GFA: 1 per 2,500sf GFA
<i>Independent Living Facility</i>	<i>1 per dwelling unit</i>	
<i>Assisted Living Facility</i>	<i>0.75 per dwelling unit or room</i>	
<i>Nursing Home or Hospice</i>	<i>0.5 per patient room</i>	
Residential Addiction Treatment Facility	1 per patient room	Over 10,000sf GFA: 1 per 2,500sf GFA
Retail Goods Establishment	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Self-Storage Facility: Enclosed	1 per 25 storage units	
Self-Storage Facility: Outdoor	1 per 25 storage units	
Social Service Center	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Specialty Food Service	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA
Vehicle Dealership	1 per 500sf of indoor sales and display area (excluding indoor storage) + 4 per service bay	
Vehicle Operation Facility	1 per 2,500sf of lot area	
Vehicle Rental	1 per 500sf GFA of indoor area (excluding indoor storage)	
Vehicle Repair/Service: Major	4 per service bay	
Vehicle Repair/Service: Minor	4 per service bay	
Warehouse	1 per 500sf of office area + 1 per 30,000sf GFA of warehouse	
Wholesale	1 per 500sf of office area + 1 per 30,000sf GFA of warehouse	

### 12.3 Required Parking Flexibilities, Exemptions, and Reductions

#### A. Zones Exempt from Minimum Parking Requirements

The following zones are exempt from minimum parking requirements:

1. C-N Neighborhood Commercial Zone
2. Downtown Core Zones of the Form-Based Code Zones
3. The following developments in the Form-Based Code Zones:
  - a. Nonresidential projects on lots with an area less than 4,000 square feet.
  - b. Single-unit detached or attached dwellings, two-unit dwellings, and townhouses.

#### B. Permitted Reductions of Minimum Parking Requirements

##### 1. Zones

Required minimum parking spaces for nonresidential uses may be reduced by 20% within the following zones:

- a. RP Residential Professional Zone
- b. C-NT Neighborhood Transition Commercial Zone

- c. C-MU1 Commercial Mixed-Use 1 Zone
- d. C-MU2 Commercial Mixed-Use 2 Zone
- e. I-MU Industrial Mixed-Use Zone

## **2. Permeable Pavement**

Where 80% or more of the total parking area is constructed of engineered permeable pavement, required parking spaces may be reduced by 10%. Permeable pavement includes any materials installed, operated, and maintained to permit the passage of water through the pavement, including, but not limited to, porous concrete, porous asphalt, permeable interlocking concrete pavers, and concrete grid pavers. Such paving must be approved by the City Stormwater Division.

## **3. Transit Corridor Reduction**

Minimum parking requirements for nonresidential uses within 500 feet of a transit stop may be reduced by 5%. Proximity is measured from any point along the lot line to the area designated for such transit to pick-up/drop-off.

## **4. Public Parking Facility Reduction**

Minimum parking requirements for nonresidential uses within 500 feet of a public parking facility may be reduced by 5%. Proximity is measured from any point along the lot line to the closest lot line of the public parking facility.

## **C. Use of On-Street Spaces**

In the commercial and mixed-use zones, on-street parking spaces located along the front or side lot lines may be counted toward required off-street parking spaces for nonresidential uses. New on-street parking spaces may also be created to count toward required off-street parking but must be accessible 24 hours a day to all the public. On-street parking used for this purpose cannot be reserved for such uses.

1. Where on-street parking spaces are unmarked, the number of parking spaces is calculated by dividing the length of the on-street parking area located parallel to the lot line of the property under consideration divided by 25, where a fraction of less than one-half is disregarded and a fraction of one-half or more is counted as one space.
2. Where on-street parking spaces are marked, each marked space counts as one required parking space, including any space where at least 60% of the width is located along the lot line of the property under consideration.

## **D. Cross-Access Reduction**

1. Adjacent nonresidential uses that possess dedicated parking areas are encouraged to provide a cross-access drive to allow circulation between sites. If cross-access is provided, a parking reduction of 20% is permitted for each use accessed by the cross-access driveway.
2. The property owners must provide a copy of the recorded access easement between all users of the cross-access driveway to the Director of the Land Development Office. The agreement must be included in the property deeds and include a joint maintenance agreement defining the maintenance responsibilities of each property owner. The maintenance of any shared space must be described in the easement.
3. Cross-access driveways must meet the following standards:
  - a. A minimum width of 24 feet is required with no adjacent parking to ensure two-way travel aisles to accommodate automobiles, service vehicles, and loading vehicles.
  - b. Bump-outs or other design features are required to make it visually obvious that the abutting properties are tied together.
  - c. A unified access and circulation plan is required for coordinated or shared parking areas.

## **E. Off-Site Parking**

### **1. Permission**

- a. Off-site parking is permitted for nonresidential uses only. Residential uses cannot locate required parking off-site, including residential dwellings within a mixed-use development.

a. Off-site spaces must be approved by the Director of the Land Development Office. In addition, shared parking is permitted where one of the uses is off-site per item G below.

**2. Location**

a. Off-site parking spaces must be located within 1,000 feet along an accessible pathway from the use served, measured from the primary entrance of the use served.

b. Off-site parking areas must be located in nonresidential zones.

**3. Agreement for Off-Site Parking**

In the event that an off-site parking area is not under the same ownership as the principal use served, a copy of the recorded access easement between the owners is required and must be submitted to the Land Development Office.

**F. Collective and Shared Parking**

Collective and shared parking arrangements are allowed as described in this section. In the event that a collective or shared parking agreement is terminated, alternative parking arrangements for each use must be provided. In the event that suitable parking cannot be acquired, the applicant of the shared parking agrees to waive any right to contest enforcement by the City of the required parking standards, although the applicant for the shared parking may have recourse against the property owner supplying the off-street shared parking for breach of the shared parking agreement.

**1. Collective Parking**

Two or more uses may share a parking facility collectively if the total number of parking spaces in such facilities meets or exceeds the combined total number of minimum spaces required for each use.

**2. Shared Parking**

a. A parking facility may be shared between two uses, provided that use of the parking facility by each user does not occur at the same time. However, an overlap in hours of operation of up to two hours is permitted. Hours of operation are those when the use is open for business.

b. The number of parking spaces within the shared facility must meet the requirement for the use with the greater number of required spaces.

c. Approval is obtained from the Director of the Land Development Office that confirms that the use of such facility by each user does not take place at the same hours or during the same days of the week.

d. The users of the shared parking facility must provide a recorded easement to share parking facilities.

e. When one of the uses is off-site, the off-site use must meet the following:

i. Off-site parking is permitted for nonresidential uses only. Residential uses cannot locate required parking off-site, including residential dwellings within a mixed-use development.

ii. Off-site parking spaces must be located within 1,000 feet along an accessible path from the use served, measured from the primary entrance of the use served.

## 12.4 Required Electric Vehicle Charging Stations

**A.** As of the effective date of this Code, electric vehicle parking spaces are required in all new parking lots and parking structures with more than 30 spaces. This is also required for any existing parking lots and parking structures with more than 30 spaces that are expanded by 15 or more spaces; in the case of expansion, the number of EV spaces required is based on the spaces within the expansion area only.

- B.** There are three types of electric vehicle (EV) charging stations:
1. EV-Capable: Reservation of space in the electrical room for a panel to serve the future EV chargers and continuous raceway from the reserved panel space to the future EV parking space.
  2. EV-Ready: Installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt outlet accessible to parking space.
  3. EVSE-Installed: EV charging stations capable of providing a minimum of 32amp 7.2 kW.
- C.** Only EV-Capable spaces are required to be installed. A minimum of 10% of total spaces must be EV-Capable spaces. Any fractions must be rounded up. However, no more than ten spaces are required in any one parking facility.
1. Where an EVSE-Ready space is built, it is counted as 1.25 EV-capable spaces.
  2. Where an EVSE-Installed space is built, it is counted as 2 EV-capable spaces.
- D.** EV charging spaces are counted toward any parking minimums.

## 12.5 Off-Street Parking Facility Design

### A. Dimensions

Minimum parking space dimensions must meet the standards of City standard drawing series SD-208, as may be amended from time.

### B. Access

1. All required off-street parking facilities must have vehicular access from a street, driveway, alley, or cross-access connection.
2. All development must provide safe, direct, and convenient pedestrian access connecting public streets and parking lots to primary building entrances, and to all other uses in the development that allow for public access.
  - a. Pedestrian access must consist of an accessible, easily discernible, well-lit, and ADA compliant walkway.
  - b. The pedestrian access surface located on private property must be paved with fixed, nonslip semi-pervious or impervious materials.
  - c. Pedestrian access routes between buildings and parking areas must be physically separated from drive aisles, except when crossing a drive aisle.
  - d. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.
3. All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out; this does not apply to single-unit (detached or attached) and two-unit dwellings.
4. All curb cuts must comply with the regulations of the City Code.
5. All driveways must conform to all applicable driveway specifications adopted by the City.
6. Dead end parking lots without a turnaround space are prohibited. A turnaround space must have a minimum depth and width of nine feet, and must be designated with signs stating "No Parking" and painted to indicate parking is prohibited.

### **C. Surfacing**

1. All parking lots must be paved with all-weather materials such as asphalt, concrete, or brick. However, a gravel parking lot is permitted if a concrete apron that extends from the lot line into the parking area a minimum of 20 feet in length is provided. In a gravel parking lot, any required ADA spaces must be paved.
2. Permeable pavement is also permitted. Permeable paving includes any materials installed, operated, and maintained to permit the passage of water through the pavement, including, but not limited to, porous concrete, porous asphalt, permeable interlocking concrete pavers, and concrete grid pavers and must be approved by the City Stormwater Division.

### **D. Striping**

Off-street parking facilities of five or more spaces must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition. Gravel parking lots are not required to be striped with the exception of any ADA spaces.

### **E. Curbing and Wheel Stops**

1. Curbing and wheel stops are required when a parking space abuts required landscape areas, pedestrian walkways, structures, fences, or the edge of the parking lot along a lot line. Such curbing must be constructed of permanent materials, such as concrete or masonry, a minimum height of four inches above ground level, and permanently affixed to the paved parking area.
2. Wheel stops within the interior of the parking lot are prohibited.

### **F. Lighting**

Parking facility lighting must be in accordance with Section 10.2.

### **G. Landscape**

All parking facilities must be landscaped in accordance with Article 13.

### **H. Location of Surface Parking**

#### **1. Residential Uses**

- a. Parking spaces must be located to the side or rear of the dwelling and behind the front building line. Parking spaces in the front of the front building line are prohibited.
- b. The Form-Based Code Zones (Article 6) may have specific parking location requirements. In the case of conflict with the provisions of this article, those of the Form-Based Code Zones control.

#### **2. Nonresidential Uses**

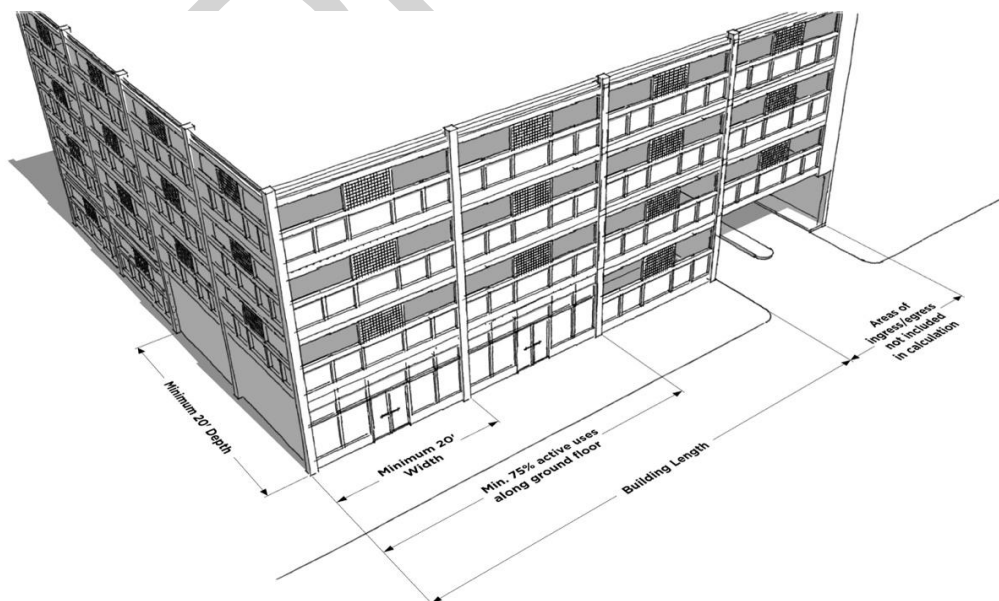
- a. In the following zones, parking spaces must be located to the side or rear of the building and behind the front building line. Parking spaces in the front of the front building line are prohibited: RP, C-N, C-NT, C-C, C-MU1, C-MU2, I-MU.
- b. In the I-MU Zone, parking may be located in front of the front building line for those structures with existing parking in that location as of the effective date of this Code.
- c. The Form-Based Code Zones (Article 6) may have specific parking location requirements. In the case of conflict with the provisions of this article, those of the Form-Based Code Zones control.

