



CHATTANOOGA

TENNESSEE



ZONING CODE ANALYSIS

DECEMBER 2021
Prepared for the City of Chattanooga

CAMIROS



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INTRODUCTION

This report summarizes the findings of a Zoning Code Analysis of the existing Chattanooga Zoning Code performed by Camiros. The purpose of this analysis is two-fold: first, the review allows for a more in-depth understanding of the current regulations and second, it introduces concepts and approaches for potential revisions to be included in an updated Code.

A good Code combines rational substantive controls with fair procedures, which, when reasonably applied, assure a pattern of development and redevelopment that protects the existing character of the City where warranted, and facilitates change where desired. The regulations must be well organized, easy to use, and have standards and procedures that are clear and regulate effectively. It must allow for predictable results and fulfillment of objectives articulated in the adopted Plans.

With the goal of making a positive impact on Chattanooga's built environment, the following objectives were used to guide the analysis.

New zoning for Chattanooga should:

- Implement the policies of the Comprehensive Plan and Place Types
- Create a Code that is intuitive and user-friendly, and transparent, predictable, and consistent in application.
- Integrate land use and design to create objective standards that are easily understood and administered.
- Allow most development in the City to occur by-right; reduce the number of special approvals, nonconformities, and variances.
- Create forward-thinking standards that respond creatively to market demand while meeting public expectations for future development.
- Increase the transparency of development approvals through clear processes, explicit approval standards, and predictable timeframes.

It is important to recognize what zoning can and cannot address. The following table outlines the key principals of zoning:

ZONING CAN CONTROL...

...development on private property	...the siting of buildings on private property
...the exterior design elements of a building	...the type of use allowed on a lot

ZONING CANNOT CONTROL...

...development on public property and of off-site elements	...who would be the specific owner/operator of the use
...the construction and interior design of a building	...the ownership of the use (rental, owned, condominium, etc.)
...whether a building gets built or torn down	...operational elements unrelated to the physical development

This analysis focuses on regulatory issues and potential revisions identified during our review. This is not intended to identify every needed change; many are minor changes that would serve to clean up the code and create a user-friendly document, while others are more detailed revisions that would need to be tested and resolved during the drafting process. This analysis highlights key issues and revisions that would constitute substantive changes to current regulations, and offers conceptual approaches to resolving them.



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OVERALL PRELIMINARY RECOMMENDATION: FULL CODE REWRITE

Based upon feedback from stakeholders, our exploration of current issues with RPA and City staff, and the results of our review, we recommend that the RPA and the City pursue a full code rewrite or at minimum a substantial reorganization of the code that implements some of the more significant revisions enumerated in this Assessment. Given our findings, we feel that there is an opportunity to greatly improve both the direction and the function of the current Code with a full rewrite.

ORGANIZATION

The Code should follow a logical system of compartmentalization.

The Code should follow a consistent, structured pattern from beginning to end. A key to improving the organizational structure of the Code and, in turn, its ease of use, would be to employ a system of compartmentalization. This is a technique whereby items of information are grouped together by regulatory category and purpose.

Compartmentalization substantially reduces, if not eliminates, the need for a general regulations article as the regulations within that section are grouped with similar regulations in their respective articles. Dimensional and design standards would be located within zone regulations. A uses article would contain a use matrix, use definitions, and standards for principal and temporary uses. The sign article would contain all sign regulations, and so forth. This system also avoids lengthy sections, which users can find daunting and frustrating.

The following is a proposed outline of a structure that uses this organizational technique. This can be modified based upon the City's preferred structure.

- Article 1** – Title, Purpose, and Applicability
- Article 2** – General Definitions and Measurement Methodologies
- Article 3** – Zones and Zoning Map
- Article 4** – Urban Residential Neighborhoods
- Article 5** – General Residential Neighborhoods
- Article 6** – Urban Commercial Zones
- Article 7** – General Commercial Zones
- Article 8** – Downtown Form-Based Zone
- Article 9** – Industrial Zones

- Article 10** – Special Purpose Zones
- Article 11** – Overlay Zones
- Article 12** – Floodplain
- Article 13** – Uses
- Article 14** – General Site Development Standards
- Article 15** – Accessory Structures and Uses
- Article 16** – Parking, Loading, and Access
- Article 17** – Landscape
- Article 18** – Code Administrators
- Article 19** – Zoning Approvals
- Article 20** – Nonconformities
- Article 21** – Enforcement

*** Upon review, Article XI. Plats is currently located within the Code. As Section 38-641 specifically states "Building permit applications to include plat," and the building permit is not contained within the Code, this standard should be moved out of the Zoning Code.*

The Code would benefit from greater use of illustrations and matrices.

The Code should illustrate a variety of regulations, which will more effectively communicate information to users. Numerous additional regulations and terms would benefit from graphics including, but not limited to:

- Measurement rules like building height, setbacks, etc.
- Design standards
- Lot types and dimensions
- Parking and landscape regulations
- Accessory structure regulations dealing with fences, detached garages, etc.

Graphics are not limited to the examples cited above. Additional regulations, design concepts, and terms will likely require illustration as they are developed during the drafting process.

The Code would also benefit from the use of matrices. Matrices can clearly summarize various Code requirements, such as zone regulations, use permissions, permitted encroachments, and parking requirements.

The Code should clearly explain the rules of measurement.

The rules of measurement for building height, setback location, lot width, rules for unique lot configurations, how to measure on sloped lots, etc. should be brought together in one section so that their application is clear. Within the Code, many of the rules of measurement are cross-referenced to the form-based code. These should be integrated into one section and evaluated to make sure that measurement rules between the Code and the form-based code align. Like the current form-based code, most of these standards would be illustrated to make them more understandable.

All terms used in the Code should be defined.

We recommend that all definitions of general terms be located in a single article, and all use definitions be located within the use article. All existing definitions should be evaluated, updated for clarity, and checked for any internal conflicts, as well as any undefined terms be added. This is especially important for the use structure, where all uses should be defined.

A few key revisions to consider include:

- Removing forms of ownership from zoning terms. A zoning code should not regulate ownership; zoning provides the rules for the physical development and use of a lot, but does not regulate how something is owned (rental, fee simple, condominium, etc.).
- Updating any State required definitions, such as group homes, and including provisions that allow for an automatic revision if such were to change

One exception to this approach is our recommendation to move the definitions associated with floodplain regulations to the floodplain article. As they are specifically tied to floodplain regulations, many of which come from other agencies like FEMA, specific terms may differ from a general regulation used in the larger Code.

Internal consistency in terminology and “voice” should be maintained.

The integrity of land use regulation hinges on the internal consistency of the various details. Consistent terminology should be used throughout the Code. Currently the Code uses the term “building site area/width” is used in some instances, such as in the R1 Zone, and then “lot area/width” in zones like the C2. Both refer to the same dimension. This can be seen again in the RT-1 and R-T/Z Zones that use lot width and lot frontage again for the same dimension. In addition, because different authors have written different sections of the Code, it has become an amalgam of different “voices,” which reflects the background of authors. An overall rewrite would eliminate this type of inconsistency.

