

**First Reading: August 25, 2020**  
**Second Reading: September 01, 2020**

ORDINANCE NO. 13592

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

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**WHEREAS**, the Downtown Chattanooga Form-Based Code was adopted by the Chattanooga City Council on June 21, 2016, and became effective on July 5, 2016; and,

**WHEREAS**, the Director of the Land Development Office will work with the Form-Based Code Committee to conduct an annual review of the Downtown Code Standards and review processes; and,

**WHEREAS**, this review will include a survey of applicants who participated in the review process and solicit feedback of neighborhood associations; and,

**WHEREAS**, the review of cases and community feedback have revealed a number of improvements that should be made to the Downtown Form-Based Code.

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 38, Zoning Regulations, and Chattanooga City Code, Part II, Chapter 38, Zoning Regulations, Article XVI, Downtown Chattanooga Form-Based Code, be amended as follows:

**Item # 1**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 4. Downtown Core (D), Sections 38-701 (D-RM: Residential Multi-Unit Zone); 38-702 (D-CX: Commercial Mixed Use Zone); 38-703 (D-SH: Shop Front Mixed Use Zone), (6) Public Realm, Fenestration, B Upper Story, be deleted in its entirety and replaced with the following:**

B Upper Story 20% minimum

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 5. River (R), Sections 38-708 (R-RF: Riverfront Zone); and 38-709 (R-RV: River View Zone), (6) Public Realm, Fenestration, B Upper Story, be deleted in its entirety and replaced with the following:**

B Upper Story 20% minimum

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 6. Urban (U), Sections 38-716 (U-RM: Residential Multi-Unit Zone); 38-717 (U-CX: Commercial Mixed Use Zone); 38-718 (U-SH: Shop Front Mixed Use Zone); 38-719 (U-IX: Industrial Mixed Use Zone); and 38-720 (U-CC: Commercial Corridor Zone), (6) Public Realm, Fenestration, B Upper Story, be deleted in its entirety and replaced with the following:**

B Upper Story 20% minimum

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 7. Urban (U), Sections 38-729 (E-RM: Residential Multi-Unit Zone); 38-730 (E-CX: Commercial Mixed Use Zone); 38-731 (E-SH: Shop Front Mixed Use Zone); and 38-732 (E-IX: Industrial Mixed Use Zone), (6) Public Realm, Fenestration, B Upper Story, be deleted in its entirety and replaced with the following:**

B Upper Story 20% Minimum

**ITEM # 2**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 3. Rules for All Zones, Section 38-698 Measurements and Exceptions, (3) Access and Parking Location, B. Parking setbacks by adding the following:**

4. Parking setbacks do not apply to interior parking within single-family detached and single-family attached structures.

**ITEM # 3**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 3. Rules for All Zones, Section 38-698 Measurements and Exceptions, (4) Height and Mass, D. Building Mass, by deleting same in its entirety the following:**

3. Articulation in Building Façade

For buildings one hundred (100') feet or more in length, at least two (2) portions of the street-facing building facade must have a variation in the setback of at least two (2) feet. The combination of the required variations in setback must total no less than fifteen (15%) percent of the length of the building.

**ITEM # 4**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 4. Downtown Core (D), Section 38-700 (D-RA: Residential Attached Zone), (6) Public Realm, Story Height by deleting in its entirety the following:**

D: Ground Floor Elevation 16" min/5' Max

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 6. Urban (U), Sections 38-714 (U-RD: Residential Detached Zone); and 38-715 (U-RA: Residential Attached Zone), (6) Public Realm, Story Height by deleting in its entirety the following:**

D: Ground Floor Elevation 16" min/5' Max

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 6. Urban (U), Sections 38-727 (E-RD: Residential Detached Zone); and 38-728 (E-RA: Residential Attached Zone), (6) Public Realm, Story Height by deleting in its entirety the following:**

