

First Reading: April 24, 2018
Second Reading: May 1, 2018

Alternate Version

ORDINANCE NO. 13304

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE XVI, DOWNTOWN CHATTANOOGA FORM-BASED CODE, RELATIVE TO RECOMMENDED IMPROVEMENTS BASED ON A ONE (1) YEAR REVIEW.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article XVI, Downtown Chattanooga Form-Based Code, be amended by making the improvements based on a one (1) year review as stated on the attached Alternate Version list.

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: May 1, 2018



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem

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12.26.17 (Items in RED were added after 10.23.17 based on feedback from applicants, neighborhood associations, and staff.)

Clarification and Cross References

FBC PAGE #	FBC SECTION	ISSUE	PROPOSED AMENDMENT	ORIGINAL TEXT																		
1.	8-11	Sec. 38-738(6)C.	<p>Accessory Dwelling Units: Need to clarify that ADU's count toward the maximum number of 4 units in the U-RA and E-RA zones.</p>	<p>Amend Sec. 38-738(6)C. by ADDING the following: <u>3. Accessory Dwelling Units count toward the maximum number of 4 units in the U-RA and E-RA zones.</u></p>	<p>C. Dwelling Unit, Accessory</p> <p>A small self-contained accessory dwelling unit located on the same lot (attached or detached) for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping. Where an accessory dwelling unit is allowed as a limited use, it is subject to the following:</p> <ol style="list-style-type: none"> 1. Only one accessory dwelling unit is allowed per lot. 2. The habitable space of the accessory dwelling unit cannot exceed 700 square feet. 																	
6-8	Sec. 38-715(2)	SAME	<p>Amend Sec. 38-715(2) by ADDING and asterisk (*) after "Single-unit detached" and after "Single-unit attached" and by ADDING the following cross reference at the bottom of "Lot Parameters" column: <u>*See Sec. 38-738(6)C.3.</u></p>	<table border="1"> <thead> <tr> <th>Lot</th> <th>A Area</th> <th>B Width</th> </tr> </thead> <tbody> <tr> <td>Single-unit detached</td> <td>2,500 SF min</td> <td>25' min</td> </tr> <tr> <td>Two-unit</td> <td>3,500 SF min</td> <td>35' min</td> </tr> <tr> <td>Single-unit attached</td> <td>1,350 SF min</td> <td>16' min</td> </tr> <tr> <td>Multi-unit (up to 4 units)</td> <td>5,000 SF min</td> <td>50' min</td> </tr> <tr> <td>Public</td> <td>5,000 SF min</td> <td>50' min</td> </tr> </tbody> </table> <p>Specifications</p>	Lot	A Area	B Width	Single-unit detached	2,500 SF min	25' min	Two-unit	3,500 SF min	35' min	Single-unit attached	1,350 SF min	16' min	Multi-unit (up to 4 units)	5,000 SF min	50' min	Public	5,000 SF min	50' min
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					C Building coverage	80% max
7-8	Sec. 38-728(2)	SAME	Amend Sec. 38-728(2) by ADDING and asterisk (*) after "Single-unit detached" and after "Single-unit attached" and by ADDING the following cross reference at the bottom of the "Lot Parameters" column: *See Sec. 38-738(6)C.3.	Lot	A Area	B Width
				Single-unit detached	5,000 SF min	50' min
				Two-unit	6,000 SF min	50' min
				Single-unit attached	1,700 SF min	20' min
				Multi-unit (up to 4 units)	7,500 SF min	50' min
				Public	5,000 SF min	50' min
				Specifications		
				C Building coverage		70% max
2.	2-2	Sec. 38-696	Administration: Some of the titles in this section could be more clear.	CHANGE the title of Sec. 38-696 from Technical Plan Review to <u>Permitting Process</u> .	Sec. 38-696. Technical Plan Review	
3.	3-13	Sec. 38-698 (1)A.1.	Building Coverage: The description of how to measure building coverage is confusing.	DELETE Sec. 38-698(1)A.1. IN ITS ENTIRETY AND REPLACE WITH the following: <u>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 and attached accessory structure, and any projecting structures above ground level.</u>	(1) Lot Parameters A. Building Coverage	
					1. The area of a lot covered by roofed buildings and structures measured from the outside of the exterior wall at the ground floor, includes covered porches and patios and detached and attached accessory structures.	

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4.	3-18	38-698(4)A.	<p>Building Height: Some confusion exists about whether the maximum number of stories OR maximum feet is the controlling metric for building height within each zone. Both metrics are meant to be applied. For example, in the D-CX-6 zone (with a maximum building height of 6 stories/75' max) a 7-story building would not be allowed. A 6-story building that was 80 feet high would not be allowed either. The FBC Committee may grant one additional story. Applicants seeking more than one story must request a rezoning (in this example, the applicant would need to request the D-CX-8 zone.)</p>	<p>ADD a new subsection to Sec. 38-698(4)A. as follows: <u>4. The maximum number of stories and the maximum number of feet listed under Building Height for each zone must both be met. It is not an either/or requirement. For example, in the D-CX-6 zone (with a maximum building height of 6 stories/75' max) a 7-story building is not allowed. A 6-story building that is 80 feet high is not allowed either.</u></p>	<p>(4) Height and Mass A. Building Height</p> <ol style="list-style-type: none"> 1. Building height is measured from average grade in both number of stories and feet to the mean height level between the eaves and ridge of a pitched, or to the highest point of a flat roof, not including a maximum parapet wall encroachment. The maximum height encroachment for a parapet wall is 6 feet. 2. Average grade is determined by calculating the average of the highest and lowest elevation along finished grade measured along the front of the building parallel to the primary street setback. 3. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling.
2-6	38-	696(4)C.4.e.	<p>SAME – The FBC Committee is authorized to grant up to one additional story in height, but the specific number of feet is not defined.</p>	<p>DELETE Sec. 38-696(4)C.4.e. in its entirety and REPLACE WITH the following: <u>e. For any request to increase building height, may grant up to one additional story, of 12 feet or less, in height. The</u></p>	<p>e. For any request to increase maximum building height, may grant up to one additional story in height. The Committee may require the additional story to be stepped back a minimum of 10 feet from all building faces fronting a street. Requests for</p>

