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ORDINANCE NO. 12382

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, DIVISION 14, UGC URBAN GENERAL COMMERCIAL ZONE FOR AUTO-ORIENTED USES.

WHEREAS, the Urban General Commercial Zone (UGC) was adopted in 2007, revised in 2009; and

WHEREAS, the intent of the Urban General Commercial Zone is to establish and maintain the urban character of neighborhoods and commercial corridors as part of the "urban development sectors" identified by the Comprehensive Plan 2030; and

WHEREAS, auto-oriented uses often require special consideration within the urban areas; and

WHEREAS, the following changes shall provide additional standards to accommodate auto-oriented uses; and

WHEREAS, the Mayor, in conjunction with the City staff and elected officials, has reviewed the proposed ordinance according to standards, terms and use.

NOW, THEREFORE

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-201 be amended so as to add the following subsection:

**Sec. 38-201. Definitions.**

- (4) *Auto-Oriented Uses* - a use heavily influenced by and primarily dependant on the automobile for its viability, including but not limited to the following examples, or other similar uses as determined by the Chief City Zoning Official. Examples are:

- (A) Gas Stations
- (B) Service Stations
- (C) Convenience Stores
- (D) Drive-throughs
- (E) Drive-in's
- (F) Auto Dealerships
- (G) Auto Repair/Detailing Shops
- (H) Car Washes

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-203 be amended so as to add the following new subsection:

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

- (17) Auto-oriented uses as defined in Section 38-201.

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-205(3) be deleted in its entirety.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-208 be amended by deleting the section in its entirety and substituting in lieu thereof the following:

**Sec. 38-203. Minimum Yard and Landscaping Requirements.**

- (1) The minimum building setback from the street (s) right-of-way is zero (0) feet; however, a maximum building setback of 15 feet may be permitted if landscaping or pedestrian activity is provided between the building and right-of-way such as a park, plaza, outdoor dining, or sculpture garden and a wall, hedge or fence. For setbacks greater than zero (0) feet, a street edge treatment shall also be provided at the right-of-way (street). For the purposes of this zone, a street edge or "street edge treatment" requires the following:
  - (a) Shall consist of brick, stucco, or stone walls (concrete block can only be used when faced with said materials), decorative metal fences, (cast iron, or composite material,) and
  - (b) shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade provided at the right-of-way to maintain the street edge at the right-of-way line.
  - (c) When fences are used, landscape materials such as hedges must also be included to provide a near opaque screen similar in height stated in previous paragraph. Highway-style guardrails or contemporary security fencing (e.g. chain link, barbwire and razor wire) shall not be permitted.

Auto-oriented Uses are exempt from the minimum setback requirements, but must follow the requirements of Sec. 38-212.

- (2) First floor minimum setbacks and screening on corner lots shall be reviewed and approved on a case-by-case basis by the City Traffic Engineer prior to the issuance of any building permit to insure adequate sight triangle visibility.
- (3) Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where permitted use adjoins any Residential Zone.
- (4) For the purposes of this zone, canopies, whether attached or detached:
  - (a) are not considered part of the "building" or eligible as part of the calculations for setback requirements. "Setback" is defined as the distance between the primary (principle use) building and any lot line. Front setbacks are measured from the right-of-way on the primary street with the most vehicular traffic.
  - (b) require a street edge delineating the public and private space at the right-of-way. The street edge shall be as described by Sec 38-208, (1).

- (5) The minimum lot area for dwellings shall be five thousand (5,000) square feet, plus one-thousand (1,000) square feet for each additional dwelling unit. This minimum lot area shall be in addition to the area required for the commercial use and its parking and loading area.
- (6) Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.
- (7) Environmentally sustainable practices suggest that landscaping is adequately provided throughout the site.
  - (a) Due to the urban character of the zone and the urban setback requirements, property within the Urban General Commercial Zone is exempt from the street yard requirements of the Chattanooga Landscape Ordinance when a 0' to 15' setback is proposed. Instead of a street yard, street trees shall be planted along the sidewalk. When a setback deeper than 15' is proposed, in addition to requiring street trees planted along a sidewalk, the City's Landscape Inspector may require a street yard, buffer plantings or other landscape treatments as outlined in the Chattanooga Landscape Ordinance.
  - (b) To achieve the city's goal of a 15% tree canopy in urban areas, surface parking lots shall be landscaped with a minimum of one (1) tree for every five (5) parking spaces. Type I shade trees shall be used unless overhead utility lines necessitate smaller trees.