D: Ground Floor Elevation 16" min/5' Max

**ITEM # 5**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 4. Downtown Core (D) Sections 38-702 (D-CX: Commercial Mixed Use Zone); 38-703 (D-SH: Shopfront Mixed Use Zone); and 38-704 (D-CIV: Civic Zone), (5) Height and Mass, Building Height, A. Maximum Building Height by increasing the maximum allowed height by ten (10') feet.**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 5. River (R) Sections 38-708 (R-RF: Riverfront Zone); 38-709 (R-RV: Riverview Zone); and 38-710 (R-CIV: Civic Zone), (5) Height and Mass, Building Height, A. Maximum Building Height by increasing the maximum allowed height by ten (10') feet.**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 6. Urban (U) Sections 38-717 (U-CX: Commercial Mixed Use Zone); 38-718 (U-SH: Shopfront Mixed Use Zone); 38-719 (U-IX: Industrial Mixed Use Zone); 38-720 (U-CC: Commercial Corridor Zone); 38-721 (U-IN: Industrial Zone); 38-722 (U-CIV: Civic Zone), (5) Height and Mass, Building Height, A. Maximum Building Height by increasing the maximum allowed height by ten (10') feet.**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 7. Urban Edge (E) Sections 38-730 (E-CX: Commercial Mixed Use Zone); 38-731 (E-SH: Shopfront Mixed Use Zone); 38-732 (E-IX: Industrial Mixed Use Zone); 38-733 (E-IN: Industrial Zone); 38-734 (E-CIV: Civic Zone), (5) Height and Mass, Building Height, A. Maximum Building Height by increasing the maximum allowed height by ten (10') feet.**

**ITEM # 6**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 10. Landscape, Section 38-748. Parking Lots, (1) Applicability, delete in its entirety A. and replace with the following:**

- A. Interior Islands, Median Islands and Perimeter Planting are require for all vehicle parking areas with more than twenty (20) spaces.

**ITEM # 7**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 10. Landscape, Section 38-750. Walls and Fences, (1) Materials, delete in its entirety B. and replace with the following:**

- B. Fences must be constructed of high quality materials including: wrought iron, composite fencing, or aluminum. Wood fencing may be used in areas that are not adjacent to "A" streets.

**ITEM # 8**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 11. Signs, Section 38-753. Sign Types, (5) Other Signs, by adding the following:**

- C. Roof-top signs
  - 1. Definition - any sign erected upon or above a roof or parapet wall of a building or placed above the apparent flat roof or eaves of a building.
  - 2. Eligibility - roof-top signs may only be considered by meeting at least one of the criteria noted below:
    - a. There is a documented historic record of the building having a rooftop sign.
    - b. The building has a minimum height of ten (10) stories.
  - 3. Standards
    - a. If an applicant is requesting a rooftop sign, then no skyline signs will be permitted on the same structure.
    - b. The rooftop sign must be visually permeable except for the individual letters or logo elements and sign structural supports.
    - c. No solid face LED panels are permitted.
    - d. The total area occupied by the sign letters or logo elements shall not exceed 300 square feet.
    - e. The individual letters or logo elements should be permanent with no blinking or moving elements.

**ITEM # 9**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 14. The Bend, Section 38.758. B-CX: Commercial Mixed Use Zone, (3) Access/Parking Location, Parking Setbacks by deleting in its entirety “B Street 30’ Min” and replace with the following:**

B Street 10’ Min

**ITEM # 10**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 1. Introductory Provisions, Section 38-692. Legal Requirements, (9) Annual Review, by deleting in its entirety and replacing with the following:**

- (9) Ongoing Code Updates  
City Staff will conduct at a minimum an annual review the provisions of this Article and make recommended text amendments throughout each year.

**ITEM # 11**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 2. Administration, Section 38-696. Permitting Process, (3). Review Process, B. Step 2: Neighborhood Review, 1. by adding the following:**

- d. Interior build outs with no changes to the exterior façade, windows or fenestration.

**ITEM # 12**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 2. Administration, Section 38-696. Permitting Process, (5). Form Based Code Committee by deleting in its entirety A. Membership, and replace with the following:**

- A. Membership
  - 1. The Form Based Code Committee members must have a professional background/or personal experience working, building, designing or living in urban places. The committee will be composed of nine (9) rotating members set forth as follows:
    - a. Architect/Urban Designer/Landscape Architect
    - b. Architect/Urban Designer/Landscape Architect
    - c. Architect/Urban Designer/Landscape Architect
    - d. Developer/Realtor/Banker/Civil Engineer/Contractor
    - e. Developer/Realtor/Banker/Civil Engineer/Contractor
    - f. Developer/Realtor/Banker/Civil Engineer/Contractor
    - g. Property Owner/Resident/Business Owner
    - h. Property Owner/Resident/Business Owner
    - i. Property Owner/Resident/Business Owner

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 2. Administration, Section 38-696. Permitting Process, (5). Form Based Code Committee by deleting in its entirety B. Appointment Procedure, and replace with the following:**

B. Appointment Procedure

1. Each City Council representative whose district is located in the Form-Based Code Area must submit up to three (3) candidates that meet the qualifications noted above for a vacant position on the Form-Based Code Committee. The Mayor will select the candidate or request additional names from the affected Council Member before submitting the selection to City Council for final approval.