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				<u>Committee may require the additional story to be stepped back a minimum of 10 feet from all building faces fronting a street. Requests for more than one additional story require rezoning.</u>	more than one additional story require rezoning.
5.	13-1	Division 13	Definitions: Move them all to one place in the base Zoning Ordinance.	DELETE Division 13. Definitions in its entirety and ADD all definitions from Sec. 38-759 to Sec. 38-2.	<p>DIVISION 13. DEFINITIONS</p> <p>Sec. 38-758. General Provisions.....13-2 (1) General Meaning of Words & Terms 13-2 (2) Abbreviations 13-2</p> <p>Sec. 38-759. Defined Terms.....13-2</p>
6.	13-3	38-759	Definitions - Right-of-Way: A definition is needed. Sidewalks do not always align with the ROW.	Amend Sec. 38-759 by ADDING the following: <u>Right-of-Way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, or other use. Right-of-way intended for streets and involving maintenance by a public agency shall be dedicated to public use. Rights-of-way are commonly used to provide the public with the right to travel over a piece of land, whether by street, sidewalk, bike facility, or similar, and they frequently include public amenities such as street trees, lighting, on-street parking, and furnishings. Rights-of way are</u>	<p>Sec. 38-759. Defined Terms</p> <p>The following terms are defined for the purpose of this Downtown Code. Terms not defined in this Division may be defined in Article II, Definitions, of Chapter 38. In such case, the definition contained in Chapter 38 should be used. If there is a conflict between a definition in Chapter 38 and this Downtown Code, the definition in this Code must be used.</p>

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reserved for the maintenance and expansion of existing public services, and it is the private property owner's responsibility to request special permission from the City when seeking to accommodate any encroachments over the property line (i.e. signs, canopies, cafes, etc.) The right-of-way may or may not coincide with the curb edge along a road.

1-6

Division 1

Expansion of the FBC Boundary:
A few applicants have requested to have their properties included in the FBC boundary. Because the FBC Zones are based on the adopted Downtown Plan and are specifically designed for the unique character of the downtown area, this process needs some explanation.

Amend Division 1, by ADDING the following Section:

Sec. 38-695. Expansion of the Form-Based Code Boundary.

- (1) Abutting Properties**
Owners whose property abuts an existing Form-Based Code zone may request inclusion in the Form-Based Code boundary. Such requests must be submitted to the Chattanooga-Hamilton County Regional Planning Agency, as a request for rezoning.
- (2) Non-Abutting Properties**
Requests from owners whose property does not abut an

**DIVISION 1.
INTRODUCTORY
PROVISIONS**

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- (2) Title 1-2
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	<p><u>existing Form-Based Code zone may be considered by the Chattanooga-Hamilton County Regional Planning Agency on a case-by-case basis, based on one or more of the following:</u></p> <p>A. <u>The property is within close proximity to the Form-Based Code boundary.</u></p> <p>B. <u>The physical character of the property is consistent with the overall character of the nearest Form-Based Code Context Area as defined in Sec 38-693, Sec. 38-699, Sec. 38-707, Sec. 38-713, and 38-726.</u></p> <p>C. <u>The property is included in the adopted Downtown Plan.</u></p>	<p>(1) Zones Established 1-6 (2) Naming Convention 1-8</p>
<p>7. 3-19 38-698(4)B. Height Abutting a Protected Zone: The Section reference at the end of the paragraph is wrong.</p>	<p>AMEND Sec. 38-698(4)B. by DELETING the section reference at the end of the paragraph and REPLACING it with the following: <u>(see Sec. 38-747(1)).</u></p>	<p>B. Height Abutting a Protected Zone</p> <p>The maximum height of any portion of a building or structure, except single-unit living detached, within 30 feet of a common lot line abutting a protected zone is 2 stories or 24 feet. Property separated by a street or alley is not considered abutting (see Sec. 38-748 (1)).</p>

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				Lot	A Area	B Width
8.	Multiple	38-700(2) and Every Zone within Divisions 4, 5, 6 and 7	Lot Types: Section 38-697 refers to "Lot Types." The sub-headings under "Lot Parameters" in each Zone should use the same terminology.	Amend subsection (2) Lot Parameters in every Zone in Divisions 4, 5, 6 and 7 by DELETING the sub-heading "Lot" and REPLACING It with the following: " <u>Lot Types.</u> "		
9.	9-5	38-743(3)C.	Parking Lots, Temporary During Construction: During construction, parking lots may be surfaced with gravel. Before a Certificate of Occupancy may be issued, all such gravel lots must be surfaced, as stated in 38-743(3)C. Temporary gravel parking lots must still adhere to applicable water quality requirements.	ADD the following subsection to Sec. 38-743(3): <u>D. During construction, parking lots may be surfaced with gravel. Before a Certificate of Occupancy may be issued, all such gravel lots must be surfaced, as stated in 38-743(3)C. Temporary gravel parking lots must still adhere to applicable water quality requirements. (See Chapter 31 of the City Code.)</u>	(3) Surfacing	<p>A. All on-site vehicle parking areas must be graded and drained to collect, retain and infiltrate surface water on-site so as to prevent damage to abutting properties or public streets.</p> <p>B. Curbing must have openings to allow drainage to enter and percolate through landscaped areas.</p> <p>C. All on-site vehicle parking areas must be surfaced with concrete, asphaltic concrete, asphalt, or other dust-free surface. Porous pavement material may be substituted for standard dust-free pavements subject to the approval of the Director of the Land Development Office. Permitted materials may include, but are not limited to pervious pavement or structural grass pavement.</p>
10.	10-4	Sec. 38-748(4)	Perimeter Planting: Need to clarify that Perimeter Planting areas require BOTH trees and understory plantings.	Amend Sec. 38-748(4) by DELETING "C. Plant Material Options – The following options are considered equally acceptable for perimeter planting." in its entirety and REPLACING it with the following: C. Understory Plants Required	D. Plant Material Options	The following options are considered equally acceptable for perimeter planting.