SECTION 5. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-211(7) be amended by deleting section in its entirety and substituting in lieu thereof the following:

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

- (7) Off-street parking should not be located between the building and the primary street. Parking should be located to the rear of the building. If it is physically impossible to locate parking to the rear of the building, parking may be located to the side of the building. If parking or driveways front any street, a street edge that includes a decorative fence, wall and/or hedge shall be provided along the street (excluding alleys) to screen the parking. This street edge shall meet the requirements of "street edge treatment" and landscaping as described in Sec 38-208 (1).

SECTION 6. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-211 be amended by adding a new subsection as follows:

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

- (9) Highway-style guardrails, stockades, or contemporary security fencing (e.g. chain link and/or razor wire) shall not be visible from the public right-of-way.

SECTION 7. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-212 be amended by adding a new section as follows:

**Sec. 38-212. Auto-Oriented Uses.**

- (1) Auto-oriented Uses are exempt from the setback requirements stated in Section 38-208 Minimum Yard and Landscaping, but will require a street edge treatment that is the equivalent to or greater than the required zone standards as described in Sec 38-208 (1) and applicable landscape regulations. Furthermore;

The applicant must demonstrate that the project meets the general intent of the Urban General Commercial Zone. Deviation from the specific requirements of the Urban General Commercial Zone may be granted under the following conditions:

- (a) The applicant presents an alternative that complies with the stated intent, goals and general standards of the Zone.
- (b) The deviation from the standards is consistent with adopted plans and principles for the area.
- (c) The deviation is compatible with the character of the Zone where it is proposed, and with the size and location of the buildings in the vicinity; or
- (d) The physical conditions of the property, such as steep slopes, drainage, easements, or small, irregular lot shape make compliance to specific requirements impossible.

- 2) General Regulations:
- (a) The Urban General Commercial Zone supports urban design principles that direct the location of parking to the rear of buildings or the side if necessary. If such placement is impractical or unsafe due to the use of the building or land, then other parking options should be considered.
  - (b) Small scaled, stand alone drive-throughs or “drive-ups” are not allowed.
  - (c) Canopies should be designed as secondary (in size, scope and use) to the primary building.
  - (d) Roof signs, billboards and/or other off premise signs are not permitted. The sides and tops of canopies cannot be illuminated or include additional signage. Lighting must be directed downwards to reduce excessive glare and light pollution.
  - (e) All mechanical equipment, whether on the ground or rooftop, shall be screened from all public rights-of-way.
  - (f) The display and/or sale of vehicles (excluding scooters, bicycles and other non-motorized craft) requires a street edge treatment at the public right-of-way as described in Sec 38-208 (1). The following shall be screened from view from all public rights-of-way: the outdoor storage of equipment and products, other apparatus related to vehicular sales and/or repairs; and loading and parking areas for large, heavy-use vehicles, dump trucks, repair vans and/or fleets.
  - (g) Garage doors and loading docks shall not front or be visible from the primary street.

SECTION 8. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II,

Chapter 38, Zoning Ordinance, Section 38-213 be amended by adding a new section as follows:

**Sec. 38-213. Appeals.**

For the Urban General Commercial Zone, except as specified in Building Height Sections 38-209 (2) and 38-210 (4), appeals to the decisions of the Chattanooga City Council may be directed to a court of competent jurisdiction.

**Secs. 38-214 - 38-220. Reserved.**

SECTION 9. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two  
(2) weeks from and after its passage.

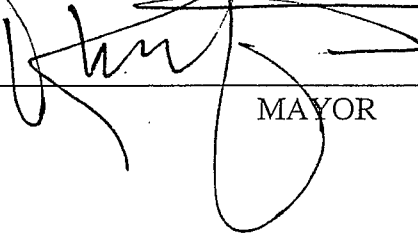
PASSED on Second and Final Reading

April 20, 2010.

  
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CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: 4-20, 2010.

  
\_\_\_\_\_  
MAYOR

/mms