**ITEM # 13**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 2. Administration, Section 38-696. Permitting Process, (3). Review Process, B. Step 2: Neighborhood Review, by replacing the title with the following:**

Step 2: Neighborhood Input

**ITEM # 14**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 3. Rules for All Zones, Section 38-698 Measurements and Exceptions, (2) Building Placement, E. Lot Frontage, and F. Lot Frontage Requirements on Lots with Existing Buildings by replacing “Lot Frontage” with the following:**

Building Frontage

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 4. Downtown Core, Division, 5. River, Division 6. Urban, and Division 7. Urban Edge replace occurrences of “Lot Frontage” with the following:**

Building Frontage

**ITEM # 15**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 3. Rules for All Zones, Section 38-698 Measurements and Exceptions, (3) Access and Parking Location. D. Parking for Single-Unit Detached/Two-Unit Dwellings add the following:**

Parking Pads or carports accessed from the front or side yard must be located at least eight (8') feet behind the front wall plane of the house.

**ITEM # 16**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 3. Rules for All Zones, Section 38-698 Measurements and Exceptions, (6) Building Elements. G. Stoop by deleting subsection number 3 in its entirety and replace with the following:**

3. A stoop may extend up to six (6') feet, including the steps, into a primary or side street setback, provided that such extension is at least two (2') feet from the vertical plane of any lot line except where there is a zero (-0-) foot minimum setback allowance.

**ITEM # 17**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 3. Rules for All Zones, Section 38-698 Measurements and Exceptions, (6) Building Elements. G. Stoop, be deleting subsection number 4 in its entirety and replace with the following:**

4. The stoop and steps may not encroach into the right-of-way.

**ITEM # 18**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 6. Urban (U), Section 38-714. U-RD: Residential Detached Zone, (1) Summary, Intent, U-RD Zones, add the following:**

U-RD - 2

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 6. Urban (U), Section 38-714. U-RD: Residential Detached Zone, (1) Summary, (5) Height and Mass by deleting A Principal Building and replace with the following:**

A. Principal Building

U-RD -2      2 stories/35' Max

U-RD-3      3 stories/40' Max



**ITEM # 19**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 7. Urban Edge (E), Section 38-727, E-RD: Residential Detached Zone, (5) Height and Mass, Building Height, by deleting in its entirety. A Principal Building and replace with the following:**

A. Principal Building:

E-RD-2 2 stories/35' Max

E-RD-3 3 stories/40' Max

**ITEM # 20**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 8. Use Provisions, Section 38-738. Use Categories, (6). Accessory Uses, C. Dwelling Unit, Accessory, by deleting in its entirety subsection number 2 and replace with the following:**

2. The accessory dwelling unit may not exceed a gross square footage of seven hundred (700') square feet. This is measured by the exterior dimensions of the building. Sleeping lofts and interior stairwells that are conditioned are also added into this square footage.

**ITEM # 21**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 9. Parking and Access, Section 38-739 Applicability, (3) Maintenance and Repair by deleting in its entirety and replace with the following:**

(3) Maintenance and Repair

A. An existing building, use or site may be repaired, maintained or modernized without conforming to the parking requirements of this Division, provided there is no increase in gross floor area or improved site area.

B. The addition of gravel to an area that was not previously graveled is not considered maintenance and repair. Accordingly, paving an existing gravel parking lot is not considered maintenance and repair. In the event a gravel lot is being paved, it shall meet all the applicable Transportation and Landscape requirements.