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		<u>Understory plants are required for Perimeter planting areas. Either of the following two options may be used for understory plant materials.</u>		
10-4	Sec. 38-748(4)1.	Same	REPLACE the Diagram in Sec. 38-748(4)1. with a <u>new Diagram that includes trees in the Perimeter Planting area</u> , in addition to shrubs.	<i>See diagram on page 10-4.</i>
11.	10-7	Sec. 38-751(2)	Retaining Walls: Retaining walls have a setback based on the edge of the footer, or as determined by the Stormwater Ordinance. Need to reference the Stormwater Ordinance.	ADD the following to Sec. 38-751(2): <u>D. For retaining walls, see Chapter 31, Article VIII- Stormwater Management, Division 3, Section 31-325(3).</u>
				(2) Location A. No wall or fence may be located within any required drainage or utility easement B. The finished face of all walls and fences must be located toward the abutting property. C. For walls and fences located along a public right-of-way, the maximum length of a continuous, unbroken and uninterrupted fence or wall plane is 50 feet. Breaks must be provided through the use of columns or offsets.
12.	6-4	38-714(3)A	Setbacks, Primary Streets in the RD zones: The way the standard is worded needs clarification.	Amend Sec. 38-714(3)A by ADDING the following: <u>" , whichever is greater"</u>
				Principal Building Setbacks (see Sec. 38-698.(2)C.2.) A Primary street 10' min or avg. front setback (Sec. 38-698 (2)D.)
	7-4	38-727(3)A	SAME	Amend Sec. 38-727(3)A by ADDING the following: <u>" , whichever is greater"</u>
				Principal Building Setbacks (see Sec. 38-698.(2)C.2.) A Primary street 15' min or Avg. front setback (Sec. 38-698.(2)D.)

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					Use Category						Def/Std			
13.	4-29	38-706 (Allowed Uses Table)	Short-Term Vacation Rentals: The FBC standards for STVR's needs to be consistent with the recently adopted STVR ordinance.	Amend Sec. 38-706 (Allowed Uses table) by CHANGING "SZ" to "L" (for Limited) for Short-term vacation rental in zones D-RA, D-RM, D-CX and D-SH and CHANGING the Reference in the Definition/Standards column from "38-568" to <u>Chapter 11-Article XX</u> .	Short-term vacation rental	SZ	D-RA	SZ	D-RM	D-CX	D-SH	D-CIV	D-PK	38-568
	5-21	38-712 (Allowed Uses Table)	SAME	Amend Sec. 38-712 (Allowed Uses table) by CHANGING "SZ" to "L" (for Limited) for Short-term vacation rental in zones R-RF and R-RV and CHANGING the Reference in the Definition/Standards column from "38-568" to <u>Chapter 11-Article XX</u> .	SAME									
	6-45	Sec. 38-725 (Allowed Uses Table)	SAME	Amend Sec. 38-725 (Allowed Uses table) by CHANGING "SZ" to "L" (for Limited) for Short-term vacation rental in zones U-RD, U-RA, U-RM, U-CX, U-SH, and U-IX and CHANGING the Reference in the Definition/Standards column from "38-568" to <u>Chapter 11-Article XX</u> .	SAME									
	7-41	Sec. 38-736 (Allowed Uses Table)	SAME	Amend Sec. 38-736 (Allowed Uses table) by CHANGING "SZ" to "L" (for Limited) for Short-term vacation rental in zones E-RD, E-RA, E-RM, E-CX, E-SH, and E-IX and CHANGING the Reference in the Definition/Standards column	SAME									

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14.	11-2	38-753(1)	<p>Sign changes: A statement is needed clarifying that changes to signs do not trigger other requirements for the site.</p>	<p>from "38-568" to <u>Chapter 11-Article XX.</u> Amend Sec. 38-753(1) by ADDING the following: <u>E. Changes to existing signs only trigger the requirements in Sec. 38-753. Changes to signs do not trigger other site or building requirements in the Downtown Code.</u></p>	<p>Sec. 38-753. Applicability (1) General Applicability A. No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Downtown Code except in accordance with the requirements of this Division. B. A City of Chattanooga Sign Permit is required. C. Nothing in this Division is intended to prohibit the ordinary maintenance repair of an existing sign or replacement of a broken part of an existing sign. D. New off-premises signs/billboards are prohibited, as defined in Article V, Sec. 3-52 of the Chattanooga Sign Code.</p>
15.	11-3	38-755	<p>Sign Illumination: Neon signs are appropriate in the downtown as they have "individually illuminated letters" as required by the FBC. That needs to be clarified. The overall size limitations for signs will address concerns over a proliferation of neon signs.</p>	<p>Amend Sec. 38-755 by ADDING the following: <u>Neon signs are permitted, as they are composed of individually illuminated letters. Illuminated reverse channel letters are permitted.</u></p>	<p>Sec. 38-755. Sign Illumination Signs must be illuminated by indirect lighting. Internally illuminated box-type plastic signs are not permitted, but signs composed of illuminated individual letters are permitted.</p>
16.	11-3	38-754(3)	<p>Signs, Monument: Monument Signs are not compatible with Urban development forms and</p>	<p>DELETE Sec. 38-754(3)A.1. In its entirety and REPLACE with the following:</p>	<p>(3) Monument (Ground) Signs A. Location</p>

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			should be limited to the few <u>existing</u> downtown buildings that already have deep setbacks. Monument Signs conflict with the Building Setback requirements of the FBC. Any new buildings in the FBC should have zero, or very shallow, setbacks to promote pedestrian activity, which leaves no room for Monument Signs.	1) <u>One monument sign is permitted for each existing building with an existing setback greater than 18 feet. Monument signs are not permitted for new buildings or for existing buildings with smaller setbacks.</u>	1. One monument sign is permitted for each building.
17.	11-2	38-754(2)A.2.	Signs, Skyline: The intent of the term “place of assembly” needs clarification.	Amend Sec. 38-754(2)A.2. by DELETING the sentence in its entirety and REPLACING with the following: <u>“If a building of 4 or fewer stories is specifically designed for assemblies of large groups of people (such as theaters, sports arenas, conference centers) or it is a hospital, a Skyline Sign may be placed on the top third of the building façade fronting the primary street.”</u>	2. If an activity in a building of 4 or fewer stories is a place of assembly for 200 or more people, or a hospital, a Skyline Sign may be placed on the top third of the building facade fronting the primary street.
18.	10-5 and 3-25	38-749 and 38-698	Structural Screening: Currently this 10-5 section is located in the Landscaping Chapter of the FBC. It really does not relate to landscaping, but rather to the screening of dumpsters and equipment on the buildings. The current location in the Landscape	DELETE SEC. 38-749 IN ITS ENTIRETY and MOVE IT TO SEC. 38-698 by adding the following section: <u>Sec. 38-698(7) Structural Screening,</u> including subsections (1) through (4).	<p>DIVISION 3. RULES FOR ALL ZONES</p> <p>Sec. 38-697. Lot Types..... 3-2</p> <p>(1) Purpose 3-2</p>