Throughout different parts of the Code, there is also language that does not read as a regulation or a purpose, but rather an explanation. We would advise that this language be either revised to a “true” purpose statement or eliminated. For example, the following is found in landscaping, which is not written in code language and is not regulatory:

Landscaping also provides important environmental benefits such as reducing air pollution and storm water run-off, improving water quality, and creating wildlife habitats. In today's anti-regulatory environment, it was not expected that people would express support for standards and regulations. But, people felt strongly about protecting the things they value. Of those surveyed, eighty-seven percent (87%) agreed that good streets require such things as trees, street lights, public art, and sidewalks. People supported landscaping requirements as a tool for protecting and enhancing our scenic quality.

USES

A generic use approach should be considered for the Code.

We recommend a revision of how uses within the zoning zones are controlled, based upon the concept of “generic uses.” A generic use approach to the listing of uses is established by combining specific uses into a broader use category. For example, barber shops, beauty parlors, shoe repair shops, and tailors would be addressed in the use “personal services establishment,” which then can allow similar uses such as pet grooming establishments, dry cleaners, and nail salons.

Importantly, with the generic use approach, definitions take on additional importance. First, each use must be defined. These definitions may also include both examples of that use and may specifically exclude those uses that are not part of the generic use definition. For example, the definition for “retail goods establishment” would specifically state that “adult bookstores” are not considered a “retail goods establishment.” This means that the use of an “adult bookstore” must separately and specifically be allowed within a zone in order to locate there; it cannot come under the umbrella of “retail goods establishment.” The second important element of generic use definitions is the rule that any use that is listed separately cannot be considered part of a generic use category. For example, if the Code specifically defines “drive-through facilities” as a principal use, a “drive-through facility” is not allowed unless specifically allowed within a zone (i.e. it is not automatically allowed as part of another principal use such as a restaurant or financial establishment).

The generic use approach is generally in place in the form-based code as well as in the potential new Urban Residential Zones. However, there are still special exception uses regulated in the Code for the Downtown. In a zoning code revision, these all need to be brought into alignment.

Uses should be tailored specifically to the purpose of the zone and structured within a single use matrix.

The uses allowed in each zone should be evaluated and updated. Uses must correspond to the purpose and

function of each zone. For example, a residential zone should allow the correct mix of dwelling types and limited number of appropriate institutional uses, whereas a mixed-use zone should allow a broad mix of residential and nonresidential uses.

Further, rather than list allowed uses within each individual zone, a more efficient approach would be to adopt a master use matrix. All uses and zones would be listed within a table, identifying within each cell whether a use is permitted, a special exception by the Board of Appeals, a special exception by the City Council, or prohibited. Such a matrix provides several benefits:

- Users can access the matrix two ways - either they can identify their zone and see what uses are allowed, or they can see where a use is allowed to locate.
- It prevents inconsistencies in use terminology are eliminated as a use term is used once in the table, rather than repeated in different zones.
- It is easier to add a use or modify a use permission as the matrix is evaluated as a whole.
- There is no longer a need to list prohibited uses. A blank cell clearly means that use is not allowed within the zone.

Certain uses should require use standards to regulate impacts.

Related to the above approach, the Code should consolidate the use standards required for certain uses. The current Code has use standards in a variety of locations. In some cases, these standards are found within the use lists or even the definitions. They are also listed within Division 2. Other Special Exceptions. And finally, the Board of Appeals regulations for special exceptions also contain detailed conditions such as those for travel trailer camps and open-air markets. Bringing these together into one article allows the user to identify all requirements for establishing a use.

Use standards should also be objective, require minimal interpretation, and be easy to enforce. For example, the current C2 Zone standards have a requirement that certain uses, such as a plumbing shop, are limited

five employees. This can be difficult to verify and it is unclear how the number of employees relates to keeping the business at a smaller scale. In this example, if the real concern is the scale of business, then limits on the maximum floor area of the use and limits on ancillary uses such as outdoor storage can accomplish that.

Finally, the Code should not regulate hours of operation and we recommend their elimination. Hours of operation should be tied to licensing or other permits. If within the Code, then the hours of operation become the purview of code enforcement officers, and such are not the appropriate officials to monitor to hours of operation.

The Code should address emerging uses.

Codes need to continually address uses that are either particular issues for a city or have emerged as new uses in today's planning environment. While a comprehensive update to the use structure using the generic use approach would create flexibilities that allow for desired new uses, certain uses would still need to be addressed by the City.

The following are uses that have been identified as either new uses that may be appropriate or needed in Chattanooga, or are refinements needed for current uses. Upon revision of the use structure, there are likely more uses that may be needed as zones and the use matrix are created, including alignment with the use structure within the form-based code.

Corner Stores (Neighborhood Commercial Establishments)

The Code should accommodate historic corner stores by creating a new conditional use called "neighborhood commercial establishment." Chattanooga has a number of urban residential neighborhoods that traditionally developed with limited commercial services integrated into residential areas, typically called "corner stores." Although these structures are part of the residential fabric, pursuant to the current Code, most are considered nonconforming, prohibiting property owners to reopen previously closed corner stores. To allow them to continue, the Code could incorporate a "neighborhood commercial establishment" as a use that would be allowed within certain zones. A series of design

standards and impact controls would be included as required standards, as well as a tailored list of allowable uses within that use category to prohibit more intensive commercial uses or problematic uses, such as the retail sales of alcohol.

Maker/Creator Spaces

To continue to encourage Chattanooga's innovation and creativity, the Code can address certain uses that help foster such an environment. *Some uses to consider for inclusion are the following:*

Live/Work Spaces, where a structure is used by one or more of the residents who also operate a commercial business from the structure. A live/work dwelling may also include the combination of a dwelling unit with low intensity commercial uses, such as offices and arts studios. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

Industrial Design, defined as an establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but does not mass manufacture products from the premises.

Artisan Industrial where artisan-related crafts and industrial processes that are more intensive uses, such as small-scale metalworking, glassblowing, and furniture making, are allowed, oftentimes with showrooms or galleries for the display of products made on-site. (For clarification, micro-production of alcohol (micro-brewery, micro-distillery, etc.) would be defined and regulated as a separate use.)

Specialty Food Service includes businesses that specializes in the sale of certain food products, such as a candy maker, bakery, catering business, or coffee roaster, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

Food Truck Park where the principal use of land designed to accommodate food truck vendors offering food and/or beverages for sale to the public, which may include seating areas for customers.

Commercial Kitchen (Standalone), which is a certified shared commercial kitchen in which individuals or businesses prepare value-added food products and meals, usually paying a set rate by timeframe (daily, weekly, monthly, etc.) to lease a kitchen space shared by others. In the times of the pandemic, these types of uses have become more frequent, also called “ghost kitchens” or “ghost restaurants.” These typically require specific standards because of high traffic from delivery persons.

Alcohol-Related Uses

It appears most alcohol related uses require a special exception. This needs to be evaluated to see if certain zones could allow such uses by-right with standards on certain impacts, such as parking or outdoor activity areas if needed.

