

NORTH SHORE C-7

ZONING

DIVISION 18. C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE

Sec. 38-281. Intent.

The North Shore Commercial Mixed Use Zone is intended to promote development that is consistent with the adopted North Shore Plan. The plan envisions development that:

- (1) Maximizes the riverfront as a public resource and a catalyst for private development;
- (2) Balances developed areas with land preservation;
- (3) Accommodates a mixture of uses;
- (4) Creates an appealing pedestrian environment;
- (5) Preserves and extends the urban architectural character and neighborhood scale of the Frazier Avenue commercial Zone to other areas of the North Shore; and
- (6) Promotes a distinctive image and identity for the North Shore.

(Code 1995, Appendix B, Art. V, § 951; Ord. No. 11945, § 1, 3-20-07)

Sec. 38-282. Goals.

- (1) Promote a mix of uses within the North Shore Commercial Zone.
- (2) Allow greater latitude in design than what is provided for by existing zoning requirements.
- (3) Encourage investment in the Zone.
- (4) Bring most daily activities within walking distance, giving the elderly and the young increased independence of movement.
- (5) Reduce the number and length of automobile trips, to minimize traffic congestion, road construction and air pollution.
- (6) Establish building densities that support the use of transit.
- (7) Provide quality public spaces such as streets, sidewalks, parks and squares.
- (8) Provide a full range of housing types and workplaces that will integrate age and economic class.
- (9) Maximize the use of all existing resources including land, buildings, parking, and infrastructure.
- (10) Maintain the physical continuity of the street edge created by multi-story buildings built to the sidewalk.
- (11) Protect the viewshed and scenic vistas both from the North Shore and of the North Shore from other areas.
- (12) Promote pedestrian activity and safety over convenience for the motorist.

(Code 1995, Appendix B, Art. V, § 952; Ord. No. 11945, § 1, 3-20-07)

Sec. 38-283. General standards.

The **North Shore Review Committee**, created by the City Council, shall review site and building proposals within the designated Zone. The Review Committee shall be guided by all adopted plans and policies including the North Shore Plan and the Downtown Plan and by the following general standards and considerations.

The proposed development shall:

- (1) Be consistent with the North Shore Plan and the Downtown Plan;
- (2) Be in keeping with the general purpose and intent of the zoning ordinance;
- (3) Be compatible with the character of the Zone where it is proposed, and with the size and location of the buildings in the vicinity;

- (4) Not negatively impact or injure the value of adjacent properties by noise, lights, traffic or otherwise detract from the immediate environment; and
- (5) Not be of such a nature so as to pose a potential hazard to the proposed use or create an undesirable environment.

(Code 1995, Appendix B, Art. V, § 953; Ord. No. 11945, § 1, 3-20-07)

Sec. 38-284. Review committee.

- (1) **Membership:** The North Shore Design Review Committee shall be recommended by the City Council representatives of the Zone, appointed by the Mayor, and approved by a majority of the City Council. The Review Committee shall review development within the designated North Shore Zone. The Review Committee shall be composed of seven (7) rotating members set forth as follows:
 - (a) Architect (recommended by AIA Chattanooga)
 - (b) Landscape Architect /Interior Designer/Urban Designer/Architect
 - (c) Landscape Architect /Interior Designer/Urban Designer /Architect
 - (d) Contractor/Developer
 - (e) Realtor/Engineer

Although the following members may not be design or development professionals, they should have a basic knowledge of development and be able to read architectural plans:

 - (f) Business representative (recommended by the North Chattanooga Chamber Council)
 - (g) Property owner, resident, or business operator from within the Zone (recommended by the City Council representatives of the Zone)
- (2) **Membership Terms:**
 - (a) Members serve 3-year terms, staggered. (Initial terms will be one (1), two (2) and three (3) years as determined by the appointing body.)
 - (b) Members may remain on the Review Committee after their term has expired until a new appointment is made to fill their position.
 - (c) The chair and vice-chair shall be elected annually by the Review Committee members.
- (3) **Membership Requirements:**
 - (a) Any member who is absent from three (3) or more regularly scheduled committee meetings in a year may be removed from the Review Committee.
 - (b) All Review Committee members are required to attend at least two (2) continuing education sessions each year, to be scheduled by the Staff.
 - (c) Review Committee members should not discuss cases with applicants prior to the meeting to avoid creating a potential conflict of interest.
- (4) **Meeting Format:**
 - (a) A majority of Review Committee members must be present to constitute a quorum.
 - (b) A majority vote of those in attendance is required for approval.
 - (c) Meetings shall be held once a month (if cases are pending) at a day and time to be determined by the Review Committee.
 - (d) No person who has a potential conflict of interest shall serve on any case where a potential conflict is known to exist. Any Review Committee member with a potential conflict of interest shall disqualify themselves from voting on that case, leave the dais, and refrain from any discussion

ZONING

of that case. Failure to do so may result in that member being removed from the Review Committee.