### **I. Parking Structure Design**

1. Parking structures must meet all the requirements for a principal structure as specified in each zone.
2. On facades that front on public streets, façade design and screening must mask the interior ramps.
3. Parking structures must be designed to minimize blank facades through architectural detail and landscape.

4. On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height.
5. Upper stories of structured parking must be screened so that cars are not visible from ground level view from adjacent property or from adjacent public rights-of way (not including alleys) and other public property.
6. A vehicular clear sight zone must be included at vehicular exit areas as follows:
  - a. The façade of vehicular exit areas must be set back from any pedestrian walkway along that façade a minimum of eight feet for the portion of the façade that includes the vehicle exit area and eight feet on each side of the exit opening.
  - b. A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.
  - c. In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.
  - d. The upper story façade(s) of the parking structure may overhang the vehicular clear sight zone.
7. Parking structures in the C-MU1 and C-MU2 Zones must include residential or nonresidential active uses along ground floor designed as follows:
  - a. Parking structures must include residential or nonresidential active uses, including civic uses, along 75% of the ground floor building length along any façade abutting a street. This percentage is calculated as a percentage of the façade length after areas of required vehicular and pedestrian egress and mechanical or electrical equipment rooms are discounted from the façade length.
  - b. Nonresidential active use spaces must be a minimum of 20 feet in width and 20 feet in depth.
  - c. Nonresidential active use spaces must meet the design standards of the zone.

### INTEGRATED ANCILLARY PARKING STRUCTURES





## 12.6 Bicycle Parking Design

### A. Required Bicycle Spaces

Bicycle parking spaces must be provided as indicated in Table 12-1.

### B. Location

1. Bicycle racks must be located on the same zoning lot as the use and located no more than 100 feet from the primary entrance of the building the bicycle parking space is intended to serve.
2. Bicycle racks must be located such that they are highly visible from the street and/or building entrance with adequate lighting. Bicycle parking must be located in designated areas that minimize pedestrian and vehicular conflicts. Bicycle parking located within an automobile parking area must be clearly designated and located as close to a building entrance as possible.
3. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

### C. Design

1. Each required bicycle parking space must be at least 1.5 feet by six feet. Where a bicycle can be locked on both sides of a bicycle parking space without conflict, each side can be counted as a required space.
2. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone or wood chips. Installation of bicycle racks must also conform to the requirements set forth by the bicycle rack manufacturer.
3. Bicycle rack must be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate their locking mechanism.

### D. Shared Bicycle Parking Facilities

Bicycle parking spaces for nonresidential uses may be shared between uses. Bicycle parking spaces must be accessible and clearly visible to from all uses. A 20% reduction in the sum total number of required bicycle spaces is allowed.

### E. City Bicycle Parking Facilities

Where bicycle parking has been provided by the City in the right-of-way, one required bicycle space may be substituted for every bicycle space provided by the City, provided the spaces immediately abut the subject property. Each space provided by the City may only be counted for one property.

## 12.7 Required Off-Street Loading Spaces

- A. Loading spaces are required as indicated in Table 12-3: Off-Street Loading Requirements. The location, design, and layout of all loading spaces must be indicated on required site plans.
- B. A loading space must be a minimum of 12 feet by 35 feet and must have a minimum vertical clearance of 14 feet.
- C. All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material.
- D. No part of a loading area utilized for the access, maneuvering and temporary parking of delivery vehicles may be used for vehicle parking. No part of a loading area may be utilized for the outdoor storage of materials, merchandise, and equipment.
- E. Loading areas must be located to the rear of buildings and no loading areas may not placed between a public street and the associated building. This does not apply in the I-H and I-X Zones.
- F. No loading area is permitted within 50 feet of a residential use, excluding the residential component of mixed-use development, as measured from the residential lot line to the closest point of the loading area.

**G.** Off-street loading spaces must be provided in accordance with Table 12-3. In the case of multi-tenant buildings or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (*for example, if only one nonresidential use tenant of a multi-tenant building is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required*).

Use Type	Minimum Number of Spaces Required
<b>Multi-Unit Dwelling</b>	
Total of 50 dwelling units or more	1 loading space
<b>Commercial &amp; Institutional Use</b>	
10,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
200,001sf and above GFA	3 loading spaces
<b>Industrial Use</b>	
10,000 - 40,000sf GFA	1 loading spaces
40,001 - 100,000sf GFA	2 loading spaces
100,001 and above GFA	3 loading spaces

**H.** Central loading facilities may be substituted for loading berths on the individual lots provided the following conditions are fulfilled:

1. Each lot served has direct access to the central loading area without crossing streets or alleys at-grade.
2. Total off-street loading berths provided meet the minimum requirements of this section, based on the sum of the several types of uses served.
3. No lot served is more than 500 feet from the central loading area.
4. The tunnel or ramp connecting the central loading area with the zoning lot served must be not less than seven feet in width and have a clearance of no less than seven feet.

## 12.8 Commercial Vehicle Storage

### A. Residential Lots

1. No commercial vehicle may be parked in a driveway or other parking area located in a front yard on a residential lot with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises.
  - a. This does not include standard size passenger motor vehicles (including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which may be stored or parked outdoors overnight on lots in residential zones.
  - b. Permitted standard size passenger commercial vehicles, as described in item a above, also include those owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted personal commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
2. All other commercial vehicles that exceed standard size passenger vehicles, including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles, are not permitted to be parked outdoors overnight on a residential lot except in the rear yard.

**B. Nonresidential Lots**

On nonresidential lots, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles. All such vehicles must be in operable condition.

**12.9 Recreational Vehicle Storage**

**A.** No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front or corner side yard, including on a driveway, for more than seven days.

**B.** Recreational vehicles six feet or less in height, height as measured to the highest point of the vehicle, may be stored within the interior side yard behind the front building line or in the rear yard.

**C.** Recreational vehicles more than six feet in height, as measured to the highest point of the vehicle, must be stored in the rear yard and located at least five feet from any lot line.

**D.** The area devoted to recreational vehicle storage must be on a hard surfaced, all-weather dustless material. However, gravel is permitted if a concrete apron that extends from the lot line into the parking area a minimum of 20 feet in length is provided.

**E.** There is no limit on the storage of recreational vehicle within fully enclosed structures. Temporary storage tents do not meet the requirement of a fully enclosed structure.

**F.** All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered a dangerous and unsafe condition.

DRAFT

## Article 13. Landscape

- 13.1 Purpose and Intent
- 13.2 Landscape Plan
- 13.3 Landscape and Certificate of Occupancy
- 13.4 Selection, Installation, and Maintenance
- 13.5 Parking Lot Landscape
- 13.6 Buffer Yards
- 13.7 Required On-Site Trees

### 13.1 Purpose and Intent

The landscape and screening requirements established by this Article are intended to preserve and enhance the appearance and character of the City, increase the compatibility of adjacent uses and minimize the potential negative impacts to neighboring uses, and create transitional areas between uses or zones of different intensities. The requirements of this Article control landscaping and screening on private property only.

### 13.2 Landscape Plan

#### A. Landscape Plan Required

A landscape plan is required for any three-unit, four-unit, townhouse or multi-unit dwelling or nonresidential, including mixed-use, development, parking structures, or parking lot, and must be approved by the Director of the Land Development Office prior to the issuance of a building permit or a land disturbing permit. When required, a landscape plan must be prepared by a State of Tennessee Registered Landscape Architect; this requirement does not apply to landscape plans for development in the residential zones.

#### B. Landscape Plan Submittal

The following is required within the landscape plan:

1. The location and dimensions of all existing and proposed structures, property lines, easements, pavements, curbs, parking spaces and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, outdoor use areas, underground and overhead utilities and piping, and drainage facilities.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and removed.
3. The location of all required landscape and the quantity, size, spacing, condition, and name, both botanical and common, of all proposed plant material.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Proposed berming must also be indicated using two foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Irrigation systems if installed.
7. The zone of the subject property and the zone of abutting lots.
8. Any other details as determined necessary by the Director of the Land Development Office.

#### C. Changes to Approved Landscape Plans

Changes to the landscape plan that do not result in a reduction in the net amount of required plant material may be approved by the Director of the Land Development Office. Any changes to the approved landscape plans require the submission of revised plans for review.

### 13.3 Landscape and Certificate of Occupancy

All landscape must be installed before the certificate of occupancy is issued.

## 13.4 Selection, Installation, and Maintenance

### A. Selection and Design

1. The use of regionally native plants, as currently listed by the USDA Plant Profile for each species, is preferred and encouraged.
2. Invasive exotic plant species, as currently listed by the Tennessee Invasive Plant Council, are prohibited.
3. All landscaping must be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth, and per the ANSI A 300 Standard Practice for Tree, Shrub, and other Woody Plant Maintenance, most current edition and parts, and American Standard for Nursery Stock, current edition.
4. Placement of plant material to support site sustainability is encouraged to leverage passive heating and cooling strategies and to reduce the energy consumption needs of the development.

### B. Landscape Plantings

#### 1. Shade Trees

- a. Shade trees must be installed at a minimum caliper of two inches as measured from 2.5 feet above grade level from the base of the tree. Shade trees must have a minimum expected maturity height of at least 35 feet and a minimum canopy spread of 20 feet. For shade trees to be planted under overhead power lines see item b below.
- b. Shade trees to be planted under overhead power lines where must be installed at a minimum caliper of 1.5 inches as measured at 2.5 feet above grade level from the base of the tree. Such shade trees must have a maximum expected maturity height of 20 feet and a minimum canopy spread of ten feet.
- c. Evergreen trees may be treated as shade trees if they meet the minimum maturity height and canopy spread criteria.

#### 2. Evergreen Trees

Evergreen trees must be installed at a minimum height of five to six feet and have a minimum expected mature spread of eight feet.

#### 3. Shrubs

Shrubs must be evergreen and at least 24 inches in height when planted and an average height of three to four feet expected as normal growth within four years. A minimum spread of two feet is required at time of planting.

### C. Existing Trees and Shrubs

1. All existing trees and shrubs that are maintained on a site and in good health may be counted toward any required on-site landscape of this Article.
2. Existing trees and shrubs to be preserved on the site must be identified on the required landscape plan and protected during construction.
  - a. Existing trees and shrubs must be identified on the site by a minimum of a four foot high visibility fence (polyethylene, painted wooden slat, snow fence, etc.). This fence must be located no closer than the drip line and must be maintained throughout the construction period until ready for revegetation.
  - b. Construction debris storage/staging areas must be located away from the trees and shrubs to be preserved.

#### D. Species Diversity

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 13-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. *(For example, if a development requires 45 trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees.)* When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up.

Total Number of Plants per Plant Type	Maximum Number of One Species	Minimum Number of Species
1-3	100%	1
4-7	60%	2
8-13	45%	3
13-22	40%	5
23-35	25%	8
36-50	30%	10
50+	15%	15

#### E. Maintenance

1. Trees and vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a development in the same manner as parking, building materials, and other site details. The applicant, developer, landowner, or successors in interest are jointly and severally responsible for the regular maintenance of all landscaping elements in good condition.
2. All landscaping must be maintained free from disease, pests, weeds, and litter. All landscape structures such as fences and walls must be repaired and replaced periodically to maintain them in a structurally sound and aesthetically pleasing condition.
3. Any landscape element that dies, or is otherwise removed or seriously damaged, must be removed and replaced within 30 days of the beginning of the growing season.
4. Proper organic mulching is required to maintain required trees.
5. The ANSI A 300 Standard Practice for Tree, Shrub, and other Woody Plant Maintenance, most current edition and parts, is the standard for maintenance.
6. All installed plant material must be fully maintained, including watering, fertilization, and replacement as necessary.

#### F. General Landscape Requirement

All portions of a lot not covered by structures or paved surfaces must be landscaped with trees, shrubs, live groundcover, and other plantings.

### 13.5 Parking Lot Landscape

#### A. Required Parking Lot Landscape

Parking lot landscape is required as follows. Existing paved or gravel lots are not considered a parking lot unless designed as a parking lot in accordance with Article 12.