In addition, other codes that control alcohol code that refer to zoning zones can create conflicts if zones are amended or changed. It is recommended that zoning be removed, if possible, from the alcohol codes.

Finally, Section 38-527 has very detailed standards for Late Night Entertainment/Event Facilities and/ or Nightclubs in order to obtain a special exception from the City Council. They are permitted only within the C2 Zone, but confusingly the standards also state that “Restaurants, Sports Bars and Bars as defined within Article II, Section 38-2 are exempt from these requirements.” The distinction between these uses is confusing and it appears that they create issues for standard eating and drinking venues. Also, the limitation to only one zone can encourage inappropriate rezonings to be able to establish the use. It is recommended that the special exception permit for Late Night Entertainment/Event Facilities and/or Nightclubs be eliminated from the Code and the uses defined separately, allowed only within appropriate zones, and standards created if needed as mentioned above.

Social Service Uses

A reality of today is that a variety of social service uses need to be addressed. The Code should consider including some or all of the following uses. Calling these uses out separately allows the Code to assign each use to its appropriate zone and create standards tailored to its operations and impact. Where applicable, references to state licenses or state exemptions will be added as a standard. For clarification, when these uses are found in conjunction with and are operated within a place of worship, they would be part of that religious institution, and not considered a separate use.

Group Home. For group homes that fall outside of the State’s definition, standards need to be drafted that control their operation and location, such as a potential separation requirement. For the purposes of zoning law in Tennessee, the classification “single-family dwelling” includes any home in which eight or fewer unrelated persons with disabilities reside, and may include three additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home. Disabilities for the purpose of this definition, and to maintain consistent with federal law regarding protected classes, would include those in recovery from addiction but does not include medical detoxification. This does not include such residences when operated on a commercial/for-profit basis.

Residential Care Facility. A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facility does not include a residential drug/alcohol treatment facility. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

Children’s Home. An institutional residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased

or otherwise unable or unwilling to care for them. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

Drug/Alcohol Treatment Facility, Residential. A licensed care facility that provides 24-hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

Social Service Center. A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

Homeless Shelter. A facility that provides temporary shelter to the homeless in general.

Domestic Violence Shelter. A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety of services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

Halfway House. A residential facility for persons who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to society.

Alternative Correctional Facility. A facility for adults or minors that is required by the courts as an alternative to incarceration, also referred to as community correctional centers.

Drug Treatment Clinic. A facility authorized by the State to use drugs in the treatment, maintenance, or detoxification of persons, such as methadone or suboxone.

Auto Repair Uses

Issues have emerged with vehicle storage for auto repair shops. Standards may be needed for control of storage of vehicles under repair, such as prohibition on any right-of-way storage, the maximum number of days a vehicle may be stored on-site following completion of repair and the minimum number of storage spaces required, and a prohibition of keeping inoperable vehicles that are not under repair.

Self-Storage (Mini-Warehouse)

Self-storage facilities are typically regulated in two forms - those located entirely within a structure and those where access is outdoors to individual storage unit. This allows for a distinction in where these can be allowed by zone, and whether that use is permitted or special.

Self-Storage Facility: Climate-Controlled. A facility where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Standards are typically applied to this type of self-storage to allow them to blend in with other structures in the area, such as creating active ground floor space.

Self-Storage Facility: Outdoor. A facility where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Outdoor self-storage is typically restricted to zones that are more auto-oriented or can mix with light industrial uses, and require screening against incompatible uses.

Because storage of a variety of vehicles may be associated with a storage facility, standards should allow only outdoor type to have vehicle storage, including automobiles and recreational vehicles such as motor homes and boats. Where a self-storage facility would like to include both enclosed and outdoor facilities, both types of uses must be allowed in the zone.

Current wireless facilities and hazardous waste facility standards may need updating.

The current standards for wireless facilities and hazardous waste facility are very detailed and some provisions are very technical. As these are related to federal and state regulations, they should be reviewed with the assistance of the City Attorney to see where updates are needed and where simplification of the standards can be achieved.

A wide range of temporary uses should be addressed in the Code.

The current Code does not comprehensively address temporary uses. A more thorough approach would be beneficial. Temporary uses are a key avenue to entrepreneurship, allowing new business owners to start small – through temporary uses like food trucks. It also fosters a creative environment allowing artists or craftsmen to sell and display their wares. In addition, some are just practical uses common to a city, such as storage pods and construction related uses. A comprehensive set of temporary uses should be included in the Code with controls on their function – identifying in which zones they are allowed, timeframes, siting, and operational plans. *The following temporary uses should be considered:*

- Temporary outdoor entertainment events
- Temporary outdoor sales events
- Farmer’s markets
- Mobile food vendors
- Mobile retail vendors
- Construction-related temporary uses (storage yards, on-site offices)
- Real estate model units
- Temporary storage pods

In addition, a temporary use permit should also be created so that uses can be better regulated for impacts and to ensure that a temporary use is not functioning, in fact, as a permanent use. This would also allow for easier enforcement. For example, temporary events bring impacts such as traffic, noise, and security issues. With a temporary use permit, the City can require mitigation measures as part of the permit approval and would be able to control the duration of the event and

enforce violations more effectively and efficiently as the permit lays out the clear rules for how the event must be conducted.

Accessory uses should be regulated separately from permitted and special uses.

Accessory uses are different in nature from principal uses. It is recommended that they be moved to their own article. When located within this section, provisions do not need to be repeated for each zone and the section can comprehensively address both accessory uses, like home occupations, and accessory structures, such as detached garages.

See discussion on these issues in the accessory use and structure section of this Analysis.



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ZONES

CONDITIONAL ZONING

Conditional zoning was established to deal with unique development that requires more careful consideration in its use permissions, siting, and design. As stated in Tennessee Code Annotated §13-7-201:

In any county having a population of not less than two hundred eighty-seven thousand seven hundred (287,700) nor greater than two hundred eighty-seven thousand eight hundred (287,800), according to the 1980 federal census or any subsequent federal census, the chief legislative body of any municipality is further authorized and empowered to rezone properties conditionally or based upon contract, where the agreed conditions are designed to ameliorate injuries created by the rezoning to surrounding property interests or to municipal interests.

However, over time, conditional zoning's role has expanded. Conditional zoning is now used for a range of purposes such as to manage more controversial uses or to allow uses that are not permitted in the larger surrounding zone by rezoning to another zone, and to modify base zone standards for developments that do not qualify for a variance. Additionally, when current zoning zones do not adequately address modern development types/uses, conditional zoning can also be used to fill that gap. Thus, as conditional zoning is used more and more, City staff and Council find that a good portion of their time is used managing and reviewing these approvals and applications.

While it is understood that conditional zoning will remain a part of the Code and is a key tool that the City can use to direct new development, there are additional zoning tools that can be used that are more targeted toward the concerns some conditional zonings have been used to address. *These potential tools include the following:*

Establish a responsive zone structure.

By creating a zone structure that reflects the places of Chattanooga, the zoning zones will be able to better address the desired use, scale, design, and orientation of development and avoid the workarounds that conditional zonings have been used for. A preliminary analysis of the

current zone structure indicates that, for a city as diverse in character as Chattanooga, the right range of zones may not be in place.