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chapter results in these items not being reviewed by the City Building inspectors. These Structural Screening requirements would be more appropriately located in the Rules for All Zones chapter.	(2) Descriptions 2	3-
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	(5) Single-Unit Attached 5	3-
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				(5) Public Realm 20	3-
				(6) Building Elements 22	3-
10-6 and 10-7	Division 10. Landscape	SAME	REORDER the remaining sections in Division 10. Landscape and AMEND any references in Article XVI Downtown Form-Based Code to <u>Sec. 38-749, Sec. 38-750, Sec. 38-751</u> and <u>Sec. 38-752</u> to reflect this change.	DIVISION 10. LANDSCAPE Sec. 38-746. Applicability.....10-2 Sec. 38-747. Buffers..... 10-2 Sec. 38-748. Parking Lots..... 10-3 Sec. 38-749. Structural Screening..... 10-5 (1) Service Areas 10-5 (2) Wall-Mounted Equipment 10-5 (3) Roof-Mounted Equipment 10-5 (4) Ground-Mounted Equipment 10-6 Sec. 38-750. Plant Material.....10-6 (Sec. 38-751. Walls and Fences.....10-7 Sec. 38-752. Maintenance..... 10-7	
19. 3-20	38-698(5)A.	Transparency versus Fenestration: The term transparency is used in this	DELETE Sec. 38-698(5)A. Transparency in its entirety and REPLACE with the following:	(5) Public Realm	

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section to refer to both the amount of fenestration on a building façade and the quality of the glazing, which is causing confusion. The FBC needs to differentiate between these terms.

ALSO – An applicant suggested that the percentage requirements for transparency and reflectivity were too stringent. After researching other cities and various window film suppliers, the Staff and FBC consultants recommend lowering the minimum Transparency percentages from 80% to 60% and increasing the allowable reflectivity from 15% to 20% for ground floor commercial buildings to allow increased energy efficiency.

ALSO - The level of transparency required for ground story windows should not apply to transom windows, as they are often colored or textured glass and are not low enough to allow the pedestrian to see into the building. Transom windows that are more than 12 feet above the sidewalk should therefore not be considered part of the ground story.

A. Openings

1. Fenestration is the minimum percentage of windows and doors that must cover a ground or upper story facade.
2. Fenestration applies to primary and side street-facing building facades only.
3. Ground story fenestration is measured between 2 and 12 feet above the abutting sidewalk.
4. Translucent glass cannot be included in the calculation for the minimum percentage of fenestration at the ground story.
5. Upper story fenestration is measured from the top of the finished floor to the top of the finished floor above. When there is not floor above, upper story fenestration is measured from the top of the finished floor to the top of the wall plate above.
6. Transparency is the percentage of visual light transmittance.
7. Ground story glass must have a visual light transmittance of higher than 60% and external

A. Transparency

1. Transparency is the minimum percentage of windows and doors that must cover a ground or upper story facade.
2. Transparency applies to primary and side street-facing building facades only.
3. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.
4. Ground story transparency is measured between 2 and 12 feet above the abutting sidewalk.
5. Upper story transparency is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate above.

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			ALSO – Upper story windows should not be subject to the same transparency requirements as ground story windows as they do not allow pedestrians to see into the building.	<u>reflectance of less than 20%.</u> 8. <u>Transom windows, even if located less than 12 feet above the abutting sidewalk, are not required to meet the ground floor transparency requirement.</u>										
19.	3-20	38-698(5)A.	SAME	DELETE the word "Transparency" and REPLACE it with " <u>Fenestration</u> " on the <u>Diagram</u> .	(See diagram on page 3.20)									
	Multiple	Divisions 4, 5, 6, and 7	SAME	DELETE the sub-title "Transparency" and REPLACE it with " <u>Fenestration</u> " in each Public Realm section of each Zone in Divisions 4, 5, 6 and 7.	<p>(6) PUBLIC REALM The public realm standards below apply to all streets, unless noted otherwise.</p> <p>Transparency</p> <table border="0"> <tr> <td>A</td> <td>Ground story</td> <td>n/a</td> </tr> <tr> <td>B</td> <td>Upper story</td> <td>n/a</td> </tr> <tr> <td>C</td> <td>Blank wall</td> <td>30' max length</td> </tr> </table>	A	Ground story	n/a	B	Upper story	n/a	C	Blank wall	30' max length
A	Ground story	n/a												
B	Upper story	n/a												
C	Blank wall	30' max length												

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Substantive Changes to a Standard or Process

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FBC PAGE #	FBC SECTION	ISSUE	PROPOSED AMENDMENT	ORIGINAL TEXT
20	3-14	38-698(2)B.	<p>A and B Streets Map: Chestnut Street behind the Convention Center and Rossville Avenue, south of Washington Avenue, should not be "A" streets. Central Avenue, from 3rd Street to 11th Street should be considered an "A" Street.</p> <p>DELETE Figure 38-698(2)B: "Designated A Streets" in its entirety and REPLACE with a <u>new map</u> that includes the following changes.</p> <ul style="list-style-type: none"> Delete Chestnut Street from West 12th to West 13th Street as an "A" street; Delete Rossville Avenue, south of Washington Street as an "A" street; Add Central Avenue, from 3rd Street to 11th Street as an "A" Street. 	(See map on page 3-14)
21	3-22	38-698(6)B.	<p>Awnings: Existing awnings are different sizes throughout the downtown, based in part on sidewalk widths. More flexibility in size is needed for new awnings.</p> <p>SAME</p> <p>DELETE Sec. 38-698(6)B.1. in its entirety and REPLACE WITH the following:</p> <ol style="list-style-type: none"> <u>An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 3 feet.</u> <p>Delete Sec. 38-698(6)B.3. in its entirety and REPLACE WITH the following:</p> <ol style="list-style-type: none"> <u>Subject to the issuance of a Temporary Use Permit, an awning/canopy may encroach over the right-of-way, but must be at</u> 	<p>B. Awning/Canopy</p> <p>A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.</p> <ol style="list-style-type: none"> An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 6 feet Subject to the issuance of a Temporary Use Permit, an awning/canopy may encroach up to 6 feet over the right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