- (5) City Technical Advisors: City of Chattanooga staff may be present during Review Committee meetings to offer technical advice. These City technical advisors may include:
- (a) Regional Planning Agency
 - (b) Planning and Design Studio
 - (c) Land Development Office (LDO)
 - (d) Stormwater
 - (e) Traffic
 - (f) Landscape
 - (g) Historic Preservation
 - (h) Signs
- (i) Chattanooga Area Regional Transit Authority (CARTA)
(Code 1995, Appendix B, Art. V, § 954; Ord. No. 11945, § 1, 3-20-07)

Sec. 38-285. Application and review procedure.

- (1) Prior to Plans Submittal: Before making formal application, the developer is strongly encouraged (but not required) to consult with the Staff regarding conceptual designs of the proposed project.
- (2) Applications: To make a formal application, the applicant shall complete an application form (available at the Development Resource Center or at www.chattanooga.gov under the Public Works Department page) so that the Staff can classify the project and determine the appropriate submittal requirements.
- (3) Classification of Projects: Upon receipt of the application, the Staff shall classify the proposed development as follows:
- (a) Exempt:
 - 1. Interior alterations/renovations which do not alter the footprint, height, or exterior of a structure;
 - 2. Routine maintenance - minor repairs and maintenance (such as painting, replacing roof shingles/lining to match existing, replacement of gutters to match existing) to any part of a building when there is no change in appearance.
 - (b) Committee Review: The Committee must review all applications for:
 - 1. New construction of primary structures, outbuildings, or garages;
 - 2. Additions (including drive through windows);
 - 3. Demolitions;
 - 4. Parking lots or parking structures;
 - 5. Any applications referred by Staff that do not clearly meet the guidelines.
 - (c) Staff Review: Staff approval may be provided for all other work that meets the Design Guidelines.
- (4) Submittal Requirements: The following information shall be submitted along with the application form. Projects will not be reviewed by the Staff or placed on the Review Committee agenda until all required drawings have been submitted. All submitted drawings should be no larger than 11 x 17 inches.
- (a) Vicinity Plan - shows the project in relation to the surrounding blocks within 300 feet of the site. Include building footprints, streets, access points, and parking areas.
 - (b) Site Plan - drawings to scale showing vehicular access, parking (including the number of spaces), service areas and dumpsters,

conceptual landscaping, property lines, building footprints, topography lines at a minimum 10-foot contour interval for finished grade, and areas of cut/fill.

- (c) Building Elevations - Drawings to scale of the sides, front, and rear of each building where construction activity will take place. Drawings should show all openings (windows and doors); texture, color and materials shown by illustrations or annotation; and any other architectural features.

Based on the scope of the proposed project, the Review Committee may also require all or some of the following information. Some of the following plans may be required for a follow-up review later in the design process.

- (d) Site and Building Section - Drawings to scale illustrating how the proposed building, structure, or addition and site would appear in cross-section.
 - (e) Landscaping Plan – showing location, number and type of plant materials.
 - (f) Signage Plan – showing the location of all signs, dimensions, text and graphics. For commercial buildings with multiple tenants, a signage plan for the entire structure is required. This plan shall allocate signage for all potential tenant space.
 - (g) Lighting Plan - showing fixture locations, specifications and lighting levels.
 - (h) Physical samples of materials
 - (i) Floor plans, perspectives, and axonometrics are encouraged, but not required.
- (5) Staff Review: Projects classified as "Staff Review" will be reviewed by the Staff and approved, approved with conditions, or denied within 10 working days of submittal (after all required information has been submitted.) Any applicant aggrieved with the decision of the Staff may appeal to the Review Committee within 30 days of the Staff's decision.
 - (6) Public Notice: Reasonable notice shall be given to the general public pursuant to the Open Meetings Act of all Review Committee meetings including the applications and property to be considered at such meetings which notice shall include, but not be limited to, posting of the property.
 - (7) Procedures to be followed for Committee Review:
 - (a) An application and all required information must be submitted to the Staff at least 15 days prior to the regularly scheduled monthly meeting of the Review Committee to be placed on the agenda. The Staff will present a written recommendation to the Review Committee.
 - (b) The Review Committee will consider each project at their regularly scheduled meeting, provided all the required information has been submitted on time.
 - (c) The applicant should attend the Review Committee meeting to present his/her project.
 - (d) The Review Committee will consider the issues presented to them in the Staff recommendations and will then approve the project, approve with conditions, or deny based upon the North Shore Design Guidelines of the (C-7) Zone adopted by the Chattanooga City Council on (date). These GUIDELINES are available at the Development Resource Center or at www.chattanooga.gov under the Public Works Department page or at www.chcrpa.org.