Turn conditions into standards.

One strategy is to include conditions that are frequently added to conditional zonings into the zone standards and the general development standards for the Code as applicable. This lends itself to easier administration and enforcement in the long term as these standards would apply across the board rather than having to be identified as applicable on a site by site basis.

Consider administrative flexibilities.

Creating more administrative flexibilities would allow for minor issues in site development to be handled at a staff level. The current minor code modifications process in the form-based code could be further expanded in scope. It is important to note, in establishing any sort of administrative minor modification process, thresholds for what actions qualify are important. For example, modification of a side setback can be limited to no more than 10% of that required.

Create a checklist of conditions.

When conditional zoning cases do arise, a checklist of criteria can be created to help more clearly facilitate the evaluation of the proposal and more easily determine which conditions are appropriate. The checklist would be based upon the conditions that are commonly added to conditional zonings.

Finally, once a conditional zoning is approved, it is difficult to make minor modifications to the conditions. The applicant granted the approval would have to go through the full process in order to make any small changes. One potential solution is to have the City Council, as part of the initial approval, allow for certain conditions to be administratively modified by the Director of the Land Development Office as part of the approval. The Council can specify which conditions and the amount of modification allowed.

ZONE STANDARDS GENERALLY

Based upon an analysis of the current zone standards, some general revisions to be considered are as follows:

Purpose statements are needed for the zones.

While some zones have intent statements, many do not. Purpose statements help users to understand what the intent of the zone is and where it fits within the map. They provide guidance to the City when evaluating rezonings. For example, it is not clear what the purpose of the R-4 Zone is, as the section begins with use permissions.

Creation of design standards for commercial uses.

Design standards can enhance the quality of future commercial development within Chattanooga by addressing the design of building entries, elements of building articulation such as recesses and projections, ground floor and upper story transparency, etc. These standards should not address architectural style or aesthetics, but rather should control the basic features on a façade via measurable, objective requirements.

As an example, a standard may require elements of articulation at maximum intervals along a building façade, such as recesses, projections, a change in material, texture, or color, or the incorporation of architectural features such as columns, pilasters, etc. Such a standard does not dictate how articulation is achieved, but rather presents the basic, measurable requirement.

Standards can be tailored to the desired character of individual commercial zones, requiring greater articulation in areas of the City where walkability and a pedestrian orientation are desired, and allowing for more flexibility in other commercial areas. Standards such as these – working in combination with a set of clear dimensional requirements that address the location and size of buildings – can provide a clear framework for new development in alignment with the intent and purpose of each zoning district.

Examples of Design Standards



Measure building height in feet.

The City can consider removing the maximum number of stories, and height can be regulated by a simple requirement expressed in maximum height in feet. This is a simple standard, as it allows for greater flexibility in floor-to-floor heights for different types of development that may have varying requirements for building mechanicals/HVAC, etc. and eliminates interpretation of half stories.

Evaluate maximum building heights.

Many of the zones include a standard that allows for increased building height so long as the structure is set back one foot for every increased foot in building height. This occurs in residential zones, such as the townhouse zone, and nonresidential, such as the C-2 Zone. A proportional standard such as this can be used effectively to create transitions but this appears to be applied over a significant number of zones. The concern is that it can be overly restrictive, especially where taller structures are desired. Zone height permissions need to be evaluated and taller maximum heights may be needed for a number of zones, especially within urban zones. Further complicating building height are exceptions allowed based on standards of compatibility and consistency, such as in the UGC Zone, which can be unpredictable and inconsistent in application.

Finally, in the form-based code, there are height limitations for those lots that abut a “protected zone,” which is defined as the current A-1, R-1, RT-1, RZ-1, R-2, R-T/Z, and RD Zones. This standard, where the adjacent zone creates the additional restrictions to building height, may be a more predictable way to manage height throughout the Code. This can be coupled with a more limited use of the sliding scale height/setback control.

Enhance minimum and maximum setbacks with minimum build-to/build-out percentages.

When minimum and maximum setbacks are set within a zone, they often include a build-to percentage, allowing a bit of flexibility for variation in a façade, but requiring that a minimum percentage of the front building line be located within or at the build-to. Such a standard often ranges from 60% of the building frontage to 80% of the

building frontage. Concurrently, some communities also choose to implement a minimum build-out requirement, as a percentage of the total lot width. This can work in coordination with a minimum build-to percentage. For instance, a requirement may indicate that 60% of the total lot width must be built-out (example: on a 100’ wide lot, this would require 60’ of building frontage), and 80% of the building must be within the build-to zone (via the build-to percentage requirement, which means that 48’ of the 60’ building must be located within the build-to zone). Such requirements, if used, need to be coordinated with site development standards that may impact their applicability, such as landscape or required parking location, ensuring that access can be maintained if needed.

Include a corner side yard standard.

In Section 38-508 (Side yards on corner lots) the corner side yard dimension is required to meet the front yard dimension. It may be beneficial to include a regulation specifically addressing the corner side yard condition, to ensure that setbacks along a blockface remain relatively consistent, while allowing flexibility for corner lots to maintain buildable widths.

Evaluate transitional yard standards.

In many of the zones, particularly residential, yards may increase or decrease based upon the adjoining zone. This is a common zoning standard that creates space and transitions between zones where there could be potential incompatibility. With potential new zones, these transitions will need to be looked at.

Further, some transitional yard provisions require clarification - for example, the RZ-1 Zone, states “Single-family detached dwellings shall be separated by not less than forty (40) feet, except ten (10) feet from side to side.” These regulations seem to use language often found in building codes or fire codes regarding safe distances between structures, which would control regardless. It is recommended that they be evaluated and structured so that the distances are not measured between buildings but from lot lines.

In another example, the RT-1 Zone has the regulation: “No building shall be located less than twenty-five (25)

feet from any boundary of the RT-1 zone, except on side yards where an RT-1 zone abuts RZ-1, R-T/Z, R-3, R-4, O-1 or any commercial or industrial zone.” It is not clear how this standard is applied to the lot and the intent of such control.

Include adaptive reuse permissions to preserve character giving structures in the City.

Adaptive reuse provisions would be focused on the adaptive reuse of existing buildings, 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, preserve these character giving buildings. The intent is to encourage the retention and renovation of sound existing character-giving structures, and ensure that any uses that are located within them remain compatible with adjacent areas. This builds upon the standard contained within the current UGC Zone:

For the purposes of the UGC Urban General Commercial Zone, it is intended that use of existing buildings be considered “redevelopment” and if a conflict occurs with standards for height, setback, and building footprint square footage, proposed redevelopment shall be considered legal, non-conforming when proposed changes meet the urban character intent as stated in (1). For example, strict compliance should not necessitate the demolition of buildings or removal of facades to meet a sidewalk or building height requirement.

ZONE STRUCTURE

It is recommended that the zone structure be assessed in detail so that specific zone standards can be revised and potential new zones created to better reflect the character of Chattanooga and to implement the Place Types that are being mapped within the Area Plans. This can help address many of the issues that the City faces in development applications, and facilitate more by-right development rather than through conditional zonings.