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			<u>least 2 feet inside the curb line, or 2 feet inside any verge/tree pits, when present.</u>		
SAME			DELETE the 6' max dimension from the <u>diagram</u> in Sec. 38-698(6)A.	(See diagram on page 3-22)	
22	2-5	38-696(4)B.	<p>Driveway Widths: When new shared driveways are created that serve multiple units, the maximum driveway widths may need to be larger to accommodate the additional traffic, but should be considered on a case by case basis by CDOT. This should be a Minor Modification.</p>	<p>INSERT a new number 4 as follows and re-number the remaining subsections.</p> <p>4. Access <u>Increase of up to 5 feet of the maximum driveway width for shared driveways serving multiple units or when fire service cannot be provided from the street.</u></p>	<p>1. Building Coverage Increase of up to 5% of the maximum building coverage allowance.</p> <p>2. Building Setbacks</p> <p>a. Increase of up to 5 feet of a required maximum primary or side street setback.</p> <p>b. Decrease of up to 2 feet of a required minimum primary or side street setback.</p> <p>c. Decrease of up to 2 feet of a required common lot line or alley setback. Setbacks abutting a protected zone cannot be reduced by the Director of the Land Development Office.</p> <p>3. Lot Frontage Decrease of up to 10% of a primary or side street lot frontage requirement.</p>

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4. Parking Setbacks

- a. Decrease of up to 5 feet of a required primary or side street parking setback.
- b. Decrease of up to 2 feet of a required common lot line or alley setback. Setbacks abutting a protected zone cannot be reduced by the Director of the Land Development Office.

23	10-3	Sec. 38-748(1)	Landscape for Parking Lots: Some applicants have provided significantly more parking than the FBC requires and have subsequently asked the FBC Committee to remove or reduce the Landscape requirements for that additional parking. A goal of the FBC is <i>maintain a safe, walkable and attractive urban environment along the street.</i> Another FBC goal is to <i>provide parking and access standards that appropriately balance pedestrian and vehicular needs and result in safe, pedestrian environments of the highest quality.</i> If the applicant is providing more parking than required, those additional spaces should especially be landscaped.	DELETE Sec. 38-748(1) in its entirety and REPLACE with the following: (1) Applicability A. <u>Parking lot landscaping is required for all on-site vehicle parking areas with more than 10 spaces. Multiple platted lots contained on a single site plan, under one owner or development entity, and any separate parking areas connected with drive aisles are considered a single parking area.</u> B. <u>Parking lots that exceed the required number of spaces (Sec. 38-741) must comply with all</u>	Sec. 38-748. Parking Lots (1) Applicability Parking lot landscaping is required for all on-site vehicle parking areas with more than 10 spaces. Multiple platted lots contained on a single site plan, under one owner or development entity, and any separate parking areas connected with drive aisles are considered a single parking area.
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				<u>required Parking Lot Landscape (Sec. 38-748)</u>		
24	2-5	38-696(4)B.3	<p>Minor Modifications-Lot Frontage: For existing small lots, sometimes the required lot frontage is not physically achievable after the required Side Setbacks are applied. The applicant is left with fewer feet for the width of the house than is required. The width of the lot creates a physical hardship for meeting the Lot Frontage requirement, therefore Staff should be able to grant a Minor Modification for this. The 10% reduction in Lot Frontage that is currently allowed as a Minor Modification is still not sufficient in these cases.</p>	<p>DELETE Sec. 38-696(4)B.3 in its entirety and REPLACE WITH the following: 3. Lot Frontage a. <u>Decrease of up to 10% of a primary or side street lot frontage requirement.</u> b. <u>For existing lots, the decrease necessary to allow the applicant to meet the required Side Setbacks.</u></p>	3. Lot Frontage	Decrease of up to 10% of a primary or side street lot frontage requirement.
25	2-4	38-696(4)B	<p>Minor Modifications, Lot Size – Staff should be able to reduce minimum lot sizes when an applicant is only re-orienting existing small residential lots (ie. FBC Committee case # 17-FB-00011 at 1601 and 1603 Madison Street)</p> <p>ALSO – Lots of Record that are smaller than the minimum FBC requirements for Single-family detached CAN be developed with single-family homes.</p>	<p>Amend Sec. 38-696(4)B. by ADDING the following and re-ordering the subsequent sub-sections. 1. <u>Lot Area</u> <u>See Sec. 38-506(1) and 38-506(5) for exceptions to minimum lot area requirements.</u></p>	B. Minor Code Modifications	<p>During the Technical Plan Review process, the Director of the Land Development Office is authorized to approve minor code modifications at the request of an applicant, provided the portion of property for the requested modification does not fall within 30 feet of any protected zone. Any code modification request that falls within 30 feet of any protected zone, must be considered by the Form-Based Code Committee following public notification. The Director of the Land Development</p>

