

First Reading: July 27, 2021
Second Reading: August 3, 2021

ORDINANCE NO. 13700

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ARTICLE V, DIVISION 15, C-3 CENTRAL BUSINESS ZONE, BY DELETING AND REPLACING THE INTENT SECTION, AND ADDING A NEW DIVISION 15A ESTABLISHING NEW STANDARDS THAT SUPERSEDE OTHER CONFLICTING SECTIONS OF THE ZONING CODE.

WHEREAS, the C-3 Central Business Zone has shifted in its use from the downtown Central Business District zone to a zone for planned urban development sites where no other zoning tools are practical; and

WHEREAS, the C-3 conditions have been historically used as a basic framework for providing minimum standards that promote urban, walkable development; and,

WHEREAS, the C-3 conditions currently conflict with some of the existing C-3 Zone standards and other sections of the Zoning Code; and,

WHEREAS, the Planning Commission directed RPA staff to amend the C-3 Zone to remove these conflicts; and,

WHEREAS, this text amendment is intended to be a temporary zoning code fix until the Chattanooga Zoning Code Study has been completed and new zoning tools are created for mixed use urban redevelopment; and,

WHEREAS, City Council has requested that a one-year review report from the date of the adoption of this ordinance be provided to City Council regarding the performance of this text amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 38, Article V, Zoning Regulations, Division 15, C-3 Central Business Zone, by deleting Section 38-221, Intent, in its entirety and replacing with the following:

Sec. 38-221. Intent.

It is the intent of the C-3 Central Business Zone to provide a customized set of standards for the redevelopment of large sites based on urban design principles (buildings close to the street, pedestrian friendly design, high quality public realm) and the policy goals established by adopted plans. There are also existing properties that are currently zoned C-3, which will continue to be regulated by the standards described in Sections 38-222 through 38-229. For any properties that have been rezoned since July 13, 2021, the Sections 38-230 through Sections 38-236 shall apply.

SECTION 2. That Chattanooga City Code, Part II, Chapter 38, Article V, Zoning Regulations, Division 15, C-3 Central Business Zone by the adding the following as a new Division 15A, Applicable C-3 Standards for Properties Rezoned to C-3 after July 13, 2021:

Sec. 38-230. Intent.

This section is intended for moderate to large size sites (over three (3) acres) that are being developed under a planned urban development program (emphasis on pedestrian friendly environment, buildings close to the street, parking to side/rear), where no other existing zoning options are viable. Ideal sites should have contiguous acreage in a blighted or vacant area such as a former industrial site or adaptive reuse where a planned urban development program is proposed. Proposed development concepts should feature adaptive reuse of existing buildings, when present, such as older industrial buildings, former schools, churches, and the like. The conversion of these structures into repurposed structures, such as multi-family or mixed-use developments or a series of commercial spaces, preserves these character-giving buildings. Standards can be integrated into the districts that promote adaptive reuse, in order to remove the need for special approvals such as a variety of use and bulk variances. The intent is to encourage the retention and renovation of sound structures.

Sec. 38-231. Conflicting Provisions.

The development standards in this section will supersede all other sections of Chapter 38, including the standards in Division 15, Sections 38-227 through 38-229 of this district. However, the uses are limited to those specified in Division 15, Sections 38-222, 38-223, 38-224, 38-225 and 38-226.

Sec. 38-232. Eligibility.

Project sites eligible for this zone option should have a minimum acreage of three (3) acres, and be located within the Urban Overlay Zone boundary or Opportunity Zone as defined by the Tennessee Department of Economic & Community Development, using a planned urban development program. The proposed area should be contiguous but can include those properties near the main development site and those properties which are separated from the site only by a road or road right-of-way.

Sec. 38-233. Submittal Requirements.

- (1) **Written Justification** - Applicants shall provide a written justification for requesting this zone, noting the reason a more flexible zone is needed and the proposed community benefits offered by the proposed development. Community benefits include but are not limited to removal of blight, improvement of infrastructure, location of a job producer/major employer, creation of workforce/affordable housing, preservation of historic structures, provision of community amenities such as public greenways.
- (2) **Site Utilization Plan** - Applicants shall provide a site utilization plan, drawn to scale, that shows the proposed street network (note if public or private streets are proposed), blocks, and the proposed uses/maximum building height for each block. Applicant should also indicate if the development program includes a Horizontal Property Regime. Staff may request more specific illustrations showing building configurations to justify the need for the zone.
- (3) **Project Eligibility Review** - Due to the scale and complexity of such a request, the applicant is required to schedule a pre-application meeting with staff to determine eligibility. During this meeting, other zone options/tools will be explored. The applicant shall provide to staff a written justification documenting the need for the zone. The applicant will receive feedback from staff regarding the eligibility for the zone for the project. The applicant, after receiving staff feedback, can choose to proceed with the C-3 zone request.

Sec. 38-234. Development Standards.

- (1) **Front, side and rear setbacks**
 - a. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

- (i) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Landscaping Standards 5 A of this section.
- b. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street. Where no existing structures exist on the block, the maximum setback is thirty (30') feet.
- c. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35') feet in width shall be provided along the river for the continuation of the Riverwalk.