Potential New Zones

Potential new zones can help to align zoning with Comprehensive Plan policies and Place Types, and facilitate new types of development within the City. Initial observations include the following:

- **I-MU Industrial Mixed Use Zone.** An I-MU Industrial Mixed Use Zone would allow for the mixing of light industrial and warehousing uses with commercial uses, and even limited residential uses such as multi-family and live/work. The I-MU Zone would be especially applicable to older industrial areas within the City that have seen a turnover of certain buildings into uses that are not industrial in nature. Some industrial buildings may no longer suit modern industrial needs, but can accommodate a unique variety of creative uses and should be preserved, as they are character-giving structures in the City. A zone like the I-MU Zone can also help preserve existing industrial development, such as light industrial and small warehousing operations, by providing a designated zone where uses are permitted to mix, discouraging encroachment of non-industrial uses in the “real” industrial zones.
- **INST Institutional Zone.** Institutional campuses appear to be addressed through an Institutional PUD. However, a special approval process, where a change would require additional special approvals, is not the most efficient means of allowing such uses. An INST Institutional Zone would be specifically crafted for large institutional campuses such as healthcare facilities and educational institutions, large religious campuses, or federal, state, county and municipal governmental operations. Standards for zones such as this are generally structured to provide the City more control over the “edges” of the zone so that it presents to the

public in a way that aligns with City character, while providing the campus more flexibility within the interior for the campus development.

- OS Open Space Zone. An OS Open Space Zone accommodates open space uses, both active and passive in nature including uses such as parks and playgrounds throughout the City as well as conservation areas. This would allow zoning to more accurately reflect the land use found in the City. This zone would acknowledge that these open spaces often serve multiple functions, and therefore should allow for certain uses such as outdoor entertainment venues, cafes, special event spaces, and similar uses. The OS Zone can also be used to preserve areas of designated open space for large developments to help ensure that they remain in open space use.

Commercial Zones

In discussions with stakeholders, we heard that the majority of commercial zones function as “catch-all” zones. The purpose and intent of each of these zones has been muddled over time; each seems to be a tool or a work-around to achieve specific types of development, rather than a clear, logical organization of uses and standards in furtherance of a desired overall development pattern. The UGC, in particular, was created for traditional urban development, but has been used as a stopgap to accommodate a variety of development forms through conditional zoning.

Given the lack of a clear purpose for each of these zones, we recommend that they undergo a full restructuring to ensure they present a rational palette of options for commercial and mixed-use development at varying scales within the City.

The following is a potential new commercial zone structure to better reflect the scale and form of existing and desired commercial areas within the City.

- C-N Neighborhood Commercial Zone: Small nodal/ clustered commercial development, in proximity to and primarily serving adjacent neighborhoods.
- C-NT Neighborhood Transition Commercial Zone: Larger nodal/clustered commercial development,

located at the edges of neighborhoods and serving as a transition to larger commercial or nonresidential areas.

- C-C Commercial Corridor Zone: Urban corridor commercial development, typically oriented more toward auto-oriented uses.
- C-R Regional Commercial Zone: Large-scale commercial development (examples: retail centers, IKEA, auto dealers, etc.).
- C-MU1 Commercial Mixed-Use 1 Zone + C-MU2 Commercial Mixed-Use 2 Zone: Traditional urban mixed-use development of two forms - “1” being smaller scale and “2” being larger scale (“2” being based on original intent of the current UGC Zone). These districts would also be appropriate for transit corridors with refined standards included when located in or within close proximity to transit corridors.

Urban Zones Review

Urban Residential Zones

From a regulatory standpoint, the effort to create a new set of urban residential zones – oriented toward acknowledging and reinforcing urban neighborhood development patterns – is a great idea. Allowing for varied forms of residential development by-right in select areas makes sense given the fabric of Chattanooga’s inner-ring urban neighborhoods, which may currently fall into nonconforming status making improvements or redevelopment a difficult prospect. Structurally, however, there are a few elements to consider in the creation of these zones:

The dimensional standards in each of the zones should match the physical characteristics typical of the City’s inner-ring urban neighborhoods (a 50’ x 150’ lot is the typical form in many of these areas).

The uses allowed within the urban zones should align with the residential neighborhood character they hope to achieve; care should be taken to ensure these zones are not duplicative of existing zones such as those within the City’s form-based code.

As currently conceived, the urban zones address three primary neighborhood patterns: urban single-family; urban neighborhoods with dwellings of up to four units; and urban neighborhoods with dwellings of five or more units, group living uses such as dormitories and boarding houses, and social service uses.

To build in more opportunities for housing in the City's urban neighborhoods, an additional urban district may be needed. Such a district should allow for dwellings with up to five or more units without also allowing for the gamut of group living and social service uses. While certain areas of the City may be appropriate for denser residential development, they may not be appropriate for a full range of additional uses such as these. Similarly, URZ-RA appears to fill a need for up to four units within some of these more urban residential neighborhoods. URZ-RM, however, may need to be slightly reoriented to meet the City's needs.

Impact on Overall Zone Structure

With the incorporation of new Urban Residential Zones, there is the potential to simplify the overall Code. Current zones will no longer need to accommodate both urban and suburban forms of residential development, which should allow for reorientation and simplification of the existing residential districts. Other provisions within the Code could also be simplified or eliminated, such as the urban infill lot compatibility option and the Urban Overlay Zone. If these provisions are eliminated or consolidated into the new urban residential districts, specific elements such as urban parking standards should be incorporated and linked to the new zone structure.

Downtown Form-Based Code

Currently, the Downtown form-based code resides outside the current Code. It would be ideal, in a Code revision, to integrate the code into the larger Code. As stated in other parts of this Analysis, definitions, measurement rules, and uses, among other components, should be aligned with the rest of the Code so that inconsistencies are eliminated. Conversely, the Downtown has some select regulations within the Zoning Code that may not be obvious to a user of the form-based code. However, this can only occur if a complete revision of the Code is undertaken.

With a complete rewrite, as noted above, the zone structure of the form-based code can be evaluated. The current form-based code has a significant number of zones, more than the number contained in the Zoning Code. While there is no "right" number of zones, over such a concentrated area and for a zone which is inherently mixed-use by nature, there may be an opportunity to consolidate zones.

Current Zones

The following table outlines preliminary observations of the current zone structure.