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	<p>Sec. 38-506 already accommodates both of these situations and just needs to be cross-referenced. The setbacks required in Sec. 38-506 would NOT apply to the FBC as Sec. 38-692(8)A. states, "Where Chapter 38 conflicts with a standard set out in the Downtown Code, the standards of this Downtown Code controls."</p>		<p>Office is only authorized to take action on the merits of a specific requested code modification and is not authorized to require the applicant to offset the code modifications with additional development enhancements.</p> <p>1. Building Coverage</p> <p>Increase of up to 5% of the maximum building coverage allowance.</p>						
<p>26 Multiple Division 5, 6, and 7</p>	<p>Lot Area and Width—No minimum lot area, or width, is currently required for any Lot Type in the Downtown Core, except residential lots. The River, Urban and Urban Edge context areas should be treated consistently. Lot Area and Width should be flexible for commercial and industrial lots to allow for a variety of infill development.</p>	<p>Amend the following Sections by DELETING the minimum Lot Area and Lot Width dimensions and REPLACING all with "n/a."</p> <p>Sec. 38-708(2)A and B Sec. 38-709(2)A and B Sec. 38-717(2)A and B (Hybrid and Public) Sec. 38-718(2)A and B Sec. 38-719(2)A and B (Hybrid, Production, and Public) Sec. 38-720(2)A and B (Commercial and Public) Sec. 38-721(2)A and B Sec. 38-722(2)A and B Sec. 38-730(2)A and B (Hybrid and Public) Sec. 38-731(2)A and B Sec. 38-732(2)A and B (Hybrid, Production, and Public) Sec. 38-733(2)A and B Sec. 38-734(2)A and B</p>	<p>(2) LOT PARAMETERS</p> <p>(Diagram)</p> <table border="1"> <thead> <tr> <th>Lot</th> <th>A Area</th> <th>B Width</th> </tr> </thead> <tbody> <tr> <td>Hybrid</td> <td>10,000 SF min</td> <td>100' min</td> </tr> </tbody> </table> <p><i>NOTE: Other Sections have different dimensions in the original text than those shown above, but all would be replaced with "n/a."</i></p>	Lot	A Area	B Width	Hybrid	10,000 SF min	100' min
Lot	A Area	B Width							
Hybrid	10,000 SF min	100' min							

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27	2-3	38-696(3)B	<p>Neighborhood Review – Require it only for cases that are requesting variances from the FBC Committee.</p> <p>No other zone in the City requires a Neighborhood Review prior to issuing a building permit. Applicants are not seeking rezoning and already have to meet all of the FBC standards before a building permit is approved.</p> <p>In addition, the contact information for the Neighborhood Associations is not being updated regularly and applicants have not always been able to reach the officers to schedule a meeting. Only 5 of the 12 Neighborhood Associations affected by the FBC hold regular monthly meetings.</p> <p>Neighborhood Associations have expressed frustration about having to schedule special meetings. The meetings also tend to give residents the misconception that the Neighborhood Association has a vote as to whether the project is approved by the LDO, when in fact, the meetings are only meant to be informative.</p>	<p>DELETES Sec. 38-696(3)B in its entirety and RE-NUMBER the remaining Sections as the following:</p> <p>B. Step 2: Application Submittal and</p> <p>D. Step 3: Application Review.</p>	<p>B. Step 2: Neighborhood Review</p> <ol style="list-style-type: none"> 1. Before submitting an application for Plan Review, an applicant must meet with the neighborhood association (listed with the Economic and Community Development Department), except that the following are exempt: <ol style="list-style-type: none"> a. Residential development with less than 5 units; b. Nonresidential development less than 4,000 square feet; or c. Any development activity that is not within an existing neighborhood association boundary or within 300 feet of the neighborhood association boundary. 2. The applicant must contact the President of the neighborhood association in which the project is located, and any neighborhood association whose boundary is within 300 feet of the project site, to schedule an informational meeting. 3. The applicant must submit documentation that they
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			<p>Neighborhood Review is appropriate when applicants request Major Modifications (variances) from the FBC standards and must appear before the FBC Committee. This is more consistent with the City requirements for other Boards of Appeal.</p>		<p>conducted the meeting, including a signature page with all attendees, along with the application.</p>
28	2-7	38-696(5)	<p>Neighborhood Review, FBC Committee Procedures - The Neighborhood Meeting described above should be required only for cases going to the FBC Committee, which would be more consistent with other City Boards.</p> <p>Some confusion still exists among applicants and Neighborhood Associations about the scheduling of these meetings, the purpose of the meetings, and what the applicant must present.</p>	<p>INSERT the following as Sec. 38-696(35)BE.</p> <p>a</p> <p><u>B. Step Two E. Neighborhood Review</u></p> <p><u>1. Before any application for consideration by the Form-Based Code Committee will be accepted, the applicant must meet with all neighborhood associations whose boundary is within 300 feet of the project site. (The official Neighborhood Association list is maintained by the Economic and Community Development Department).</u></p> <p><u>2. This meeting is informational only. Its purpose is to make the Neighborhood Association aware of what is being requested by the applicant. The Neighborhood Association does not have the authority to approve or deny the applicant's request.</u></p> <p><u>3. The applicant must contact the President of the applicable</u></p>	<p>(5) Form-Based Code Committee</p> <p>A. Membership</p> <p>B. Appointment Procedure</p> <p>C. Membership Terms</p> <p>D. Committee Governance</p> <p>E. Public Notification of Meetings</p> <p>F. Procedures to be followed for Form-Based Code Committee</p>

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neighborhood association(s) to schedule this informational meeting.

4. The applicant must submit documentation to the Staff that sufficient notification was given to the Neighborhood Association prior to the meeting and that the meeting was held. The applicant should use those forms and procedures for notification developed by City staff and update from time to time to remain in compliance with this Section 38-696(3)(B). The following information must be included with the application. This notice shall include a copy going to the City Council Member representing the district in which the property is located.

- a. A copy of the meeting invitation, which must include the following:
 - i. The date the invitation was sent.
 - ii. Addresses of everyone the invitation was sent to.
 - iii. A brief description of the proposed project.
 - iv. The date, location and time of the meeting.
- b. A signature page with all meeting attendees.

5. The applicant must present the following during the meeting with the Neighborhood Association(s).

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- a. A site plan of the proposed project, including building footprints, vehicular access, parking, dumpsters, sidewalks, and all required landscaping.
 - b. Building elevations of the proposed project, when applicable, and
 - c. A written description of all Major Modifications being requested.
6. Regardless of how many residents attend the Neighborhood Meeting, the Staff may not delay the applicant's request for a Major Modification if the above requirements have been met.