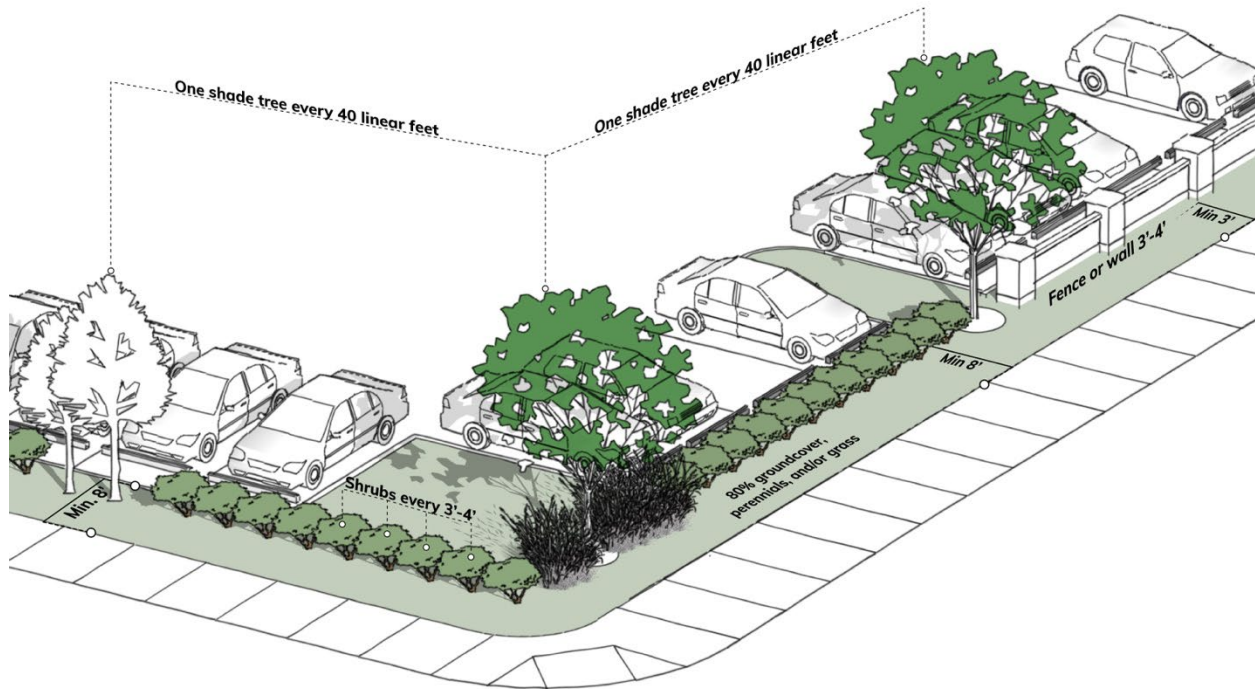
1. New construction of a parking lot.
2. When an existing parking lot is fully reconstructed and/or reconfigured.
3. When an existing parking lot is expanded by an additional 10% or more spaces (viz., the total number of spaces after expansion is 110% or more of the spaces prior to expansion).

## **B. Parking Lot Perimeter Landscape**

1. A landscape treatment is required along all edges of a parking lot of five or more spaces abutting the street. This does not include alleys. The landscape treatment must run the full length of the street edge, except for points of ingress or egress.
2. The landscape area for parking lot landscape along a street must be a minimum of eight feet in width. In addition, there must be a minimum linear clear distance of 18 inches between the perimeter landscape area and any wheel stops or curbs to accommodate vehicle bumper overhang.
3. The perimeter landscape area must be planted as follows:
  - a. A minimum of one shade tree must be planted for every 40 linear feet of landscape area, spaced linearly on-center. Trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 40 linear feet of landscape area.
  - b. A minimum of one shrub must be planted for every three to four linear feet of landscape area, spaced linearly on-center.
  - c. Fences or walls are permitted within this area. Such fences or walls must be constructed of high quality, durable materials such as masonry, stone, brick, iron, or any combination thereof. Chain link is prohibited. If installed, fences must be a minimum of three feet in height to a maximum of four feet in height.
  - d. A minimum of 80% of the landscape area outside of required tree and shrub masses must be planted in live groundcover, perennials, and/or grass. Rain gardens, bioswales, and similar stormwater management landscape elements meet this requirement.
4. The following is an accepted alternative to the planting requirements of item 3 above:
  - a. A low pedestrian wall of a minimum of four feet in height to a maximum of 4.5 feet in height constructed of masonry, concrete, or similar permanent material may be installed.
  - b. In this alternative, the parking lot screening area of item 2 above may be reduced to three feet in width.
  - c. Shrubs, groundcover, perennials, ornamental grasses, and other native planting types must be planted in front of such wall along the street, facing toward the street, covering a minimum of 50% of the total screening area.
  - d. Up to 30% of the total length of such wall (item a above) may be designed as a seating wall. Where seating areas are included, the minimum wall height does not apply and plantings are not required in front of that portion of the seating wall.



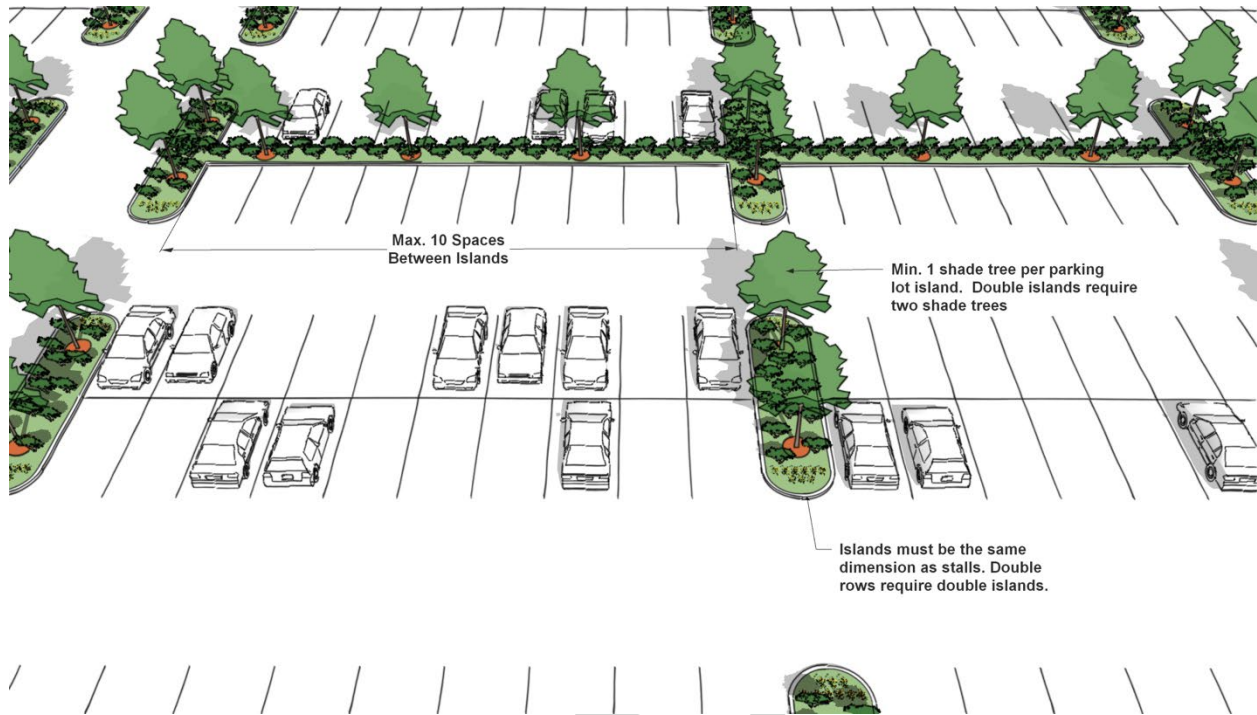
### PARKING LOT PERIMETER LANDSCAPE



#### C. Interior Parking Lot Landscape

1. Any parking lot of ten or more spaces is required to install interior parking lot landscape.
2. One parking lot island must be provided at a minimum between every ten parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every ten spaces. In addition, all rows of parking spaces of 20 or more spaces must terminate in a landscape island. Also need one where a stall abuts a drive aisle.
3. Parking lot islands must be, at minimum, the same dimension as a parking stall. Double rows of parking must provide parking lot islands that are, at minimum, the same dimension as the double row.
4. A minimum of one shade tree must be provided for every parking lot island. Islands for double rows of parking must provide a minimum of two shade trees.
5. A minimum of 80% of the landscape area outside of required trees must be planted in live groundcover, perennials, and/or grass. Fully vegetated, non-turf, green infrastructure stormwater control measures also meet this requirement. This percentage may be reduced to 40% if the parking lot island is designed to accommodate pedestrian access.
6. The use of stormwater management elements, such as sunken islands, perforated curbs, rain gardens and bioswales, is encouraged in landscape areas.
7. All landscaping in or adjacent to a vehicular use area must be protected from vehicular damage by a raised concrete curb six inches in height or equivalent barrier, however, the barrier need not be continuous.
8. A maximum of 18 inches of vehicle bumper overhang is permitted within the required landscape area.

### INTERIOR PARKING LOT LANDSCAPE



## 13.6 Buffer Yards

**A.** Table 13-2: Required Buffer Yard Class indicates when and which class of buffer yard is required. Table 13-3: Buffer Yard Class describes the width and design of each class of buffer yard.

**B.** Buffer yards are located within rear and interior side setbacks along the lot lines when indicated in Table 13-2. Where a zone has a setback that is a smaller dimension than that of the buffer yard, the buffer yard dimension controls.

**C.** Where a rear setback is located along an alley, the required buffer yard may be reduced to a D Class buffer yard.

**D.** Buffer yards must be reserved for planting material and screening as required by this section. No parking spaces, loading spaces, refuse containers, or storage areas are permitted within the required buffer yard.

**E.** When a buffer yard is required by this section, and a site does not have a buffer yard or the existing buffer yard on the site does not meet the standards of this section, a buffer yard must be installed when any of the following actions occur:

1. New construction of a principal building. This includes construction of additional principal buildings within an existing development.
2. Expansion of a principal building by 25% or more of gross floor area.
3. When a parking lot is expanded by an additional 10% or more spaces (viz., the total number of spaces after expansion is 110% or more of the spaces prior to expansion).
4. Expansion of lot area.

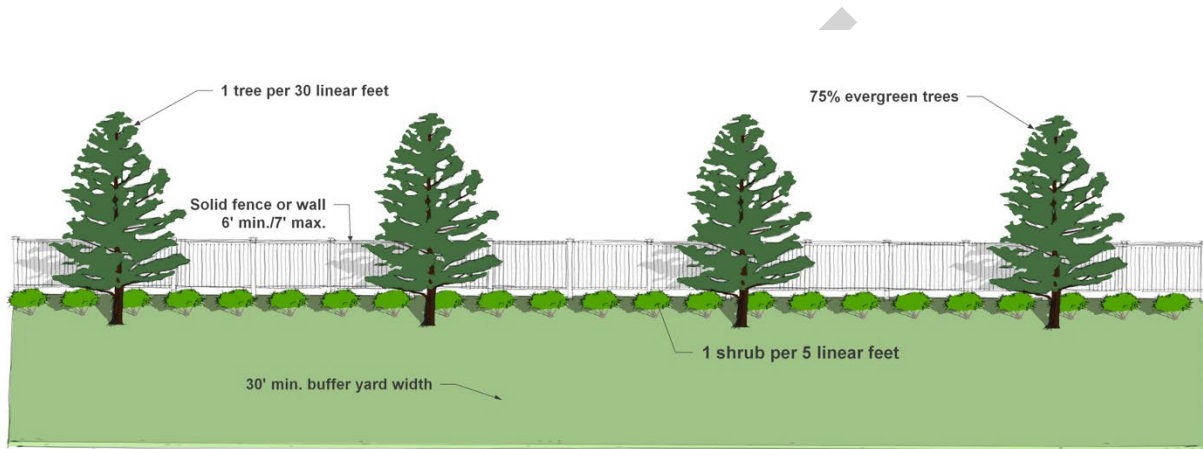
**F.** Where Table 13-2 indicates nonresidential development or development in the zone is required to install a buffer yard, this does not apply to parks or conservation area uses. Parks or conservation areas are not required to install a buffer yard.

**G.** Where a lot is zoned with multiple zones, a buffer yard is not required within that same lot. Buffer yards apply only at the lot lines.

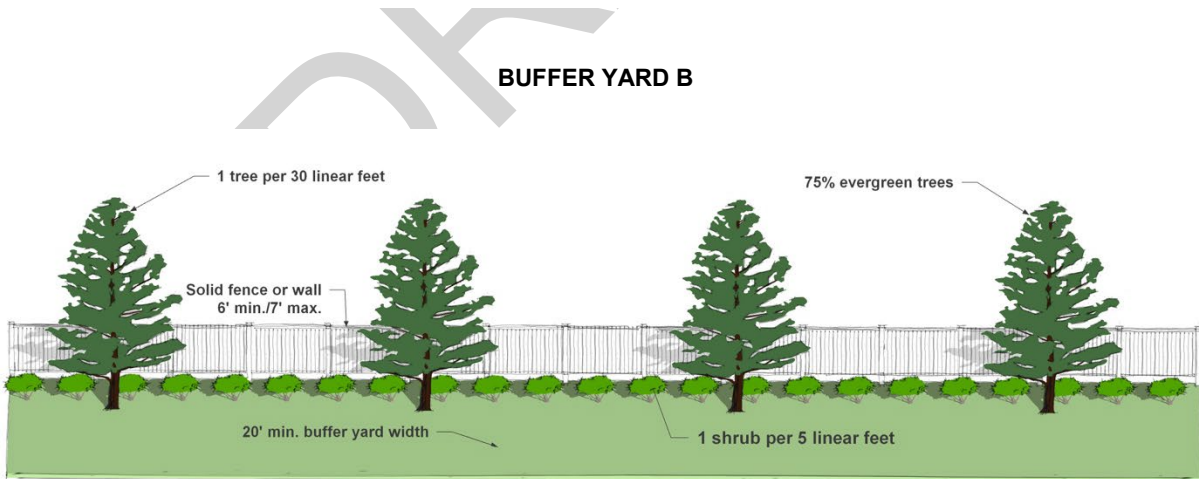
<b>Table 13-2: Required Buffer Yard Class</b>			
<b>Zone of Lot Under Development</b>	<b>Development Type Required to Install Buffer Yard</b>	<b>Buffer Yard Required for Development When</b>	<b>Buffer Yard Class Required</b>
<b>RN-1-6, RN-1-5, RN-2</b>	Nonresidential development – excludes neighborhood commercial establishments	Abutting residential use	C
<b>RN-2T, RN-3</b>	Nonresidential development – excludes neighborhood commercial establishments	Abutting residential use	C
<b>TRN-1, TRN-2, TRN-3, TRN-4</b>	Nonresidential development – excludes neighborhood commercial establishments	Abutting residential use	C
	Multi-family development	Abutting residential use- excludes multi-unit	D
<b>C-NT</b>	Nonresidential development	Abutting residential use	D
<b>C-N, C-TMU C-C</b>	Development in the zone	Abutting residential zone	C
<b>C-R</b>	Development in the zone	Abutting residential zone	B
<b>C-MU1, C-MU2</b>	Development in the zone	Abutting residential zone	C
<b>I-L</b>	Development in the zone	Abutting any other zone except I-L or I-H Zone	B
<b>I-H</b>	Development in the zone	Abutting any other zone except I-L or I-H Zone	A
<b>I-MU</b>	Development in the zone	Abutting residential zone	C
<b>INST</b>	Development in the zone	Abutting residential zone	B

Table 13-3: Buffer Yard Class				
Requirements	Buffer Yard Class			
	A	B	C	D
<b>Width of Buffer Yard</b>	30'	20'	10'	8'
<b>Shrubs</b> 75% of shrubs must be evergreen	1 shrub per 5 linear feet	1 shrub per 5 linear feet	1 shrub per 3 linear feet	1 shrub per 3 linear feet
<b>Trees</b> 75% of trees must be evergreen	1 tree per 30 linear feet	1 tree per 30 linear feet	1 tree per 50 linear feet	1 tree per 50 linear feet
<b>Fence/Wall Required</b>	Solid fence or wall	Solid fence or wall	Solid fence or wall	Solid fence or wall
<b>Fence/Wall Height</b>	6' min./7' max.	6' min./7' max.	6' min./7' max.	6' min./7' max.