ZONE	INITIAL OBSERVATIONS
<u>A-1 Urban Agricultural</u>	The A-1 Zone should be revised to incorporate set standards for buffers from non-agricultural uses and distancing requirements for livestock and fowl enclosure, rather than using site plan review and/or conditional zonings to mitigate impacts. This would create ease of enforcement as all properties would be subject to the same standards, rather than those established on a case-by-case basis.
<u>R-1 Residential Zone</u>	With the inclusion of new Urban Residential Zones (see discussion above), the R-1 Zone can be re-oriented toward neighborhoods outside of Chattanooga's urban areas.
<u>R-1-OPT Open Space Subdivision Design Option</u>	This zone is, in essence, a subdivision option. It should be eliminated from the Code and moved to the subdivision regulations if there is a desire to retain it.
<u>RT-1 Residential Townhouse</u>	With the inclusion of new Urban Residential Zones (see discussion above), the RT-1 Zone can be re-oriented toward those neighborhoods outside of Chattanooga's urban areas.
<u>RZ-1 Zero lot Line Residential</u>	The RZ-1 Zone is not often used, and with the creation of Urban Residential Zones, its utility is questionable. In a zone restructuring, further evaluation will be needed to determine its continued utility.
<u>R-2 Residential</u>	With the inclusion of new Urban Residential Zones (see discussion above), the R-2 Zone can be re-oriented toward those neighborhoods outside of Chattanooga's urban areas.
<u>R-3 Residential</u>	With the inclusion of new Urban Residential Zones (see discussion above), the R-3 Zone can be re-oriented toward those neighborhoods outside of Chattanooga's urban areas.
<u>R-3MD Moderate Density</u>	With the inclusion of new Urban Residential Zones (see discussion above), the R-3MD Zone can either be re-oriented toward those neighborhoods outside of Chattanooga's urban areas, or it may no longer be needed. Further review is needed as part of a detailed zone restructuring.
<u>R-4 Special Zone</u>	The R-4 Zone is not clearly defined. With a new use and zone structure, it will likely no longer be needed.

ZONE**INITIAL OBSERVATIONS**

<u>R-5 Residential</u>	As this zone allows a mix of single-family and manufactured homes it may be appropriate to rename the zone as the R-MH Residential Manufactured Home Zone. Further, manufactured home parks are currently allowed as a special use within the R-3 Zone, it may be appropriate to move the permission for these parks to this zone as the R-3 may be more oriented toward those neighborhoods outside of Chattanooga’s urban areas.
<u>R-T/Z Residential Townhouse/Zero lot Line</u>	As we have heard, this is the second most conditional zone after UGC, indicating that it is filling a “gap” in the allowed forms of residential development. Therefore, based upon a new residential structure, this district will need to be evaluated to see if it is still necessary.
<u>MXU Mixed Use Zone</u>	This zone speaks to a detailed and coordinated form of mixed-use development on ten acres or more, with very specific mixture of uses as well as footprint limitations and public realm standards. The specificity of the MXU standards make its application very limited. It is recommended to eliminate the zone and use the revised planned unit development (see discussion on PUD below) for these types of developments.
<u>O-1 Office</u>	The O-1 Zone should be renamed the RP Residential Professional Zone, to align with its purpose. This would be reflect its intent as a zone with both single-family homes and homes converted to accommodate low intensity commercial uses such as professional offices, medical/dental offices, and personal service establishments that are oriented toward daytime operation. This could function as transitional zone in some locations between residential neighborhoods and commercial zones.
<u>C-2 Convenience Commercial</u>	It is recommended to restructure the range of commercial zones as discussed above. The C-3 Central Business Zone, notably, was replaced in large part by the form-based code, with the remainder of the area able to fall into one of the new zones.
<u>C-3 Central Business</u>	
<u>C-4 Planned Commercial Central</u>	
<u>C-5 Neighborhood Commercial</u>	For reference, the proposed structure is as follows: <ul style="list-style-type: none"> • C-N Neighborhood Commercial Zone • C-NT Neighborhood Transition Commercial Zone • C-C Commercial Corridor Zone • C-R Regional Commercial Zone • C-MU1 Commercial Mixed-Use 1 Zone + C-MU2 Commercial Mixed-Use 2 Zone
<u>UGC Urban General Commercial</u>	
<u>Brainerd Road Overlay Zone</u>	Much of this overlay zone is related to the public realm. Like the R-1-OPT Zone, these standards should be part of the public realm standards of the subdivision regulations. As such, this zone could potentially be eliminated.

ZONE	INITIAL OBSERVATIONS
<u>M-1 Manufacturing</u>	<p>The manufacturing zones should be restructured so that they increase in intensity from light to heavy. The City should also consider renaming the zones “Industrial” as they are not solely manufacturing in use. There may only be a need for three industrial zones:</p> <ul style="list-style-type: none"> • I-1 Light Industrial Zone, which can consolidate the current M-1 and M-2 Zones • I-2 Heavy industrial Zone • I-MU Industrial Mixed-Use Zone (discussed above) <p><i>The M-4 District is intended for very specific heavy industrial uses, such as a quarry. The M-4 District can either be maintained or the standards of the district, such as distancing requirements, can be applied to these uses as use standards.</i></p>
<u>M-2 Light Industrial</u>	
<u>M-3 Warehouse and Wholesale</u>	
<u>M-4 Outdoor Industrial Use</u>	
<u>F/W Floodway</u>	No changes recommended
<u>F/H Flood Hazard</u>	
<u>Urban Overlay Zone</u>	See discussion above on recommended elimination based upon new Urban Residential Zones
<u>Aviation/Airport Zone Overlay Zone</u>	No changes recommended
<u>FAA Aviation Overlay Zone</u>	
<u>Airport Use Zone Overlay</u>	
<u>Lovell Field Gateway Overlay Zone Regulations</u>	

Housing

Chattanooga is a City of neighborhoods. From the inner ring neighborhoods – river to ridge - to the more suburban neighborhoods found in Lookout Valley, north of the river and east of the ridge, each has its own character, history, and development patterns. Like many communities across the country, Chattanooga is also grappling with issues related to housing diversity and affordability. As the City continues to grow and attract new residents, considerations should be made in the Zoning Code to allow for expanded housing options that appeal to a broad range of demographics, incomes, needs, and preferences. Expansion of housing options should be tailored to ensure that growth is able to be sensibly accommodated, while the wealth of character – both urban and suburban – is maintained in the fabric of the City’s neighborhoods.

The City’s palette of zones should accommodate a diversity of dwelling types and densities such that all residents have options; whether their preference is a traditional single-family neighborhood, a mixed-dwelling neighborhood incorporating single-family, two-family, and a variety of middle-density dwellings, or a predominantly multi-family environment of townhomes and larger structures in a dense, walkable development pattern.

Though inclusionary zoning is not allowed in Tennessee, there are a variety of other strategies that the City can pursue to expand both housing options and housing affordability in Chattanooga. (Inclusionary zoning refers to codes that require a portion of new residential construction to be set aside as affordable to those that fall in the low to moderate income ranges. It may be tied to a fee-in-lieu program that allows developers to pay a fee for the units that would be provided that would be placed within an affordable housing fund.)

Think Bigger

Allowing for more density and more height in critical areas, such as those where transit is present or envisioned, can be a powerful tool to create new housing units in the community. Currently, the zone structure does not clearly articulate a vision for this type of development within the City; moving forward, the new palette of urban residential districts (discussed above) may be a powerful

tool to target areas of the City that are most appropriate for this type of denser, urban development pattern.