ZONING

- (e) The Review Committee will consider variances for the applicant in the event that some deviation from the specific GUIDELINES is necessary, in the determination of the majority of the membership present at any meeting. If any variance is necessary, the Review Committee shall consider whether the general INTENT and PRINCIPLES have been met, based upon the conditions specified in Section 38-287. Guidelines that contain the word “shall” are mandatory.
 - (f) All conditions placed on the project, and how the project meets or fails to meet the guidelines, will be submitted, in writing, by the Staff to the applicant and the City Land Development Office for enforcement.
- (8) Enforcement/Issuance of Permits:
- (a) Upon approval of a project, with or without conditions by the Review Committee, building permits may be issued for development, including any required conditions imposed by the Review Committee and approval by the Land Development Office in accordance with all applicable construction codes.
 - (b) The applicant is encouraged, but not required, to schedule a Pre-submittal meeting through the Land Development Office. A committee of City staff will be present to review the project for other code requirements and advise the applicant. The City staff may include:
 - 1. Regional Planning Agency
 - 2. Planning and Design Studio
 - 3. Land Development Office (LDO)
 - 4. Stormwater
 - 5. Traffic
 - 6. Landscape
 - 7. Historic Preservation
 - 8. Signs
 - 9. Fire
 - (c) The Director of the Land Development Office shall issue no Certificate of Occupancy until all requirements approved by the Review Committee have been accomplished and all applicable construction codes are met.
 - (d) Any changes to the approved plan, affecting the site or the building exterior, shall be resubmitted to the Staff for reconsideration. The Staff will send the project back to the Review Committee for further consideration if the changes:
 - 1. Will noticeably alter the exterior of the building or the site;
 - 2. Exclude elements specifically required by the Review Committee; or
 - 3. Do not meet the guidelines.

(Code 1995, Appendix B, Art. V, § 955; Ord. No. 11945, § 1, 3-20-07)

Sec. 38-286. Appeal.

- (1) As the requirements of this Zone are in the form of principles and guidelines rather than specific regulations, there should be little need for the usual appeals procedure. However, any applicant aggrieved with the decision of the Review Committee may appeal to the Chattanooga-Hamilton County Regional Planning Commission for further consideration within 30 days of the Review Committee’s decision.

- (2) The Chattanooga-Hamilton County Regional Planning Commission will hear and decide appeals based on the following criteria:
 - (a) The physical conditions of the property, such as steep slopes, flood plain, drainage, or small or irregular lot shape, make compliance to the specific GUIDELINES physically impossible;
 - (b) The hardship is not created by the applicant;
 - (c) The applicant has presented an alternative means of compliance that meets the general intent of the applicable PRINCIPLE and complies with the stated intent, goals and general standards of the Zone;
 - (d) The hardship is relevant only to the property for which the appeal is being sought and would not be generally applicable to other properties within the Zone;
 - (3) The action of the Chattanooga-Hamilton County Regional Planning Commission shall be final, provided, an appeal from the action of the Commission may be taken to a court of competent jurisdiction by any aggrieved applicant
- (Code 1995, Appendix B, Art. V, § 956; Ord. No. 11945, § 1, 3-20-07)

Sec. 38-287. Design guidelines.

- (1) The Chattanooga City Council shall adopt illustrated Design Guidelines for the Zone that shall be used by the North Shore Design Review Committee to guide their decisions. These Design Guidelines shall be applied to all development projects within the North Shore Zone. All Review Committee decisions will be based on these Design Guidelines.
 - (2) The Review Committee will consider a variance for the applicant in the event that some deviation from the specific GUIDELINES is necessary, in the determination of a majority of the members present at any meeting based on any of the following conditions:
 - (a) The applicant presents an alternative means of compliance that meets the general intent of the applicable PRINCIPLE and complies with the stated intent, goals and general review standards of the Zone;
 - (b) The physical conditions of the property, such as steep slopes, flood plain, drainage, or small or irregular lot shape, make compliance to the specific GUIDELINES physically impossible, and this hardship is not created by the applicant.
 - (3) Only properties contiguous to C-7 zoning shall be considered for rezoning to C-7.
- (Code 1995, Appendix B, Art. V, § 957; Ord. No. 0762, 09/15/98)

Secs. 38-288 - 38-300. Reserved.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTION 38-287, DESIGN GUIDELINES WITHIN THE C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE.