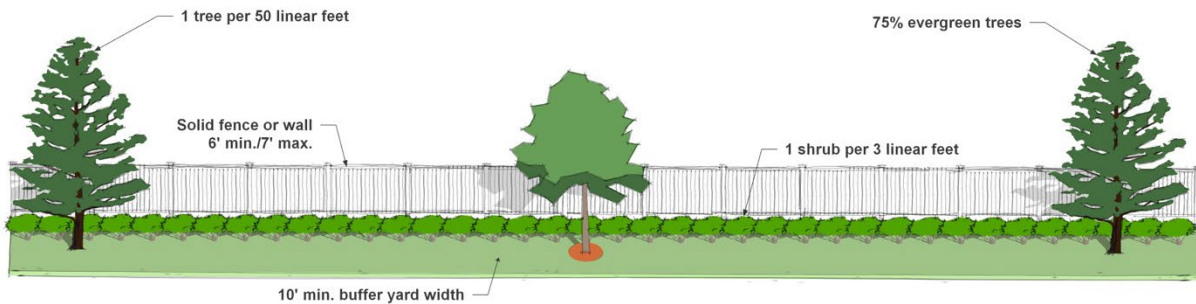
**BUFFER YARD A**



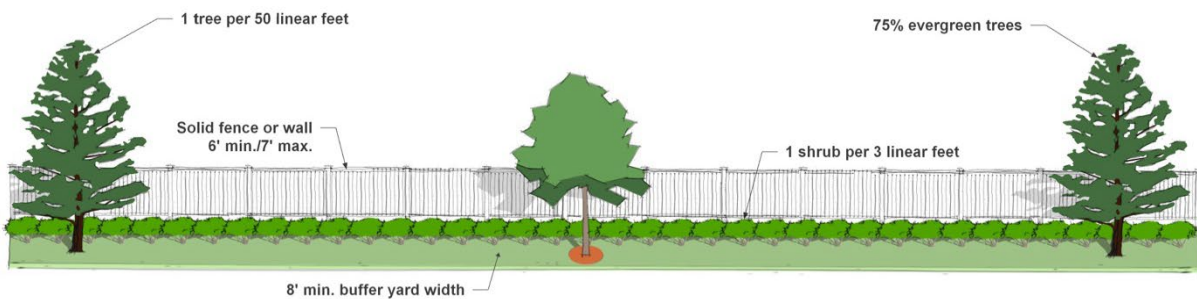
**BUFFER YARD B**



### BUFFER YARD C



### BUFFER YARD D



## 13.7 Required On-Site Trees

### A. Intent

The intent of the on-site tree requirement is to add quality and definition to the street by planting trees within a landscaped area abutting the public right-of-way.

### B. Applicability

On-site trees are required in front and corner side setbacks of 15 or more feet. This does not apply to lots used for single-unit or two-unit dwellings.

### C. Required Trees

1. On-site trees must be planted at a rate of one tree for every 30 feet of lot width.
2. Trees do not have to be evenly spaced in 30 foot increments. The minimum spacing between trees is 15 feet measured trunk to trunk. The maximum spacing is 50 feet measured trunk to trunk.
3. Fractions of trees are rounded up to the nearest whole number.

### D. Existing Trees

1. Existing trees on-site may be counted toward required trees.
2. Existing trees planted within the right-of-way (excluding the center median and opposite side of the street) may be counted toward required trees, subject to approval by the City Urban Forester

**E. Trees Within Adjoining Right-of-Way**

On-site required trees may be planted within the street lawn of the public right-of-way with permission from the City Urban Forester and other City departments.

**F. Tree Replacement or Mitigation**

If a required on-site tree is removed or damaged, it must be replaced. Replacement trees must be a comparable native tree that will reach the same size at maturity.

DRAFT



## Article 14. Code Administrators

### 14.1 City Council

### 14.2 Planning Commission

### 14.3 Board of Appeals

### 14.4 Director of the Land Development Office

#### 14.1 City Council

The City Council has the following powers pursuant to this Code:

- A. To make final decisions on zoning text and map amendment applications.
- B. To make final decisions on planned unit developments.

#### 14.2 Planning Commission

The Planning Commission has the following powers pursuant to this Code:

- A. To make recommendations on zoning text and map amendment applications.
- B. To make recommendations on planned unit developments.

#### 14.3 Board of Appeals

The Board of Appeals has the following powers pursuant to this Code:

- A. To make final decisions on special exceptions.
- B. To make final decisions on variances.
- C. To hear zoning appeals of the Director of the Land Development Office decisions.

#### 14.4 Director of the Land Development Office

The Director of the Land Development Office may designate one or more persons to act as their designee; however, a decision may only be rendered once. The Director of the Land Development Office has the following powers pursuant to this Code:

- A. To make final decisions on administrative modifications.
- B. To make final decisions on zoning interpretations, with input from Regional Planning Agency, Office of the City Attorney, and other City departments as needed.
- C. To make final decisions on temporary use permits.
- D. To conduct plan review for zoning compliance.



## Article 15. Application Process

### 15.1 Application

### 15.2 Notice

### 15.3 Vesting

## 15.1 Application

### A. Submittal

All zoning applications must be filed as indicated in Table 15-1: Submittals. The application must be on forms provided by the City and filed in such quantity and with such submittals as required by the instructions.

Application	Administrator	
	Regional Planning Agency	Land Development Office
Amendment (Text and Map)	•	
Special Exception	•	
Variance		•
Administrative Modification		•
Planned Unit Development	•	
Zoning Interpretation		•
Zoning Appeal		•

### B. Pre-Application Conference

Prior to formal submittal of an application, the applicant may, at their option, schedule a pre-application conference with the Regional Planning Agency (RPA). The purpose of a pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application. No decision is made on the application.

### C. Completeness

1. An application must include all information, plans, and data as specified in the application requirements. The Regional Planning Agency or Land Development Office, as applicable, will examine all applications to determine completeness. If the application does not include all the submittal requirements for the application, staff will reject the application and provide the applicant with the reasons for the rejection. No further steps to process the application will be taken until all deficiencies are remedied.

2. After an application is determined to be complete and before action is taken on the application, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees. Once the application is under consideration by the appropriate bodies, additional information or revisions are not subject to this provision.

### D. Fees

Each application must be accompanied by the required filing fee, as established and modified, from time to time. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the City Council or Planning Commission, all fee requirements are considered waived.

**E. Deferral or Withdrawal of Application**

1. To request to defer or to withdraw an application prior to scheduled Planning Commission meeting the applicant must submit a written request to defer or withdraw their application to the Regional Planning Agency using the appropriate form available from the Regional Planning Agency. An applicant may request to defer their request in writing within five business days following the zoning application deadline.
2. The zoning application deadline is the fourth Monday of the month. Any request to defer a case after the five business day period following the zoning application deadline must be made at the scheduled Planning Commission meeting. Action to allow deferral of the zoning application will be determined by the Planning Commission.
3. If the Planning Commission takes official action to defer the request the application cannot be automatically withdrawn without the approval of the Planning Commission.
4. An applicant may request to withdraw their request in writing no later than 12:00PM Noon the Wednesday before the scheduled Planning Commission meeting. Such requests will be honored. RPA staff will place a "Withdrawn" sticker on the notification sign.
5. The applicant shall be responsible for removing the notification sign with the withdrawn sticker by no later than the Friday immediately after the public hearing of the Planning Commission date of which the case was scheduled for review.
6. Withdrawal or deferral requests that do not meet these guidelines must be made verbally at the regularly scheduled meeting of the Planning Commission.

**F. Consideration of Successive Applications**

1. A petition for a map amendment, closure and abandonment, or special permits will not be accepted for a period of one year following denial of a previous petition involving the same property or any part thereof.
2. The Board of Appeals will not rehear any case upon the same grounds within a minimum period of one year of its previous hearing date.

**15.2 Notice**

**A. Required Notice**

Table 15-2: Zoning Approvals Required Notice indicates the types of notice required for zoning applications. If the specific requirements of a zoning approval process contain contradictory information to Table 15-2, the specific requirements of the zoning approval control.

Zoning Application	Notice Type		
	Published	Mailed	Posted On Property
<b>Zoning Text Amendment</b> Notice for Public Hearing	•		
<b>Zoning Map Amendment</b> Notice for Public Hearing	•	•	•
<b>Special Exception</b> Notice for Public Hearing	•	•	•
<b>Variance</b> Notice for Public Hearing	•	•	•
<b>Administrative Modification</b> Notice of Decision Date		•	
<b>Zoning Appeals</b> Notice for Public Hearing	•		

**B. Published Notice**

When published notice is required by Table 15-2, the City will publish notice in a newspaper of general circulation within the City. The notice must include the date, time, place, and purpose of such hearing/meeting, the name of the applicant, and the address of the subject property.

1. For the Board of Appeals, notice must be published no less than seven days in advance of the scheduled action.
2. For the City Council, notice must be published no less than 15 days in advance of the scheduled action.

**C. Mailed Notice**

1. With the exception of item a below, the Regional Planning Agency will mail written notice at least seven days in advance of the first scheduled action to all property owners within 300 feet of the property line of the subject property. The notice must include the date, time, place, and purpose of such action, the name of the applicant, and the address of the subject property.

a. For administrative modifications, written notice must be mailed no less than seven and no more than 30 days in advance of the date of when the Director of the Land Development Office will make a decision to property owners abutting the subject property as well as the property owner(s) located directly across the street and alley, when applicable.

2. When a zoning map amendment is proposed by the City, notification must also be mailed to the owner of the subject property.

3. Mailed notice is not required for comprehensive updates to the Zoning Map, as determined by the Regional Planning Agency in consultation with the Land Development Office and the Office of the City Attorney.

4. Nothing in this section is intended to prevent the applicant or the City from giving additional notice.

**D. Posted Notice**

1. A sign furnished by the Regional Planning Agency (RPA) must be prominently posted by the applicant on the site of the subject property a minimum of 15 consecutive days prior to a Planning Commission meeting. Signs must be posted no earlier than five days after the application has been accepted by the Regional Planning Agency. The applicant must post the sign provided by the Regional Planning Agency as follows:

a. Signs must be posted at the right-of-way of primary street or road on which the property fronts, and any additional areas if required by the RPA staff.

b. Signs must be mounted on flat hard surface to prevent curling or bending of sign.

c. Signs must be nailed or tied to a tree or mounted on stakes and visually free from obstruction to the primary road.

2. Signs improperly displayed may be ruled as a violation to the process and may result in deferral of the meeting. The applicant is responsible for replacing signs which are damaged or lost.

3. Signs must be maintained throughout the process until the City Council has taken final action on the request.

4. The applicant is responsible for removing the sign after the final governmental action.

5. Posted notice is not required for comprehensive updates to the Zoning Map, as determined by the Regional Planning Agency in consultation with the Land Development Office and the Office of the City Attorney.

**E. Additional Notice**

1. A copy of a Regional Planning Agency (RPA) application must be forwarded to the City Council member that represents the zone where the property is located 15 days prior to the Planning Commission hearing of the application.

2. For all applications to the Regional Planning Agency (RPA) that are to be reviewed by the Planning Commission, the RPA staff will notify the Neighborhood Association(s) contact person on file with the RPA and all property owners of properties that abut the area of the request no less than 15 days prior to the Planning Commission meeting by first class mail. No further notification is required.