Think Smaller

Conversely, going smaller can also provide new, more affordable housing options. In the City’s neighborhoods, a few alternative development forms should be considered, to allow for creativity and flexibility in the development of new housing types that meet a variety of needs and preferences. These may include regulations pertaining to accessory dwelling units – to clarify where and how they are allowed to be developed within the City. Currently, these units are allowed within the Form-Based Code. Elsewhere within the City, property owners are finding creative ways to develop these types of units through loopholes in the language that require, for instance, that they be physically connected to the principal structure on the lot.

Our discussions with stakeholders indicated a growing trend toward development of housing in a “horizontal property regime,” or HPR, which may be desirable within the City. Under this arrangement, dwelling units may be arranged on a lot as multiple detached structures, with ownership structured similar to that of a condominium development. Though ownership and management requirements are best left out of zoning, the code can acknowledge this development form and expressly allow for it where desired, subject to the standards of the base zoning zone.

Similar to the HPR, the City may wish to consider a set of standards for cottage courts or “pocket neighborhoods” as an option for new residential development. The cottage court form allows for small lot residential development in a manner that organizes various dwelling types around a common courtyard or shared open space, designed as a cohesive whole and maintained in shared stewardship by residents. Such a development form can also incentivize the creation of smaller, potentially more affordable units through provisions that encourage smaller square footage in exchange for additional development potential.

Think About the Middle

The City's regulations do not currently encourage or facilitate the development of "middle density" housing – those forms of housing falling between traditional detached single-family and more intense multi-family or mixed-use development. These forms of housing were prevalent in Chattanooga – as in many cities – throughout much of its development up through the mid-20th century, and are a critical tool in providing expanded housing options in a manner that respects established neighborhood context. Moving forward, the City's palette of zones, particularly the urban residential zones, can help to clarify what these forms are, how they are permitted, and where they are appropriate within the City.



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PLANNED UNIT DEVELOPMENT

Planned Unit Development (PUD) should function as an effective mechanism for leveraging high quality, innovative development.

Planned unit development (PUD) should be used to facilitate development that is guided by an integrated design plan in which one or more of the base zone zoning regulations are modified to allow for flexibility, innovation, and creativity in site and building design in accordance with general guidelines that accrue benefits to the City and the public interest. This special approval recognizes the fact that flexibility may be needed in the application of zone requirements for development or redevelopment of areas that lend themselves to an individual, innovative planned approach.

The current PUD approach contains a number of regulations that may unintentionally limit PUD's full potential. The City should consider revisions that would allow for PUD to become a tool for innovation. *Revisions to consider include:*

- Eliminate the distinctions between the planned unit developments and create one planned unit development option. Rather than maintain special separate approvals for different types of planned unit developments, such as residential and institutional and at times divided further by zone, a more flexible and easily administered option is to create a single planned unit development procedure. This would provide maximum flexibility in application, rather than constricted by land use/zone.
- Eliminate the development standards required for planned unit developments. The Code contains standards for the minimum size of a PUD (currently five acres), density maximums, restrictions on use exceptions, and others. It is recommended to eliminate these regulations and allow the underlying zone requirements to control the development unless modified as part of the approval process, including uses allowed.
- PUD should function as an effective mechanism for leveraging high quality development. PUD is a negotiation between a developer and the City, therefore

the City should receive a benefit in return. While it is recommended to leave use, dimensional, and design modifications open ended, the Code should incorporate a public benefits and amenities requirement to enhance the City. PUD should provide guidance on the types of amenities or elements desired in exchange for flexibility and bonuses offered through the PUD process.

It is important to remember that, because of its inherent flexibility, the PUD process can become a surrogate for the variance process. When a property owner does not want to meet existing zone requirements, they may request a PUD where they do not have to demonstrate a hardship or practical difficulty, as would be required under a variance. Therefore, it is key to require public benefits and amenities to qualify for such exceptions so that petitioners cannot circumvent basic zoning zone requirements without providing measured benefits to the City.

Examples of some of the public amenities and benefits that can be considered in determining whether an exception should be granted include:

- Community amenities including plazas, formal gardens, places to congregate, outdoor seating, public art, community gathering facilities, and pedestrian, bicyclist, and transit facilities.
- Preservation of natural resources.
- Additional open space and recreational amenities such as open space/playgrounds and recreational facilities.
- Additional public infrastructure improvements in addition to the minimum required by the planned development, such as new or repaved streets and sidewalks, provision of bicycle paths, and traffic control devices to improve traffic flow.
- Use of sustainable design and architecture, such as energy efficient design concepts, new building technologies, and approval of buildings as Leadership in Energy and Environmental Design (LEED) or LEED-equivalent structures.
- Affordable housing or senior housing set-aside, if permitted by state law.

This is not a definitive list but rather a list of example public amenities and benefits. In some cases, the actual development may be a public benefit. For example, in areas where there is a demand for senior housing, a senior housing PUD can be considered a public benefit.

- Maintain the current PUD process with refinements that address its application. The current PUD process that allows for Council approval of the PUD development plan through a public process should be maintained; development then proceeds in accordance with that plan. Some additional refinements that the process should include are:
 - Minor and major changes to an approved PUD should be allowed. Minor changes, established through strict thresholds, should be able to be approved administratively. More significant changes, again with thresholds, should go through a Council amendment process for the approved PUD. If changes exceed the threshold of a major change, it should be considered a new PUD application.
 - The process for expansion of the area of an existing PUD should be explained. This would be linked to the major changes described above. It would need to be determined if the expansion is an “add-on” to the existing PUD and can be treated as an amendment or if the expansion of the area in effect creates a new PUD and the previously approved PUD should be repealed.
 - If a PUD is to follow a phasing schedule, its role in the overall process should be clarified.
 - Expiration of approved PUDs must tie to the vesting schedule established by the State of Tennessee. This is applicable to a number of development applications and should be spelled out in the administrative section of the Code.

GENERAL DEVELOPMENT STANDARDS

All development standards of general applicability should be summarized in one section.

There are a number of development standards that apply to development throughout the City. To make it easier for those improving their lots to understand what is required of them, these can be brought together in one section of the Code. Many of these standards repeat the same language in various zones, such as the sight triangle regulations, and this would help to streamline the zone standards. Examples of current and new general development standards that could be consolidated in this article include:

- Maximum number of principal structures on a lot
- Sight triangle provisions
- Special development requirements, for example, the access and easement requirements for townhouse and zero lot line development, or special requirements for development on septic
- Environmental performance standards
- Special exception for movement of single-family residences (current Section 38-526); this is part of state law and should be maintained here

The Code could include exterior lighting controls (on private property).

The current Code seems to only address lighting in Section 38-33 (“Exterior spot lighting or other illumination of non-residential uses or structures shall be directed away from any residential zones or uses.”) A full set of exterior lighting standards could be included to minimize light pollution. Tailored lighting standards are typically required for certain zones, such as higher intensity for commercial zones versus lower intensity for residential zones, and for certain uses, such as that for recreational fields where taller pole heights and sensitivities to surrounding uses are needed, would also be specifically addressed. The standards should be crafted to minimize light pollution and light spillage on adjacent properties. The standards would be drafted so that they can be easily administered and would not require technical expertise beyond the capacity of the City.