(2) Minimum/Maximum Height

- a. The minimum height of new nonresidential buildings shall be eighteen (18') feet.
- b. The maximum height of all new nonresidential buildings and new multi-family buildings shall be four (4) stories.

(3) Building Standards

- a. The primary pedestrian entrance to new buildings shall be provided from the primary street.
- b. New Non-Residential Buildings:
 - (i) Ground floor openings (doors and windows) shall constitute a minimum of fifty (50%) percent of the ground floor façade area for new non-residential buildings.
 - (ii) Eighty (80%) percent of the ground level building façade, facing primary streets, shall be designed as leasable space and shall not include parking lots.
 - (iii) The remainder of the ground floor may be designed to incorporate parking provided the parking is completely screened from public view.
- c. All dumpsters and mechanical equipment shall be placed to the side or rear of the property and shall be screened from all public rights-of-way.

(4) Parking/Access

- a. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The location for new curb cuts should align with the existing historic lot, alley, and block pattern, where one exists.
- b. Alleys, where they exist, shall be used as the principal vehicular access.

- c. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
- d. Shared drives shall be used wherever possible.
- e. New off-street parking shall not be permitted between a building and the primary street frontage.
- f. Garages for new residential dwellings shall be located behind the primary building.
- g. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans during the permitting process shall indicate the quantity and location of off-street parking provided, along with the following information:
 - (i) Proximity to transit stops
 - (ii) Provision of bicycle facilities
 - (iii) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
 - (iv) Type of uses and hours of operation
 - (v) Square footage of commercial uses or number of residential units
 - (vi) Fire Department access

(5) Landscaping Standards

- a. Where a street edge is required, it shall be provided as follows:
 - (i) The street edge shall have a minimum height of three (3') feet and a maximum height of four (4) feet above grade and shall consist of:
 - (ii) Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - (iii) A decorative metal fence with landscaping a minimum of three (3') feet in height at maturity, providing a year-round near opaque screen; or
 - (iv) An evergreen hedge, with a minimum height at maturity of three (3') feet.
 - (v) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- b. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:
 - (i) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with the Landscaping Standards 5 (a) of this section. Front end in or parallel parking along alleys is exempt from this requirement.

- (ii) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.

(6) Transition Standards

The maximum height of any portion of a building or structure, except single-unit living detached, within thirty (30') feet of a common lot line abutting an R-1, RT-1, RZ-1, R-2, or R-TZ zone is two and a half (2.5) stories or thirty-five (35') feet. Property separated by a street or alley is not considered abutting.

Sec. 38-235. Deviations to Development Standards.

A deviation from the Development Standards may be granted by the Chattanooga-Hamilton County Planning Commission. The Regional Planning Commission may not provide a land use variance.

- (1) The Development Standards of this section are intended to achieve the following objectives:
 - (a) Maintain a safe, walkable and attractive urban environment along the street;
 - (b) Maximize opportunities for redevelopment and investment in the City's urban areas;
 - (c) Provide a diversity of housing options;
 - (d) Promote development that will support transit;
 - (e) Protect established single-family residential areas from incompatible development;
 - (f) Protect integrity of established local/national Historic Districts and significant historic/civic landmarks;
 - (g) Balance development opportunity and conservation along the riverfront by promoting development scale/form that maintains public accessibility to the river and considers public/private benefits of scenic views along the river;
 - (h) Consider impacts of topography, both in terms of reasonableness of the standard when applied to a particular site and the potential impacts on adjoining properties;
 - (i) Increase the tree canopy; and
 - (j) Support adopted plan policies and recommendations.
- (2) It is the responsibility of the applicant to meet the burden of clearly demonstrating the reason for the requested code deviation and to provide sufficient documentation to illustrate how the modification is related to a site constraint and/or how the modification would equal or exceed the existing standard in terms of achieving the principles stated above.
- (3) The applicant must specify the specific area of the site for which the deviation is being requested.

- (4) A deviation from the Development Standards may be granted by the Chattanooga-Hamilton County Planning Commission based on compliance with the stated objectives and demonstration criteria noted above. Approved deviations shall have a documented reason as part of the action approving the deviation for the record. Approved deviations only apply to the properties included in the request.

Sec. 38-236. Appeals from the Chattanooga-Hamilton County Regional Planning Commission.

The action of the Chattanooga-Hamilton County Regional Planning Commission (Planning Commission) for deviation requests for the C-3 Central Business Zone shall be final. However, an appeal from the action of the Planning Commission may be taken to a court of competent jurisdiction by any aggrieved, affected party.

Sec. 38-237. Extension of Approved C-3 Zones

Any expansion of an existing approved C-3 Zone must be contiguous but can include those properties near the main development site and those properties which are separated from the site only by a road or road right-of-way. Extensions still require a justification review process as established by Section 38-233. Extensions are not subject to the minimum site area requirements.


SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: August 3, 2021



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem/Alternate Version