### 15.3 Vesting

Unless specifically addressed in this section, all provisions of Tenn. Code Ann. § 13-4-310 are adopted and incorporated by reference.

**A.** Subject to item C, a vested property right must be established upon the City's approval of a preliminary development plan, a final development plan where no preliminary development plan is required by ordinance or regulation, or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period in item C, the City's development standards in effect on the date of said approval remain the development standards applicable to that property or building during the vesting period in item C.

**B.** A vested property right is established with respect to any property upon the following approvals:

1. Approval of preliminary subdivision plat
2. Approval of final subdivision plat
3. A final plat that meets the definition of a staff approved subdivision plat upon the date of the last signature of approval required on the plat for recording
4. Approval of a special exception permit required to complete a site or development plan
5. Approval of a planned unit development
6. Any other approval or issuance specified in Tenn. Code Ann. § 13-4-310.

**C.** Per Tenn. Code Ann. § 13-4-310, the applicable vesting periods are as follows.

#### 1. Building Permit

Unless an extension is granted by the local government, the vesting period applicable to an approved construction project for which a building permit has been issued begins on the date of issuance of the building permit by the local government and remains in effect for the time period authorized by the approved building permit, including any approved renewal obtained by the applicant prior to the expiration or termination of the permit to be renewed; provided, that the applicant pursues with reasonable diligence site preparation, if applicable, and construction.

#### 2. Development Plan

**a.** The vesting period applicable to a development plan is a period of three years, beginning on the date of the local government's approval of the preliminary development plan, provided that the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period may be extended an additional two years to commence construction from the date of the expiration of the three year period. During this two year period, the applicant must commence construction and maintain any necessary permits to remain vested.

**b.** If construction commences during the vesting period, the development standards applicable during the vesting period remains in effect until the local government has certified final completion of the development or project, provided the total vesting period for the project cannot exceed ten years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution, provided further that the applicant maintains any necessary permits during the ten year period.

**c.** In the case of developments which proceed in two or more sections or phases as described in the development plan, there is a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development remain the development standards applicable to all subsequent sections or

phases of the development; provided, that the total vesting period for all phases cannot exceed 15 years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension pursuant to an ordinance or resolution, provided further that the applicant maintains any necessary permits during the 15 year period.

**D.** In accordance with Tenn. Code Ann. § 13-4-310(f), the City may terminate the applicant's vested rights under the following circumstances.

1. If the City finds in writing that the applicant violated terms and conditions specified in the approved development plan or building permit, the applicant will receive notice and has 90 days from the date of notification to cure all violations.
2. If the City finds in writing that the applicant violated terms and conditions specified in a City ordinance or resolution, the applicant will receive notice and has 90 days from the date of notification to cure all violations.
3. If the City finds in writing that the applicant: 1) intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan; or 2) knowingly did not construct the development in accordance with the issued building permit, approved development plan, or approved amendment for the building permit or development plan. In such case, the applicant has no right to cure the violations.
4. If the City is required to enforce a state or federal law, regulation, rule, policy, corrective action, or other governance that precludes the development as contemplated in the approved development plan or building permit, the vested rights terminate unless within 90 days the applicant modifies the development plan or building permit in a way that brings the applicant into compliance with the new governance.

**E.** A vested right does not preclude the City's enforcement of any development standard in accordance with any circumstances described in Tenn. Code Ann. § 13-4-310(g).

**F.** In accordance with Tenn. Code Ann. § 13-4-310(h), any amendment to an approved development plan must first be approved by the City in order for the property rights to remain vested. The City may deny an amendment in accordance with Tenn. Code Ann. § 13-4-310(h) and, if such amendment is denied, the applicant may either proceed with no changes to the prior approved plan with the associated vested property right or, alternatively, may allow the vested property right to terminate and submit a new application in compliance with the development standards in effect at that time.

**G.** A local government cannot require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.

**H.** A vested property right attaches to and run with the applicable property and confers upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

## Article 16. Zoning Approvals

- 16.1 Zoning Text and Map Amendment
- 16.2 Special Exceptions
- 16.3 Variance
- 16.4 Administrative Modifications
- 16.5 Plan Review for Permits
- 16.6 Planned Unit Development
- 16.7 Zoning Interpretation
- 16.8 Temporary Use Permit
- 16.9 Zoning Appeals

### 16.1 Zoning Text and Map Amendment

#### A. Purpose

The regulations imposed by the zoning regulations of this Zoning Code and of the Zoning Map may be amended from time to time in accordance with this section. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

#### B. Initiation

##### 1. Text Amendments

- a. The City Council, Planning Commission, or Regional Planning Association may propose a zoning text amendment.
- b. Requests to amend the Zoning Code text may also be made as follows:
  - i. Petitioner discusses the proposed amendments at a regularly scheduled meeting of the Planning Commission under non-agenda items.
  - ii. The Planning Commission may direct Regional Planning Agency staff to explore options/suggestions on the proposed amendment, place it on the Planning Commission's agenda for future action, or take no action.

##### 2. Map Amendments

The City Council, or a property owner in the City may propose a zoning map amendment.

#### C. Authority

The City Council, after receiving a recommendation from the Planning Commission, will take action on requests for zoning text or map amendments.

#### D. Procedure

##### 1. Filing and Notice

All applications must be filed per Section 15.1. Once it is determined that the application is complete, staff will schedule the application for consideration by the Planning Commission. Amendments initiated by the City Council or Planning Commission also require an application but are exempt from fees. Notice is required per Section 15.2.

##### 2. Action by Planning Commission

- a. Upon receipt of a complete application, the Planning Commission will consider the proposed zoning amendment at a public meeting.
- b. The Planning Commission must evaluate the application based upon the evidence presented, pursuant to the approval standards of this section.
- c. The Planning Commission must recommend approval, approval with conditions, or denial of the application.

d. The Planning Commission must make a recommendation within 60 days of the date of the initial public meeting, unless there is mutual agreement between the applicant and the Planning Commission to extend this period of time.

e. After the close of the meeting, the Planning Commission will forward its recommendation to the City Council.

### 3. Action by City Council

a. The City Council will hold a public hearing on the application following receipt of the Planning Commission recommendation.

b. Following the close of the public hearing, the City Council will take action in the form of approval, approval with conditions, or denial. The City Council may also approve another zone classification than that requested by the applicant.

## E. Evaluation Criteria

The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular criteria. However, in making their recommendation and decision, the Planning Commission and the City Council will consider the following criteria at a minimum. Approval of amendments is based on a balancing of these criteria.

### 1. Criteria for Map Amendments

a. The compatibility with the existing use of the property and zoning of nearby property.

b. The extent to which the proposed amendment creates nonconformities.

c. The trend of development, if any, in the general area of the property in question.

d. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

### 2. Criteria for Text Amendments

a. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

b. The extent to which the proposed amendment creates nonconformities.

c. The consistency of the proposed amendment with the intent and general regulations of this Code.

d. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

## F. Conditional Zoning

The City Council may approve a zoning map amendment with conditions (conditional zoning/rezoning) as allowed per Tenn. Code Ann. § 13-7-201(b).

## 16.2 Special Exceptions

### A. Purpose

This Code is based upon the division of the City into zones. Within each zone, the use of land and structures are considered substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular zone or zones without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.



## **B. Initiation**

A property owner in the City may file an application to use their land for one or more of the special exceptions authorized within the zone. A property owner may only propose a special exception for property under their control.

## **C. Authority**

The Board of Appeals will take action on requests for special exceptions.

## **D. Procedure**

### **1. Filing and Notice**

All applications must be filed per Section 15.1. Once it is determined that the application is complete, the staff will schedule the application for consideration by the appropriate body. Notice is required per Section 15.2

### **2. Approval by Board of Appeals**

- a. Upon receipt of a complete application, the Board of Appeals will consider the special exception at a public hearing.
- b. The Board of Appeals will evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
- c. The Board of Appeals must either approve, approve with conditions, or deny the special exception.
- d. The Board of Appeals may impose additional conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as deemed necessary for the protection of the public health, safety, and welfare.

## **E. Evaluation Criteria**

The listing of a use as a special exception within a zone does not constitute an assurance or presumption that such special exception will be approved. Rather, each special exception must be evaluated on an individual basis, in relation to all applicable standards of this Code. Such evaluation will determine whether approval of the special exception is appropriate at the particular location and in the particular manner proposed. The decision must make findings to support each of the following:

1. The proposed special exception will not endanger the public health, safety, or welfare.
2. The proposed special exception is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special exception in the specific location proposed is consistent with the spirit and intent of this Code and adopted City land use policies.

## **F. Modifications to Approved Special Exception**

Any modifications to the conditions of approval for a previously approved special exception must be resubmitted as a new special exception application. Any modifications that meet Code standards are permitted, subject to the regulations of this Code.

## **G. Expiration**

A special exception approval expires if any one of the following conditions occurs and no request for an extension of the special exception validity is granted or pending. The original approving body may grant an extension for a period of validity, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

1. When an approved special exception is changed to another use.
2. For special exceptions approved in conjunction with new construction or additions or enlargements to an existing structure, the special exception approval expires within two years of the date of approval if a building permit has not been issued.

3. For special exceptions approved in conjunction with an existing structure or on lot where no structure is planned, the special exception approval expires within two years of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.

## 16.3 Variance

### A. Purpose

The purpose of the variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of the zoning regulations of this Code that create practical difficulties or particular hardships. Certain types of modifications are eligible for approval under the administrative modification process in Section 16.4. In the Form-Based Code Zones, certain variances are approved by the Form-Based Code Committee in Article 6.

### B. Initiation

A property owner in the City may file an application for a variance. A property owner may only propose a variance for property under their control.

### C. Authority

1. The Board of Appeals will take formal action on variances on zoning regulations.
2. Certain types of modifications are eligible for approval under the administrative modification process in Section 16.4.
3. In the Form-Based Code Zones, certain variances are approved by the Form-Based Code Committee (Article 6).

### D. Procedure

1. All applications must be filed with the per Section 15.1. Once it is determined that the application is complete, the staff will schedule the application for consideration by the Board of Appeals. Notice is required per Section 15.2.
2. Upon receipt of a complete application, the Board of Appeals will consider the variance at a public hearing.
3. The Board of Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Board of Appeals will approve, approve with conditions, or deny the variance.
4. The Board of Appeals may impose such conditions and restrictions upon the variance as may be deemed necessary for the protection of the public health, safety, and welfare.
5. The Board of Appeals may grant a variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variance application.

### E. Criteria

The Board of Zoning Appeals may authorize a variance from the strict application of this Code to relieve such difficulties or hardship only in accordance with the following criteria:

1. That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of this Code would result in peculiar and practical difficulties or undue hardships upon the owner to develop their property.
2. That the relief of the peculiar hardships, practical difficulties, or undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of this Code.
3. That the peculiar hardship, practical difficulties, or undue hardships apply to the particular land or building regardless of the owner.
4. That the peculiar hardship, practical difficulties, or undue hardship have not been created by the property owner.

5. That the peculiar hardship, practical difficulties, or undue hardships relate only to the premises for the benefit of which the variance is sought and would not be generally applicable to other premises in the City or the personal conditions of the applicant.

**F. Limitations**

1. No variance may allow a use that is prohibited in the applicable base or overlay zone.
2. The variance granted is the minimum adjustment necessary for the reasonable use of the land.
3. The Board cannot vary conditions imposed by the City Council on a zoning change that has been adopted by the City Council by ordinance. Any condition imposed by the City Council can only be lifted or amended by the City Council as a legislative act by that body.

**G. Expiration of Variance**

An approved variance will expire two years from the date of approval unless a building permit is obtained or applied for within such period. The Board of Appeals may grant an extension for a period of validity so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

## 16.4 Administrative Modifications

**A. Purpose**

The purpose of the administrative modification is to provide relief from carrying out a requirement of this Code that may cause a minor practical difficulty.

**B. Initiation**

A property owner in the City may file an application for an administrative modification. A property owner may only propose an administrative modification for property under their control.

**C. Authority**

The Director of the Land Development Office is authorized to grant certain administrative modifications, as defined below. Only those items listed below are eligible for an administrative modification; all other requests for relief are considered variances (Section 16.4).

**D. Eligible Administrative Modifications**

Eligible administrative modifications are defined below:

1. A 10% or less modification to any dimensional standard in this Code.
2. A 10% or less modification to any design standard in this Code that is established by a set dimension (number).
3. A reduction of required off-street parking spaces by no more than 10% of that required or two spaces, whichever is greater.
4. A reduction in required bicycle parking of up to 10%.

**E. Procedure**

1. All applications must be filed per Section 15.1. Notice is required per Section 15.2.
2. The Director of the Land Development Office may decide that an application for an administrative modification, even if it meets the thresholds established in this section, is by its nature a variance to be decided by the Board of Appeals and will resubmit the application to the Board of Appeals as a variance. No additional fees are required.
3. The Director of the Land Development Office must review and evaluate the complete administrative modification application, pursuant to the standards of this section.