28	2-7	38-696(5)	SAME	RE-ORDER the subsequent sections as: F. Public Notification of Meetings G. Procedures to be followed for Form-Based Code Committee	(See above)
29	8-12	38-738(6)E.	Outdoor Dining: Currently, adding a covered outdoor dining area to private property triggers Parking and Landscape requirements, as follows: A cumulative increase in gross floor area (GFA) of up to 25% triggers Parking requirements for that additional area. A cumulative increase	AMEND Sec. 38-738(6)E. by ADDING the following subsection: <u>4. The gross floor area (GFA) of outdoor dining, covered or un-covered, does not trigger Parking Requirements (Sec. 38-739(2)) or Landscape Requirements (Sec. 38-746(2)).</u>	E. Outdoor Dining A seating area specifically designed for the consumption of food or drink, typically associated with a restaurant and which is either: (1) located entirely outside the walls of building, or (2) enclosed on two sides or less by walls, with or without a solid roof cover, or (3) enclosed on three sides

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in GFA for more than 25% triggers Parking for the entire site at a rate of 1.25 spaces per 1,000 square feet of gross leaseable area (GLA.) Similarly, an increase in gross floor area (GFA) of up to 25% triggers Landscape for the additional area. A cumulative increase in GFA of more than 25% triggers Landscape for the entire site.

One of the goals of the FBC is to promote a *“safe, walkable and attractive urban environment along the street.”* Outdoor dining areas contribute to this goal and animate the public realm.

Per CDOT, outdoor dining is typically seasonal and the additional seating is usually not large enough to significantly increase parking demand, particularly in a pedestrian area such as the downtown.

Removing the Parking and Landscape requirements for Outdoor Dining, helps promote this desired use.

5. The area of covered outdoor dining is included in the calculation for maximum Building Coverage (Sec. 38-698(1)).

by walls without a solid roof cover. Where outdoor dining is allowed as a limited use, it is subject to the following:

1. The outdoor dining cannot encroach in the right-of-way without first obtaining Temporary Use Permit.
2. The outdoor dining area must not interfere with the circulation of pedestrian or vehicular traffic.
3. The hours of operation for the outdoor dining area may be no greater than that of the principal use.

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<p>30 9-3 Sec. 38-741(1)</p>	<p>Parking, Maximum: Several FBC applicants have proposed to pave their entire lot (outside of the building footprint) for parking even though that resulting number of parking spaces exceeds the requirements of the FBC. This results in additional impervious surface that impacts stormwater management and, if the parking fronts a street, more surface parking that impacts the pedestrian quality of the public realm. In addition, some applicants have requested to lift the landscape requirements for this additional parking area. This proposed 20% maximum is already in the UGC Zone and ALL zones have a maximum of 50% over the required number. The 2017 Parking Study by RiverCity Company and CARTA (which includes all of the FBC area, except the North Shore) states that, "most areas of downtown have available space during most times of the day." It further states that, "Considering real demand, there is still more parking in the district than what we would expect to be needed, even with future development."</p>	<p>ADD the following sub-section to Sec. 38-741(1):</p> <p>E. The number of spaces provided shall not exceed the required number of spaces, before discounts, by more than twenty percent (20%).</p> <p><u>a. Multi-story parking garage structures are exempt from the parking maximum.</u></p> <p><u>b. Parking made available for public use (including parking available after business hours) is exempt from the parking maximum. For parking made available for public use, the property owner shall submit a signed affidavit with their permit application certifying the parking to be made publicly available. The signed affidavit serves as a basis for maintaining</u></p>	<p>Sec. 38-741. Vehicle Parking (1) Required Parking Spaces</p> <p>A. The following parking minimums apply to the River, Urban and Urban-Edge contexts, except for properties that meet the following exclusions:</p> <ol style="list-style-type: none"> Properties located in the Downtown Core Context; Nonresidential projects on lots that have an area less than 4,000 square feet; and Single unit living (detached/attached) or two unit living projects. <p>B. All other properties must provide the following parking minimums. All fractions of a parking space are rounded up to the next whole number. (Parking Requirements table)</p> <p>C. The following discounts can be applied to meet the parking minimums with approval of the Director of the Land Development Office: (Discounts Allowed table)</p> <p>D. For existing buildings with no increase in gross leasable area, after all discounts have been applied, the applicant is not required to provide</p>
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		<p><u>compliance with this Chapter 38.</u></p> <p><u>c. Staff will develop policies for how a parking facility is signed, used, and operated.</u></p> <p><u>If the applicant has a written agreement for shared parking, that has been approved by CDOT, those shared spaces will not count toward this maximum.</u></p> <p><u>Parking spaces available to the general public do not count toward this maximum.</u></p>	<p>more on-site parking than the existing site can physically accommodate.</p>
31	<p>10-4 38-748(4)A. Perimeter Planting for Parking Lots: Currently Perimeter Planting is required around the entire parking area, including the parking area that abuts the building it supports. Perimeter Planting is needed along the streets and where the parking lot abuts other properties (especially a protected zone), but could be eliminated when adjacent to the building to free up more space for parking.</p>	<p>REPLACE Sec. 38-748(4)A in its entirety and REPLACE WITH the following:</p> <p>A. <u>Perimeter Planting Required</u></p> <p><u>Perimeter planting is required along the outer perimeter of the parking area, except any perimeter that is adjacent to the building the parking supports, or where RA abuts an RD zone or other single-family residential zone. Breaks for pedestrian, bicycle and vehicular access are allowed.</u></p>	<p>(4) Perimeter Planting</p> <p>A. Perimeter Planting Required</p> <p>Perimeter planting is required along the outer perimeter of the entire parking area. Breaks for pedestrian, bicycle and vehicular access are allowed.</p>

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This change is also more consistent with the requirements for Landscape Buffers (Sec. 38-747(1)).

32 10-3 Sec. 38-748(1) **Perimeter Planting for new Parking Lots with 4-10 spaces:** The lack of landscaping around surface parking lots was a major concern voiced by residents (and visitors) during the creation of the FBC. New parking lots with 10 or fewer spaces are currently exempt from Perimeter Planting, but ARE still required to be setback 30 feet from the street, which leaves room for Perimeter Planting along the street. Four to ten parking spaces (which equates to 36 - 100 linear feet) along a street can have a significant Impact on the visual and pedestrian quality of that street.