WHEREAS, the North Shore Plan, adopted by the Chattanooga City Council in 2007, encourages increased commercial growth along Frazier Avenue, North Market Street, Cherokee Boulevard, and Manufacturers Road, and;

WHEREAS, currently, by ordinance, only properties contiguous to existing C-7 zoning can be considered for rezoning to C-7 Commercial/Mixed Use, and;

WHEREAS, the North Shore Plan specifically supports the expansion of the C-7 zone in certain areas of the district, and;

WHEREAS, a North Shore C-7 Zone Expansion Analysis, conducted by the Regional Planning Agency in 2011 identifies areas that would be appropriate for C-7 Zoning, and;

WHEREAS, some property owners in the North Shore have expressed an interest in rezoning their property to C-7 Commercial/Mixed Use;

SECTION 1. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-287, Design Guidelines, be amended by deleting Subsection (3) in its entirety and substituting in lieu thereof the following:

- (3) The re-zoning of properties in the North Shore to C-7 Commercial/Mixed Use may be considered on a case-by-case basis based on the following parameters:
 - (a) The property is located within the boundary of the adopted 2007 North Shore Plan;
 - (b) The property is within a mixed use area;

- (c) The property is not surrounded by single-family residential; and
- (d) The proposed development is generally consistent with the Goals and Principles of the North Shore Design Guidelines.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

_____, 2011

CHAIRPERSON

APPROVED: ___ DISAPPROVED: ___

DATE: _____, 2011.

MAYOR

/mms

**A RESOLUTION TO AMEND THE CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SECTION 38-287, DESIGN
GUIDELINES WITHIN THE C-7 NORTH SHORE COMMERCIAL/MIXED
USE ZONE IN ORDER TO ALLOW PROPERTIES NOT CONTIGUOUS TO
C-7 ZONES TO BE CONSIDERED FOR REZONING**

WHEREAS, the North Shore Plan, adopted by the Chattanooga City Council in 2007, encourages increased commercial growth along Frazier Avenue, North Market Street, Cherokee Boulevard, and Manufacturers Road, and;

WHEREAS, currently, by ordinance, only properties contiguous to existing C-7 zoning can be considered for rezoning to C-7 Commercial/Mixed Use, and;

WHEREAS, the North Shore Plan specifically supports the expansion of the C-7 zone in certain areas of the district, and;

WHEREAS, a North Shore C-7 Zone Expansion Analysis, conducted by the Regional Planning Agency in 2011 identifies areas that would be appropriate for C-7 Zoning, and;

WHEREAS, some property owners in the North Shore have expressed an interest in rezoning their property to C-7 Commercial/Mixed Use;

NOW THEREFORE BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on May 9, 2011, does hereby respectfully recommend to the Chattanooga City Council to amend the Chattanooga Zoning Ordinance as follows:

Amend Section 38-287, C-7 North Shore Commercial/Mixed Use Zone, Design Guidelines, by deleting subsection (3) in its entirety and substituting in lieu thereof the following:

- (3) The re-zoning of properties in the North Shore to C-7 Commercial/Mixed Use may be considered on a case-by-case basis based on the following parameters:
 - (a) The property is located within the boundary of the adopted 2007 North Shore Plan;

- (b) The property is within a mixed use area;
- (c) The property is not surrounded by single-family residential;
and
- (d) The proposed development is generally consistent with the Goals and Principles of the North Shore Design Guidelines.

Respectfully submitted,

John Bridger, Secretary

Date of Adoption: May 9, 2011

JB:KH:GH:BS:PD:sh

NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be approved:

2011-061 ABM Properties, LLC/Larry Armour-Chief Manager.
6131 Preservation Drive, Tax Map No. 129K-B-040, from O-1 Office Zone and M-2 Light Industrial Zone to M-2 Light Industrial Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

2011-071 Re/Max Properties North, LLC/Bank of America. 1503 Taylor Street, Tax Map No. 136M-H-012, to allow a duplex in an R-1 Residential Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition be denied in lifting and/or approval of amending Condition #4 of Ordinance No. 12349 as follows:

2011-058 Fraternal Order of Firefighters. 4393 Benton Drive, Tax Map No. 128L-E-012, with regard to the condition to be denied in lifting Condition #4 of Ordinance No. 12349 and approving the amendment of Condition #4 of Ordinance No. 12349 by removing existing language and replacing with specific language.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Amending **Section 38-287, Design Guidelines**, within the C-7 North Shore Commercial/Mixed Use Zone in order to allow properties not contiguous to C-7 Zones to be considered for rezoning.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

June 14, 2011

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2011.

Carol K. O'Neal, CMC
Clerk to the City Council