4. The Director of the Land Development Office must render a decision within 30 days of the date listed on the required notice and either approve, approve with conditions, or deny the application. If the Director of the Land Development Office fails to act within 30 days, the administrative modification will be resubmitted to the Board of Appeals as a variance. No additional fees are required.
5. If an objection is filed to the administrative modification application in writing, prior to the date indicated on the notice that the Director of the Land Development Office may render a decision, the application must be resubmitted as a variance. No additional fees are required.
6. The Director of the Land Development Office may impose such conditions and restrictions upon the administrative modification as deemed necessary for the protection of the public health, safety, and welfare.
7. The Director of the Land Development Office may grant an administrative modification that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.
8. If the administrative modification is denied, it may be resubmitted as a variance (Section 16.3). If resubmitted as a variance, payment of associated fees is required.

#### **F. Evaluation Criteria**

The decision of the Director of the Land Development Office must make findings to support each of the following criteria:

1. That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of this Code would result in peculiar and practical difficulties or undue hardships upon the owner to develop their property.
2. That the relief of the peculiar hardships, practical difficulties, or undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of this Code.
3. That the peculiar hardship, practical difficulties, or undue hardships apply to the particular land or building regardless of the owner.
4. That the peculiar hardship, practical difficulties, or undue hardship have not been created by the property owner.
5. That the peculiar hardship, practical difficulties, or undue hardships relate only to the premises for the benefit of which the variance is sought and would not be generally applicable to other premises in the City or the personal conditions of the applicant.

#### **G. Expiration**

An approved administrative modification will expire two years from the date of approval unless a building permit is obtained. The Director of the Land Development Office may grant an extension for a period of validity, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration.

#### **H. Limitations**

1. If an applicant has been denied a variance by the Board of Appeals (Section 16.3), such cannot be resubmitted as an administrative modification for the same dimensional standard or reduction in parking spaces or bicycle spaces for a period of one year.
2. Such request for an administrative modification for the same dimensional standard or reduction in parking spaces or bicycle spaces may be resubmitted as an administrative modification one year later if it qualifies as such per item D above.

### **16.5 Plan Review for Permits**

The Director of the Land Development Office will review plans for compliance with zoning and any conditions imposed. The Director of the Land Development Office may consult with other departments and agencies as part of this review.

## 16.6 Planned Unit Development

### A. Purpose

Planned unit developments (PUD) are intended to encourage and allow more creative and flexible development of land than is possible under zone regulations and should only be applied to further those applications that provide compensating amenities to the City. The underlying zone dimensional, design, and use regulations apply to a PUD unless specifically modified through the approval process. Through the flexibility of the planned unit development technique, a PUD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Code.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
8. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

### B. Initiation

The entire property proposed for the planned unit development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners.

### C. Authorization

1. A planned unit development is authorized in all zones with the exception of the Form-Based Code Zones. Planned unit development is not permitted in the Form-Based Code Zones.
2. A planned unit development must be granted in accordance with the procedures and standards of this section. Unless specifically approved as part of the planned unit development approval, the requirements of the underlying zone apply.
3. Planned unit development approval is separate from subdivision approval. PUD approval may be granted first, whereby subdivision approval would be granted subsequently in compliance with the approved lot layout design.

### D. Exceptions From Zone Regulations

1. A planned unit development is subject to the underlying zone dimensional, design, and use regulations unless an exception is specifically granted. The Planning Commission may recommend, and the City Council may grant, exceptions to the zone dimensional, design, and use regulations where a planned unit development is located. A planned unit development may allow uses that are currently not allowed in the zone if such uses enhance the overall concept of the PUD and meet the standards of item 2 below.

2. Exceptions from zone regulations may be granted for planned unit developments if the exceptions:
  - a. Enhance the overall merit of the planned unit development.
  - b. Promote the objectives of both the City and the development.
  - c. Enhance the quality of the design of the structures and the site plan.
  - d. Will not cause excessive adverse impact on neighboring properties.
  - e. Are compatible with adopted City land use policies.
  
3. The underlying zone dimensional, design, and use regulations apply, unless an exception is granted as part of the planned unit development approval and meets the standards of item 2 above. To be granted such exceptions, the applicant must demonstrate enhanced design and/or amenities. In no case may an exception to zone regulations be granted unless the applicant demonstrates such enhanced design. The enhanced design and/or amenities must be indicated on the development plan. Design characteristics and amenities to be considered in this determination may include, but are not limited to, the following:
  - a. Community gathering spaces and amenities including plazas, public art, formal gardens, places to congregate, and pedestrian and transit facilities.
  - b. Improvement of existing on-site and off-site infrastructure.
  - c. Use of sustainable design and energy efficient design concepts, and new building technologies.
  - d. Preservation of existing environmental features.
  - e. Preservation of historic features and adaptive reuse of existing buildings.
  - f. New open space and recreational amenities such as recreational open space, including parks and playgrounds, natural water features and conservation areas, jogging trails and fitness courses, dog parks, skate parks, and similar recreational features.
  - g. Provision of bike share facilities.
  - h. Workforce/affordable housing set-asides.
  - i. Senior housing set-asides.

#### **E. Procedure**

The approval of a planned unit development includes a pre-application consultation, optional concept plan review, and development plan approval.

##### **1. Pre-Application Consultation**

- a. Prior to formal submittal of an application, a pre-application conference with the Regional Planning Agency is required.
- b. At a pre-application consultation, the applicant must provide information as to the location of the proposed planned unit development, the proposed uses, proposed improvements, including the enhanced design and amenities, anticipated exceptions to this Code, and any other information necessary to explain the planned unit development.
- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of the concept plan or development plan, so that the applicant may determine whether the proposed planned unit development is in compliance with the provisions of this Code and other applicable regulations, and whether the proposed planned unit development aligns with the adopted land use policies of the City.

d. The pre-application conference does not require formal application, fee, or filing of a planned unit development application. Any opinions or advice provided by the Regional Planning Agency are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

## 2. Optional Concept Plan

Before submitting a formal application for a planned unit development, the applicant may present a concept plan before the Planning Commission, at their option, for the purpose of obtaining information and guidance prior to formal application.

a. The concept plan will be presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:

i. A map (or maps) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.

ii. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.

b. The Planning Commission will review the concept plan and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Planning Commission is in no way binding with respect to any official action the Planning Commission or City Council may take on the subsequent formal application. The review of the concept plan is not a public hearing. No decision will be made on the application.

## 3. Development Plan

### a. Filing and Notice

All applications must be filed per Section 15.1. Once it is determined that the application is complete, staff will schedule the application for consideration by the Planning Commission. Notice is required per Section 15.2.

### b. Action by Planning Commission

i. Upon receipt of a complete application, the Planning Commission will consider the development plan at a public meeting.

ii. The Planning Commission must evaluate the application based upon the evidence presented, pursuant to the approval standards of this section.

iii. The Planning Commission will recommend approval, approval with conditions, or denial of the application.

iv. After the close of the meeting, the Planning Commission will forward its recommendation to the City Council.

### c. Action by City Council

i. The City Council will hold a public hearing on the development plan following receipt of the Planning Commission recommendation.

ii. Following the close of the public hearing, the City Council will take action in the form of approval, approval with conditions, or denial the planned unit development.

### d. Conditions

The Planning Commission may recommend, and the City Council may impose such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned unit development as deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the revised development plan.



**e. Approval Standards**

The recommendation of the Planning Commission and decision of the City Council must make a finding that the following standards for a planned unit development have generally been met.

- i. The proposed planned unit development will not be injurious to the use and enjoyment of other property in the vicinity.
- ii. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
- iii. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- iv. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. The Planning Commission and/or City Council may require a traffic study to provide evidence that the circulation system is adequate.
- v. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

**F. Effect of Approval**

After development plan approval, the development plan will constitute the regulations applicable to the subject property. The planned unit development must be developed in accordance with the development plan, rather than the zone regulations otherwise applicable to the property. Violation of any condition is a violation of this Code and constitutes grounds for revocation of all approvals granted for the planned unit development.

**G. Vesting**

Planned unit developments are vested in accordance with Article 16.

**H. Modifications to Approved Development Plans**

No adjustments may be made to the approved development plan, except upon application to the City in accordance with the following. An application for a change to an approved development plan must be submitted to the Regional Planning Agency. Applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the appropriate part of the approved development plan.

**1. Administrative Modifications**

The Director of the Land Development Office may approve the following administrative modifications to an approved final plan when it is determined by the Director of the Land Development Office that such changes are in substantial conformance with the approved development plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Director of the Land Development Office may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Planning Commission. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.
- b. Changes in building location of no more than ten feet that continue to meet the requirements of this Code and any conditions of the final plan approval.
- c. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of this Code and any conditions of the final plan approval.
- d. Interior modifications to any structure that do not increase the area of the building footprint.
- e. Changes in building design, including building materials, that continue to meet the requirements of this Code and any conditions of the final plan approval.
- f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Code.

- g. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of this Code.
- h. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

## 2. Minor Modifications

The Planning Commission may approve the following minor modifications to an approved development plan when it is determined by the Planning Commission that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Planning Commission, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the City Council. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

- a. An increase or decrease in building height of up to 10%.
- b. An increase or decrease in building coverage up to 10%.
- c. A change of in the location of walkways, vehicle circulation ways, and parking areas over ten up to 20 feet.
- d. An increase or decrease in the number of parking spaces of up to 10 parking spaces.
- e. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Code.
- f. Altering any final grade by no more than 20% of the originally planned grade.

## 3. Major Modifications

- a. The City Council may approve any other changes to an approved development plan that do not qualify as an administrative or minor modification. In addition, all of the following are considered major modifications:
  - i. Any request for an extension of time of the approved development plan.
  - ii. Changes to any conditions imposed as part of the approved development plan.
  - iii. Reductions and/or alterations in the approved enhanced design and/or amenities to be provided.
  - iv. Any change to the boundary of the planned unit development. Significant changes to the boundary may constitute a new planned unit development per item c below.
  - v. Any change to the uses within the planned unit development. Significant changes to the uses within the planned unit development may constitute a new planned unit development per item c below.
- b. All major modifications to the development plan must be approved by the City Council. The City Council may only approve changes to the development plan if they find such changes are in general conformance with the approved development plan, necessary for the continued successful functioning of the planned unit development, respond to changes in conditions that have occurred since the development plan was approved, and/or respond to changes in adopted City land use policies.
- c. Upon review of the proposed major modifications, the City Council may determine that the proposed modifications constitute a new planned unit development and a new application for PUD must be submitted following the procedures in this Section.

## 16.7 Zoning Interpretation

### A. Purpose

The interpretation authority is intended to recognize that the provisions of this Code, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Code.

### B. Initiation

The City Council, Planning Commission, or a property owner in the City may initiate a zoning interpretation application. All interpretation requests must be for the purpose of furthering actual development.

### C. Authority

The Director of the Land Development Office will review and make final decisions on written requests for zoning interpretations.

### D. Procedure

1. All applications for interpretations must be filed per Section 15.1.
2. The Director of the Land Development Office must review a written request for an interpretation and render the interpretation in writing within 30 days of receipt of a complete application.
3. The Director of the Land Development Office may request additional information prior to rendering an interpretation. Until such additional material is received, the 30 day period is temporarily suspended until such material is received.

## 16.8 Temporary Use Permit

### A. Purpose

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the City Code.

### B. Initiation

A property owner in the City or a person expressly authorized in writing by the property owner may initiate a temporary use permit application.

### C. Authority

The Director of the Land Development Office will review and make final decisions on temporary use permit applications.

### D. Procedure

1. All applications for temporary use permit must be filed with the Land Development Office.
2. The Director of the Land Development Office must render a decision on the temporary use permit within 30 days of the date of receipt of a complete application. The Director of the Land Development Office must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

### E. Approval Standards

All temporary uses must comply with the requirements of this Code, including the temporary use standards of Article 10, and the following standards:

1. Unless otherwise allowed by this Code, the temporary use or structure complies with the dimensional requirements of the zone in which it is located.
2. The temporary use does not adversely impact the public health, safety, and welfare.
3. The temporary use is operated in accordance with any restrictions and conditions as the Police Department, Fire Department, and/or other City officials may require.

4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

**F. Expiration**

The temporary use permit is valid for the time period granted as part of the approval.

## 16.9 Zoning Appeals

**A. Purpose**

This appeals process is intended to provide appropriate checks and balances on the administrative authority of the Director of the Land Development Office.

**B. Initiation**

1. A property owner in the City that is directly affected by a determination of the Director of the Land Development Office may file an appeal of the Director of the Land Development Office decision on an administrative modification, zoning interpretation, temporary use permit, or other administrative zoning decision related to this Code.
2. A decision of the Director of the Land Development Office may only be appealed if an application is filed within 30 days of the date the decision is made.

**C. Authority**

The Board of Appeals will take formal action on zoning appeal applications.

**D. Procedure**

All applications must be filed with the Land Development Office. Once it is determined that the application is complete, staff will schedule the application for consideration by the Board of Appeals.

1. Upon receipt of a complete application, the Board of Appeals will consider the appeal at a public hearing.
2. The Board of Appeals must evaluate the application based upon the evidence presented at the public hearing.
3. Following the close of the public hearing, the Board of Appeals must either confirm or overturn the Director of the Land Development Office decision.

## Article 17. Short-Term Vacation Rentals

- 17.1 Intent
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### 17.1 Intent

- A. New non-owner occupied/absentee properties are only allowed throughout the City in the mixed-use and commercial zones that allow a hotel.
- B. They are also allowed within any parcel of at least 20 acres or more with common ownership that allows for residential uses.
- C. These standards are intended to provide appropriate opportunities for the development of short-term vacation rentals in the City.