Requiring Landscaped Interior Islands could be onerous for lots with 10 or fewer spaces, but Perimeter Planting along the public right-of-way should be required. Perimeter Planting along portions of the lot NOT fronting a public right-of-way would NOT be required.

DELETE SEC. 38-748(1) IN ITS ENTIRETY AND REPLACE WITH the following:
Interior Islands, Median Islands and Perimeter Planting are required for all vehicle parking areas with more than 10 spaces. Only Perimeter Planting is required for new parking areas with 4 to 9 spaces and only along the public right-of-way. Multiple platted lots contained on a single site plan, under one owner or development entity, and any separate parking areas connected with drive aisles are considered a single parking area.

Sec. 38-748. Parking Lots
(1) Applicability

Parking lot landscaping is required for all on-site vehicle parking areas with more than 10 spaces. Multiple platted lots contained on a single site plan, under one owner or development entity, and any separate parking areas connected with drive aisles are considered a single parking area.

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	<p>The FBC standards already provide two options for the depth and plant materials required for Perimeter Planting, which provides the applicant with some flexibility in how the Perimeter Planting is designed.</p> <p>This requirement would not apply to EXISTING parking areas with 10 or fewer spaces.</p>		
<p>33 11-2 38-753(1)B.</p>	<p>Signs, Applicability: Most buildings in the FBC area are multi-story and many house multiple tenants. When an applicant applies for a new sign, the Staff must determine the square footage of any existing signs before issuing a new sign permit. Having the applicant provide building elevations and dimensions for all building signs will reduce Staff time and encourage the applicant to consider building signage as an entire coordinated package.</p>	<p>Amend Sec. 38-753(1)B. by ADDING the following:</p> <p><u>Before a Sign Permit may be issued, the applicant must submit building elevations for all sides of the building where new signs are being requested. The building elevation drawings must include all existing signs with dimensions for each sign.</u></p>	<p>Sec. 38-753. Applicability (1) General Applicability</p> <p>A. No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Downtown Code except in accordance with the requirements of this Division.</p> <p>B. A City of Chattanooga Sign Permit is required.</p>
<p>34 11-2 38-754</p>	<p>Signs, Vertical Projecting: This larger type of projecting sign is not currently allowed in the FBC, but is a good “urban” sign type that is seen in many downtowns. Their size and placement does need to be regulated however, so our downtown doesn’t start to look like Beale Street or Las Vegas.</p>	<p>DELETE Sec. 38-754(1) in its entirety and REPLACE with the following, and RE-ORDER the subsequent sub-sections as accordingly:</p> <p><u>(1) Building Signs - General Provisions</u> <u>A. Signs on walls, awnings, permanent banners, canopies, windows, and</u></p>	<p>Sec. 38-754. Sign Types (1) Ground Floor Building Signs A. Location</p> <p>1. Ground floor building signs must be located to fit within the architectural elements, such as the lintel or sign frieze that</p>

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projecting signs are all considered building signs and are included in the square footage calculation.

- B. Signs on any one side of a building cannot exceed 1.5 square feet per linear foot of that building side.
- C. Building signs must be located to fit within the architectural elements, such as the lintel or sign frieze that separates the ground level from the upper facade.
- D. Building signs cannot obstruct the architectural elements and details of a building.
- E. The maximum size of any one building sign cannot exceed 48 square feet. Projecting signs have a different square footage maximum, based on building height. (See table below)
- F. Signs painted, or placed on either side of windows, shall not cover more than 20% of the total window area.

(2) Projecting Signs

- A. Projecting signs may be located on any facade facing a street, or on a corner of a building that fronts two perpendicular streets.

separates the ground level from the upper facade.

- 2. Projecting signs must be located below the second story window sill. In addition, the projecting sign must provide a minimum of 9 feet of vertical clearance from the ground. In cases where there is a conflict between these two standards, the vertical ground clearance standard governs.
- 3. Signs cannot obstruct the architectural elements and details of a building.

B. Dimensions

- 1. Signs on walls, awnings, permanent banners, canopies, windows, and projecting signs are all considered ground floor building signs and are included in the square footage calculation.
- 2. For the ground floor, street level facade, signs on any one side of a building cannot exceed 1.5 square feet per linear foot of that building side.
- 3. The maximum size of any one ground floor Building sign cannot exceed 40 square feet.

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- B. Only one projecting sign of 12 square feet or more is permitted per building side. Projecting signs mounted at the corner count for both streets.
 - C. Multiple projecting signs of 9 square feet or less are permitted on one building side, but must be located below the second story window sill.
 - C. Projecting signs are limited to the following dimensions. [See table below.]
- 4. A projecting sign cannot exceed 16 square feet in area.
 - 5. Signs painted, or placed on either side of windows, shall not cover more than 20% of the total window area.

Building Height) in stories)	Min Height from Sidewalk	Min Height from Parking Lot or Driveway	Max height from Sidewalk (measured from top of sign)	Max Square Footage	Max Sign Height	Max Sign Width	Max Spacing from Building Façade	Min Distance from Another Projecting Sign
4 - 10	9'	14'	24'	20 SF	8'	3'	1'6"	25'
3	9'	14'	24'	16 SF	7'	3'	1'6"	25'
1 - 2	9'	14'	3' below top of building façade	12 SF	7'	3'	1'6"	25'

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n/a	9'	14'	Below the second story window sill	9 SF	3'	3'	1'6"	25'
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35	10-2	38-747 Buffers	Protected Zone trigger. The current ordinance text excludes the application of the protected zone buffer where the RA zone abuts RD, but it is not clear that this should also be applied to R-1.	<p>Replace Sec. 38-747. Buffers (1) Landscape Buffers required with the following text:</p> <p>“One of the following buffer options is required along any perimeter lot line that abuts a protected zone or where screening is required (See Sec. 38-738. (6) G and Sec. 38-738. (6) H.). This landscape buffer requirement does not apply to the RA zone or any new detached single unit living.”</p>	<p>Sec. 38-747 Buffers (1) Landscape Buffers Required</p> <p>One of the following buffer options is required along any perimeter lot line that abuts a protected zone or where screening is required (See Sec. 38-738 (6) G and Sec. 38-738 (6) H), except where RA abuts an RD Zone. New detached single unit living is exempt from the buffer requirement.</p>
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