**ITEM # 22**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 10. Landscape, Section 38-748. Parking Lots, delete the parking lot landscape illustration and replace with a new illustration that shows one island for every ten (10) spaces.**

**ITEM # 23**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 11. Signs, Section 38-753. Sign Types, (1) Building Signs – General Provisions be deleting the title and replace with the following:**

- (1) Ground Floor Signs – General Provisions

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 11. Signs, Section 38-753. Sign Types, (1) Building Signs – General Provisions, C. and D. be deleting the wording “Building” and replace with “Ground Floor”**

**ITEM # 24**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 10. Landscape, Section 38-748. Parking Lots (2). Interior Islands by deleting in its entirety subsections C. and D. and replace with the following:**

- C. An interior island abutting a single row of parking spaces must be a minimum of thirteen and a half (13.5’) feet in width and two hundred sixteen (216’) square feet in soil surface area for islands along compact parking spaces and two hundred forty-three (243’) square feet for islands along standard parking spaces.
- D. An interior island abutting a double row of parking spaces must be a minimum of thirteen and a half (13.5’) feet in width and four hundred thirty-two (432’) square feet in soil surface area for islands along compact parking spaces and four hundred eighty-six (486’) square feet for islands along standard parking spaces.

**ITEM # 25**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 14. The Bend, Section 48-720 (2) delete the first paragraph in its entirety and replace with the following:**

## (2) Street Cross Section Requirements

The cross sections in the following pages match the street types shown on the Street Atlas. These design parameters serve as a basis for all new streets, or street renovations in the Bend. In some cases on a given street corridor, the assigned street cross sections designated by the street atlas vary or change from one segment to the next, or along the alignment of one block. In these transitional areas the dimensional requirements in the street cross sections shall not apply; however, the vehicular travel lanes and bicycle/multi-use paths shall remain as consistent unless the prescribed widths for travel lanes and bicycle lanes also vary between the two connecting cross sections.

- a. Minor Code Modifications - During the Technical Plan Review process, City staff is authorized to approve minor code modifications to increase or decrease the dimensional standards specified in this section. This review is at the discretion of the Chattanooga Department of Transportation (CDOT), and is subject to the following limitations:
  - i. The dimensional variation for each on-street component located between curbs shall not exceed one (1') foot (added or subtracted) from a section's indicated width, as measured per lane or parking bay.
  - ii. The dimensional variation for each individual streetscape component (sidewalk, median, furniture zone, bicycle facility, etc.) shall not exceed two (2') feet (added or subtracted) from a section's indicated width.
  - iii. The variation, if approved, does not significantly impact the overall purpose/intent of the street as identified in the developments Street Atlas (38-760).
  - iv. The variation, if approved, meets all appropriate City code and safety/access requirements.
- b. Requests for modification request that do not meet the limitations noted above that impact the street configuration may be reviewed and approved at the discretion of the Chattanooga Department of Transportation.
- c. The modification request shall include:
  - i. Written explanation of why the modification is being requested and what hardships exist that prevent the established requirements from being met.
  - ii. Any related documents that demonstrate the hardships.
  - iii. Drawings or other documentation that demonstrate the proposed schematic design of the respective street.
  - iv. The proposed design shall demonstrate how the request does not significantly alter or remove the bicycle and pedestrian network identified by the development's Street Atlas (38-760).
- d. All other modifications that do not meet limitations noted above shall be referred to the Form Based Code Committee for review as a major modification.

**ITEM # 26**

**Amend Article XVI. Downtown Chattanooga Form Based Code, Division 14. The Bend, Section 48-762 Allowed Uses, (2) Allowed Use Table by adding to B-CX and B-PX Zones, Outdoor Uses, Agriculture, the following as a Special Permit by the Chattanooga Board of Zoning Appeals:**

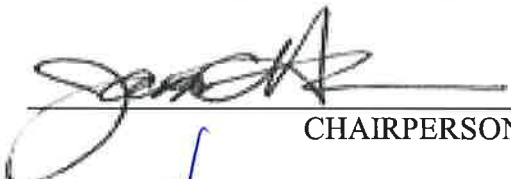
Urban Agriculture


**Amend Article II. Definitions of Chapter 38, Chattanooga Zoning Regulations, Sec. 38.2 Definitions by adding as a new definition the following:**

Urban Agriculture: Land or structures used for the cultivation of fruits, vegetables, plants, flowers, or herbs, with the primary purpose of growing food for sale. No farm animals. Use of any fertilizer or pesticides should not present public health hazards or nuisances to adjacent properties.

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: September 01, 2020

  
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CHAIRPERSON  
APPROVED:  DISAPPROVED:

  
\_\_\_\_\_  
MAYOR

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