### 17.2 Permissions

Unless otherwise identified, owner-occupied, or homestay, are allowed in all zones that residential uses are allowed within the Short-Term Vacation Rental Overlay District Map and in the specified commercial zones listed above in Section 17.1.A.

### 17.3 Definitions

The following terms used in this Article are defined as follows:

**Code Compliance Verification Form.** A document executed by a short-term vacation owner certifying that the short-term vacation rental unit complies with applicable zoning, building, health, and life safety code provisions. No person may allow occupancy or possession of any short-term vacation rental unit if the premises are in violation of any applicable laws including, but not limited to, zoning, building, health, or life safety code provisions.

**Short-Term Vacation Rental.** Any or other structure containing no more than five bedrooms within permissible zones which is used, advertised, or held out to the public in part or its entirety to be a place where sleeping accommodations are supplied for pay and such accommodations are provided on a daily or weekly basis for not more than 30 days for overnight stay. For the purposes of this definition, any short-term vacation rental on a site located in the RN-1-6, RN-1-5, RN-2 Zones, must contain no more than five bedrooms and excludes hotels, rooming houses, bed and breakfast, and boarding houses, or other licensed multi-unit dwellings for rent or lease, as defined in Section 21-67 and/or Section 11-186 and/or Section 38-2. No multi-unit dwelling can exceed a maximum of 25% of the total units in a given building or structure.

**Short-Term Vacation Rental Certificate.** A certificate issued annually by the City of Chattanooga allowing a person or entity to operate a short-term vacation rental.

**Short-Term Vacation Rental Agent.** A natural person designated to be responsible for daily operations by the owner of a short-term vacation rental on the short-term vacation rental certificate application. Such person must be available for and responsive to contact at all times and someone who is customarily present at a location within Hamilton County for purposes of transacting the short-term vacation rental business. The short-term vacation rental agent must meet all other requirements set forth by state law.

**Short-Term Vacation Rental District.** That certain area of the City of Chattanooga as determined by the Chattanooga City Council as the Short-Term Vacation Rental District and incorporated to this Section, as amended from time to time.

**Short-Term Vacation Rental Occupants.** Guests, tourists, lessees, vacationers, or any other person who, in exchange for compensation, occupy a short-term vacation rental dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

**Short-Term Vacation Rental Occupancy.** There are two designations regarding the occupancy status of a short-term vacation rental:

1. **Homestay.** A short-term vacation rental property which is the primary residence of the applicant. Primary is defined as the residence of the applicant at least 183 days a year.
2. **Absentee.** A short-term vacation rental property which is not the primary residence of the applicant.

## 17.4 Location and Number

- A. A homestay short-term vacation rental may be located in any residential zone within the overlay district set forth in this section and any mixed-use and commercial zone or Form-Based Code Zones that allows any single-unit detached or accessory dwelling units that permits two-unit or multi-unit living.
- B. A short-term vacation rental is not permitted to operate in any capacity on property or within structures that are part of an Affordable Housing PILOT Program.
- C. A short-term vacation rental may include a primary dwelling unit or an accessory dwelling unit but not both structures on one lot.
- D. An absentee short-term vacation rental is only allowed throughout the City in the mixed-use and commercial zones that allow a hotel. If a zoning condition limits the allowable permitted uses of a mixed-use and commercial zone, then an absentee short-term vacation rental is only allowed if a hotel or motel is an allowable use under the zoning conditions. Building Code must be met as required through the permitting process.

## 17.5 Certificate Required

- A. No person or entity may operate a short-term vacation rental unless a short-term vacation rental certificate has been first obtained from the City of Chattanooga Development Review and Permitting Division. To obtain a short-term vacation rental certificate, an eligible applicant must submit an application and a Code compliance verification form in compliance with Section 17.6. If approved, a legible copy of the short-term vacation rental certificate must be posted within the unit. The City of Chattanooga Development Review and Permitting Division will establish the information to be included upon the short-term vacation rental certificate.
- B. Short-term vacation rentals must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health, and life safety local and state laws.

## 17.6 Minimum Standards

- A. A short-term vacation rental cannot include uninhabitable structures such as garages, barns, or sheds.
- B. Any dwelling unit for short-term vacation rentals must have functioning smoke detectors as determined by the Fire Marshal and other life safety equipment as required by local, state, and federal law.
- C. The dwelling unit must meet all applicable laws related to zoning, building, health, or life safety.
- D. No on-site signage is permitted except for those vacation rentals that are at least five acres and have a dwelling unit that is not visible from the public right-of-way, can have directional signs placed on the parcel that are at least 50 feet from the public right-of-way. No off-site signage except for any designated city required signage and signage for designated parking spaces to be used by occupants of the short-term vacation rental. Such signs cannot be larger than three square feet.

- E. There must be no more than five bedrooms made available for rental in one dwelling unit. There must be no more than five sleeping rooms made available for a site located in the RN-1-6, RN-1-5, or RN-2 Zones.
- F. The maximum occupancy is determined by the total of:
  - 1. Two persons per bedroom up to 210 square feet plus an additional two persons.
  - 2. For bedrooms over 210 square feet the occupant load will be determined by the area of the room divided by 70 square feet plus an additional two persons.
  - 3. The occupancy maximum must be conspicuously posted within the short-term vacation rental unit.
- G. The short-term vacation rental owner cannot receive any compensation or remuneration to permit occupancy of a short-term vacation rental property for a period of less than 24 hours.
- H. The short-term vacation rental certificate holder is responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law and the City Code of the City of Chattanooga.
- I. Adequate on-site parking must be provided, as determined by the City after considering proposed number of guests, frequency of operations, and availability of on-street parking. As a general rule, parking is not allowed on any vegetated area of the premises on which the short-term vacation rental is located.
- J. All occupants must abide by all applicable noise restrictions and all applicable waste management provisions of the City Code of the City of Chattanooga. All occupants must comply with City Code Section 25-69.
- K. The name and telephone number of the owner of the short-term vacation rental or the short-term vacation rental agent must be conspicuously posted within the short-term vacation rental.
- L. The premises on which the short-term vacation rental has not been found to be in violation of any City Code provision by City Court within the six months prior to submitting an application for a short-term vacation rental certificate.
- M. Ownership information and contact information for the short-term vacation rental agent must be posted on a public website or as determined appropriate by the City of Chattanooga.

## 17.7 Certificate Application; Action; Approval or Denial; Appeals

### A. Certificate Application

Any person or entity wishing to operate a short-term vacation rental within the limits of the City is required to submit, under oath, a short-term vacation rental certificate application to the Development Review and Permitting Division for review. The City of Chattanooga Development Review and Permitting Division will establish the information present on the short-term vacation rental certificate application and the Code compliance verification form as well as what information is required for the completion of said application.

### B. Application Fee

- 1. The non-refundable application fee for all short-term vacation rentals are as follows in addition to any applicable transaction related fees:
  - a. **Absentee STVRs**
    - i. Initial application fee: \$500.00
    - ii. Renewal fee: \$500.00
  - b. **Homestay STVRs**
    - i. Initial application fee: \$250.00
    - ii. Renewal fee: \$250.00



2. This application fee must be paid in full before any application is reviewed by the Development Review and Permitting Division.

### **C. Application Review**

1. The City of Chattanooga Development Review and Permitting Division will review all applications for Homestay and Absentee short-term vacation rentals and provide comment where necessary. If additional materials are found to be required, a designated representative of the City may ask for them at any time. Upon completion of application requirements as set forth in this section, and upon tendering of the requisite application fee, the certificate will be issued.
2. Homestay dwellings applying for a short-term vacation rental certificate:
  - a. For homestay dwellings, the applicant/owner must be a natural person or a business entity (i.e., a Tennessee LLC, corporation, partnership etc.) whose business entity applicant lives on premises and can establish proof of ownership annually.
  - b. Residency of all applicants must be proved annually during renewal with driver's license number, business records, or other documentation acceptable to the Development Review and Permitting Division.
3. Absentee dwellings applying for a short-term vacation rental certificate:
  - a. For absentee dwellings, the Development Review and Permitting Division must notify the Fire Marshal and a City Building Inspector and request that inspections be conducted to ensure that the property and any associated structures on the property are in compliance with state and local laws.
  - b. When the application for an absentee short-term vacation rental meets all of the requirements set forth in this article, and passes all inspections required pursuant to this section, the Development Review and Permitting Division will issue to the applicant, a short-term vacation rental certificate.
  - c. The Development Review and Permitting Division does not send notification letters of applications for short-term vacation rentals nor is the applicant required to post a notification sign.
4. Homestay and absentee for a short-term vacation rental certificate:
  - a. If the Development Review and Permitting Division denies an application for a homestay or an absentee short-term vacation rental certificate, the applicant has the right to appeal the denial from the Development Review and Permitting Division to the Board of Zoning Appeals. The applicant also has the right to appeal a denial from the Board of Zoning Appeals to Chancery Court. Any appeal must be made within 60 days of the date of denial or revocation of any permit.
  - b. The applicant must be present at the appeal hearing before the Board of Zoning Appeals, regardless of whether the appeal is initiated by the Development Review and Permitting Division or the applicant. Any applicant not present at the appeal hearing results in an automatic denial of the short-term vacation rental certificate by the Board of Zoning Appeals.
  - c. If the certificate is still denied after the appeal hearing, the applicant must wait 12 months before reapplying for a short-term vacation rental certificate.
  - d. If a property owner or applicant requests to be rezoned to any mixed-use and commercial zone that allows absentee short-term vacation rentals, and if such request is granted, the owner or applicant may not apply for an absentee short-term vacation rental certificate within 18 months of the effective date of the lifting or amending of condition(s).

### **D. Application Lifetime**

An application is valid for a period of 60 days from the date of application submission. After 60 days, an application that has not received a certificate may be discarded.

## 17.8 Certificate Approval, Transferability, Conditions, and Revocation

### A. Certificate Approval

The Certificate must be issued for the specific site location and/or address of the proposed short-term vacation rental applicant provided in the application. The Development Review and Permitting Division reserves the right to condition the approval to a certain number of rooms, operating days/hours, signage, or other restrictions as may be deemed necessary to address impacts to bordering properties or to ensure safe operation of the property. Said conditions will be based on the recommendation of the Development Review and Permitting Division.

### B. Certificate Number

Upon issuance of a short-term vacation rental certificate, the Development Review and Permitting Division will also issue a certificate number. The certificate number must be displayed on any materials or platforms used to advertise the short-term vacation rental.

### C. Grant or Denial of Application

Review of an application will be conducted in accordance with due process principles and will be granted unless the applicant fails to meet the conditions and requirements of this section, or otherwise fails to demonstrate the ability to comply with local, state, or federal law. Any false statements or information provided in the application are grounds for denial of an application for a short-term vacation rental, revocation or suspension of an existing short-term vacation rental certificate, and/or imposition of penalties, including denial of future applications. After 60 days, an application that has not received a certificate may be discarded, unless delay has been the result of delay of action by the Development Review and Permitting Division or other City department as determined by the Director of the Development Review and Permitting Division.

### D. Transferability

The certificate is non-transferable to another site, property, or location. Any change of ownership for the short-term vacation rental unit is allowed as long as the transferring owner or operator and the prior owners of the unit have not subject to revocation for at least one year prior to the transfer.

### E. Revocation

1. The City reserves the right to revoke a granted short-term vacation rental certificate at any time upon notice to the owner and the short-term vacation rental certificate Agent and after a public hearing once the property has three documented violations of City Code or State Law as a direct result of the operation of the short-term vacation rental unit and no appeal rights of those violations remain. Such violations are evidenced by a finding of guilt or fault by court or an administrative officer or body designated by the City Council.
2. A short-term vacation rental certificate which is revoked prevents its certificate holder from applying for a new certificate or short-term vacation rental on the same property or part thereof for a period of one year from the date of revocation. Prior to any revocation, the owner or the short-term vacation rental agent will be cited to the Administrative Hearing Officer, or a body designated by the City Council, for a hearing to establish proof of violations.

## 17.9 Annual Renewal and Fee

A. A short-term vacation rental certificate must be renewed annually by any applicant to legally operate as a short-term vacation rental within the City of Chattanooga.

B. A certificate may only be renewed if:

1. A renewal application is submitted to the Development Review and Permitting Division not less than 30 days prior to the certificate's expiration date;
2. All information provided in and relating to the original short-term vacation rental application has not changed within the previous certification period; and
3. The property requesting to be renewed as a short-term vacation rental has not had more than two documented violations of City Code or Tennessee law as a direct result of the operation of the short-term vacation rental within the previous certification period.

- C. If a property requesting to be renewed as a short-term vacation rental has had three or more documented violations of City Code or Tennessee law as a direct result of the operation of the short-term vacation rental during the previous certificate period, the Development Review and Permitting Division will deny the renewal certificate. Certificates denied on this basis may be appealed to the Administrative Hearing Officer.
- D. The Development Review and Permitting Division reserves the right to deny a renewal certificate, within its discretion, even if the property requesting to be renewed as a short-term vacation rental has had only one or two documented violations of City Code or Tennessee law. Certificates denied on this basis may be appealed to the Administrative Hearing Officer.
- E. There is a short-term vacation rental certificate renewal fee to be paid annually to the Development Review and Permitting Division upon renewal, in addition to any applicable transaction related fees and any taxes required by the State of Tennessee related to the operation of a short-term vacation rental. This fee must be remitted to the City Treasurer within 30 days after occupancy occurs within the rental units.
- F. A certification more than 30 days beyond its expiration date cannot be renewed.

### 17.10 Short-Term Vacation Rental Agent

- A. The owner of a short-term vacation rental must designate a short-term vacation rental agent on its application for a certificate for a short-term vacation rental. A property owner or resident of a unit owned by a corporation may serve as the short-term vacation rental agent. Alternatively, the owner may designate a person as his or her agent who is over age 18 and meets all local and state regulatory requirements to fulfill the duties of a short-term vacation rental agent.
- B. The duties of the short-term vacation rental agent are to:
  - 1. Be available 24 hours a day, seven days a week to respond to telephone calls from law enforcement, first responders, and/or City designees.
  - 2. Appear on the premises of any short-term vacation rental unit within two hours following notification from the City of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term vacation rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of the City Code or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this section. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place themselves in a perilous situation.
  - 3. Receive and accept service of any notice of violation or notice of hearing related to the short-term vacation rental.
  - 4. Monitor the short-term vacation rental for compliance with laws.
- C. An owner may change their designation of a short-term vacation rental agent temporarily or permanently; however there must only be one such agent for a property at any given time. To change the designated agent, the owner must notify the Development Review and Permitting Division in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of this section.

### 17.11 Invalidity of Part; Private Agreements and Covenants

Should any court of competent jurisdiction declare any section, clause, or provision of this Article to be unconstitutional, such decision affects only such section, clause, or provision so declared unconstitutional, and does not affect any other section, clause, or provision of this Article. Additionally, this in no way be used to supersede any privately created agreements or covenants by any homeowner associations or developers restricting certain uses.

### **17.12 Annual Review**

The Development Review and Permitting Division will conduct at a minimum an initial annual review of the provisions of this Article. The Board of Zoning Appeals, or its departmental designee, must conduct an annual review of the appeals before that body and suggest any text amendments that may be appropriate to the City Council.

### **17.13 Short-Term Vacation Rental Overlay District Map**

A copy of the Short-Term Vacation Rental Overlay District Map is available for inspection in the offices of the City Council Clerk.

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## Article 18. Nonconformities

- 18.1 General Applicability
- 18.2 Nonconforming Use
- 18.3 Nonconforming Structure
- 18.4 Nonconforming Lot

### 18.1 General Applicability

#### A. Authority to Continue

Any use, structure, or lot that existed as a legal nonconformity as of the effective date of this Code, and any use, structure, or lot that has been made nonconforming as of the effective date of this Code, and any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal.

#### B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Code is the responsibility of the property owner or operator of the nonconforming use, structure, or lot.

#### C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare, including, but not limited to, all building, fire, and health codes apply to nonconformities.

### 18.2 Nonconforming Use

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zone, but because of this Code, or a subsequent amendment to this Code, is no longer allowed. This includes nonconformities created by prior zoning codes or amendments to those codes.

#### A. Expansion

A legally established nonconforming use of a structure or land may be expanded, extended, enlarged, or increased, provided there is reasonable space for such expansion or extension that avoids nuisances to adjoining landowners.

#### B. Change of Use

A nonconforming use can only be changed to a use allowed within the zone where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the zone. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use is deemed an abandonment of the previously existing nonconforming use.

#### C. Discontinuation or Abandonment

1. If a nonconforming nonresidential use is discontinued for a continuous period of 30 months, the nonconforming use terminates automatically. Any subsequent use of such land or structure must comply with all regulations of the zone in which the structure or land is located.
2. A nonconforming residential use is not subject to any discontinuance or abandonment.

#### E. Damage or Destruction

##### 1. Nonresidential Uses

Nonresidential uses in operation and permitted to operate as nonconforming uses are allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such nonresidential use provided that no destruction and rebuilding occurs which changes the use classification of the land as classified under any zoning regulations or exceptions in effect.

##### 2. Residential Uses

For nonconforming residential uses, if any of the following occur, the subsequent residential use must comply with all regulations of the zone in which it is located.

- a. The structure containing the use is purposefully demolished by the owner.
- b. The structure containing the use is converted to a dwelling type allowed in the zone.

c. The structure is damaged or destroyed through no fault of the property owner or tenant to the extent of 50% or more of its replacement value at the time. When such destruction is less than 50% of the replacement value at the time, a building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction.

#### **F. Specific Standards for Nonconforming Manufactured Homes**

Existing nonconforming manufactured homes in any zone may be replaced with a new manufactured home within one year of the date of the removal of the existing manufactured home. The replacement manufactured home may be a larger square footage so long as the manufactured home meets required setbacks. The manufactured home must meet all of the current regulations concerning plumbing, electrical, and other codes applicable to such units.

### **18.3 Nonconforming Structure**

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but because of this Code, or a subsequent amendment to this Code, does not conform. This includes nonconformities created by prior zoning codes or amendments to those codes.

#### **A. Maintenance**

Normal maintenance and repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

#### **B. Structural Alterations**

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create a new nonconformity or will not increase the degree of any existing nonconformity.

#### **C. Relocation**

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot only if the structure conforms to all regulations of the zone where it is relocated. However, the movement of single-unit dwellings may be permitted by Section 10.1.G.

#### **D. Damage or Destruction**

1. If a nonconforming structure is destroyed or damaged, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss if a building permit is obtained within one year of the date of damage or destruction. No reconstruction is permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.
2. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the zone in which it is located.
3. As of the effective date of this Code, structures that do not comply with the following standards are deemed conforming in regard to these elements, and are subject to the following:

##### **a. Required Build-To Zone or Build-To Line**

When a structure does not conform to the required build-to zone or build-to line of the applicable zone, the structure is deemed conforming in regard to that standard and may be expanded or altered without having to conform to build-to zone or build-to line of the zone until the structure's building footprint is expanded by 50% or more. If expansions to the structure are incremental, this is calculated as the sum total of all expansions that occur after the effective date of this Code. Once the principal structure is demolished, deemed conforming status is null and void.

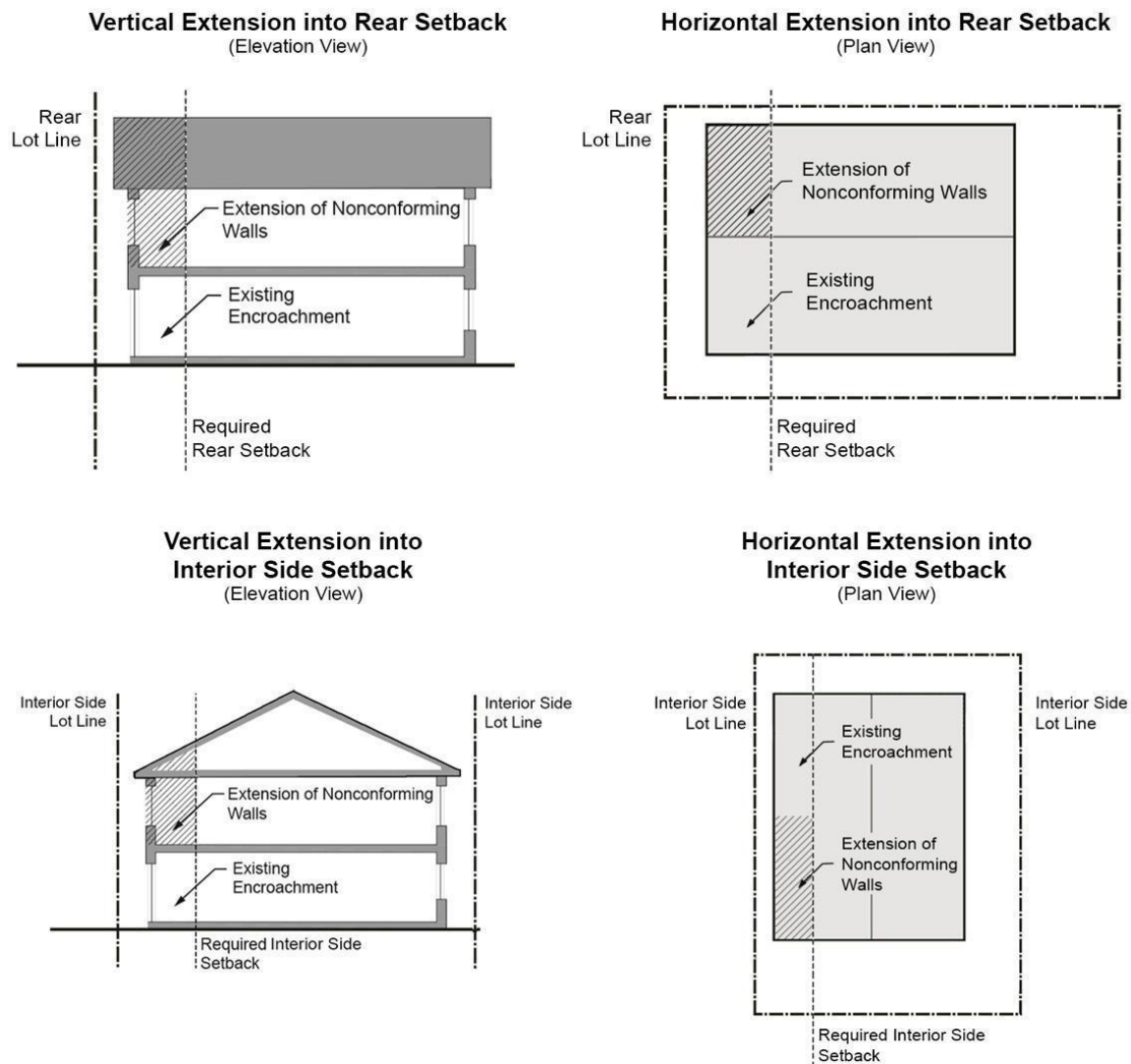
**b. Surface Parking Lot Location**

When a structure does not conform to the required surface parking lot location of the applicable zone, the structure is deemed conforming in regard to that standard and may be expanded or altered without having to conform to parking lot location requirements of the zone until the structure's building footprint is expanded by 50% or more. If expansions to the structure are incremental, this is calculated as the sum total of all expansions that occur after the effective date of this Code. Once the principal structure is demolished, deemed conforming status is null and void.

**F. Extension of Walls for Nonconforming Single-Unit Detached and Two-Unit Dwellings**

Where a single-unit detached or two-unit dwelling is deemed nonconforming because a building wall of the principal structure is located within the required rear or interior side setback, the structure may be enlarged or extended horizontally or vertically along the same plane as the existing perimeter building walls, so long as the resulting structure does not violate any other zone regulation.

**EXTENSION OF NONCONFORMING WALLS**





## 18.4 Nonconforming Lot

### A. Eligibility

1. A nonconforming lot of record is a legal lot of record that at one time conformed to the lot dimension requirements of the zone in which it is located, but because of this Code, or a subsequent amendment to this Code, does not conform. This includes nonconformities created by prior zoning codes or amendments to those codes.
2. A nonconforming lot of record is a legal lot of record is a lot established as follows:
  - a. Created by subdivision or plat prior to the effective date of this Code (*insert date*).
  - b. Created by deed before

### B. Use

A nonconforming lot of record may be used for a permitted or special exception use allowed within the zone.

### C. Development

Development of a nonconforming lot of record must meet all applicable dimensional and design regulations of the zone in which it is located with the exception of the lot area and/or width requirement that renders it nonconforming.

### D. Lot Division

No division of a nonconforming lot is permitted that creates a nonconforming lot and/or renders a lot or lots remaining nonconforming.

### E. Lot Consolidation

A nonconforming lot is permitted to consolidate with an adjacent lot, even if such consolidation still does not conform to the lot dimension requirements of the zone in which it is located. Such consolidation is seen as a reduction of the nonconformity.

### F. Common Ownership Limitation

If two or more lots with contiguous street frontage are held in common ownership that have historically been used as a single development site, and one or more of the lots does not meet the requirements for lot width or lot area as established by this Code, the land is considered to be a single zoning lot for the purposes of this Code. No portion of the lots may be used, transferred, or conveyed unless each lot meets the lot width and lot area requirements of this Code.

### G. Building Permits

No building permit will be issued for the use of any lot or portion of a lot, transferred or conveyed in violation of this Article.

## Article 19. Enforcement

### 19.1 Enforcement Official

### 19.2 Application of Penalties

### 19.3 Fines

#### 19.1 Enforcement Official

**A.** The Director of the Land Development Office is designated as the enforcement official of this Code and is authorized to enforce this Code.

**B.** The Director of the Land Development Office may secure the assistance of the City Attorney to seek an injunction, abatement, or other appropriate actions to enjoin, abate, or stop any violation of this Code. At times, the aid of the Police Department may be sought to enforce this Code. The property owner charged with the violation may be held responsible for any legal expenses incurred by the City.

#### 19.2 Application of Penalties

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Code, upon conviction, will be fined for each offense. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the City. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation.

#### 19.3 Fines

Each violation is subject to a fine. Each individual successive day the violation continues is subject to an additional daily fine.

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