Further detail permitted projections over yards to include a full range of common architectural features.

Section 38-504 contains permissions for allowed projections over yards (sills, belt courses, cornices, buttresses, ornamental features and eaves) but also includes standards for accessory structures (detached small storage building, private automobile storage garages, pools, private shops, etc.). accessory structures should be moved to a separate article, to be coupled with accessory uses. A table that outlines more specific architectural features that may project would encourage facades with more architectural interest. Without such allowances, the structure would have to set back further into the lot to accommodate them, which would decrease the building area and discourage their inclusion.

Additional architectural features that could be included, in addition to those already allowed, are:

- Awning and canopy
- Balcony
- Bay window
- Chimney
- Decks (addressed in Section 38-506)
- Entryways
- Exterior stairwell (addressed in Section 38-505)
- Porch, unenclosed
- Steps and stoops
- Sun shades



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ACCESSORY STRUCTURES + USES

A comprehensive set of accessory structures and uses could be clearly defined.

As mentioned above, some accessory structures are addressed in Section 38-504. Others are controlled within the zone standards or through special exceptions. A full range of common accessory structures and uses should be included to address the specific impacts of each. The revision should include specific regulations and definitions for each type of use and structure, including zones where such are allowed and minimum lot sizes if needed, the maximum size and height, permitted locations on a lot, and any required impact controls such as screening.

Common accessory structures and uses, some of which are regulated in the current Code, include the following:

- ADU (accessory dwelling units)
- Amateur (ham) radio equipment
- Apiaries
- Arbor
- Carport
- Chicken coop/chicken run
- Coldframe structure
- Fences
- Garage (Detached)
- Gazebo
- Greenhouse
- Home occupation
- Mechanical equipment (HVAC, electrical generators, etc.)
- Outdoor kitchen
- Outdoor sales and display (nonresidential)
- Outdoor storage (nonresidential)
- Patio
- Pergola
- Personal recreational game court
- Dumpsters and recycling containers
- Satellite dish antenna
- Shed/storage shed
- Solar panel (private)
- Stables, private (“Equine for Personal Use”)
- Swimming pool
- Trellis
- Water features
- Wind turbine (private)

An update of these regulations can maintain the need for a special exception approval to address impacts, such as the one required for horses. Others should be evaluated such as that required for home occupations that generate significant traffic. It is questionable that an accessory use that generates significant traffic would qualify as a home occupation. In particular, the current environment of the pandemic has shown communities relaxing home occupation standards acknowledging that the nature of commercial, especially office and service uses, have changed.

Finally, upon examination of the conditional zoning conditions and concerns expressed for new development, dumpsters require reevaluation and update of the current standards which include screening and requirements to be located away from residential areas. Further conditions in conditional zonings have been added limiting the hours of pickup service from 8:00 a.m. to 6:00 p.m. Similar to what was recommended in uses above (elimination of hours of operation), hours for pickup service are not a zoning issue and should not be included in the Code.



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PARKING, LOADING, + ACCESS

Off-street vehicle parking and loading standards should be updated.

It is important that parking requirements address the demand for all types of parking and loading, and the realities of existing conditions. The updated parking requirements should address the full range of off-street parking and loading facility elements. In order to be comprehensive, this section should update and/or address the following:

- Parking lot design (dimensions, surfacing, curbing, marking, location, etc.)
- Parking structure design (design standards, ingress/egress, etc.)
- Electric vehicles spaces
- Parking location for residential and nonresidential uses
- Access, driveway design and curb cuts
- Pick-up/drop-off, delivery holding spaces
- Parking flexibilities
- Location and design of off-street loading
- Storage of commercial and recreational vehicles

The Article should begin with general standards that address how parking spaces can be used (for example, cannot be used for vehicle repair unless specifically allowed or for storage), how existing facilities are treated if the code is to change, and existing standards such as the prohibition on storage of three or more inoperable vehicles in residential zones. Finally, when assessing controls on access, an update should include discussions with the Chattanooga Department of Transportation to ensure the code does not conflict with any existing CDOT regulations and can properly support transportation network goals and policies.

Design regulations for parking structures should be added.

Regulations should include design standards for parking structure facades facing a street, such as façade articulation, screening of the ground floor and rooftop parking, and maintenance of a vehicular clear sight zone at any entry/exit points to prevent conflicts with any other vehicles and pedestrians. In addition certain zones or development along selected streets should require

active uses to line the ground floor of parking structures; such active space requirements would be appropriate particularly for the urban residential and commercial zones.

Parking ratios (parking spaces per use) should be revised, including considerations for including parking maximums where appropriate.

The parking schedule should be updated to match the use structure of the zones to minimize interpretation. With the incorporation of a global use matrix, this could easily be aligned so that each use has a corresponding parking requirement. Flexibilities can continue to be provided for the zone or development type. Current standards appear to be on the higher side and may require more parking than is needed. For example, retail requires either 1 space per 250 square feet or 1 per 200 square feet depending on whether the use is above or below a certain square footage; we have typically seen more recent retail parking requirements at 1 space per 500 square feet. It is also recommended that the parking ratios be determined by objective standards, such as physical space, whether gross square footage or rated capacity, rather than by number of employees, seats, etc.

Special development types, such as retail centers, may be better served by specialized parking requirements that calculate the required parking based on the floor area of the development as a whole, rather than as a collection of individual uses. Because uses turnover frequently, parking calculations for these developments can move between conformance and nonconformance. A single calculation based on gross floor area of the retail center as a whole would better allow these developments to manage parking and maintain and attract new tenants.

The City could also consider parking maximums to prevent excess parking and the negative effects of over-paving, especially within the urban zones. The Code can allow for developments to exceed these maximums if certain development standards are met, such as use of pervious paving and stormwater management techniques or if spaces are provided for larger public use. This could be an alternative to the more intricate process described in Section 38-476 (Modified parking in special zones) for commercial sites over 20 acres.

Electric vehicle (EV) charging stations should be allowed within parking lots and structures.

Permissions for electric vehicle (EV) charging stations in parking facilities should clearly be stated. In furtherance of goals of sustainability, there may be a desire to require the installation of EV capable or ready spaces in larger developments. Also, it should be clarified whether such spaced would count toward any required parking minimums or if they should be in addition to the requirement.

Incorporating additional parking flexibilities may reduce the need for variances.

Currently the Code has the parking flexibilities built into select zones. The UGC has shared parking permissions for “areas where this section is applicable includes only those densely developed commercial areas as determined by an examination of land use and zoning practices and as specified herein: (with legal descriptions)” as well as permissions for parking areas to locate on a different lot within a certain amount of feet. The Urban Overlay Zone has reduced parking. The C-3 Zone is exempt from parking. Some of these could be expanded to other zones to create more options for by-right flexibilities. Flexibilities can include:

- Based upon how the zones are structured, it may be appropriate to exempt additional zones from minimum parking requirements, especially within the urban areas.
- Structures existing as of the time the Code comes into effect that do not have parking on-site (and no lot area available for such) could be exempted from parking requirements. This encourages reuse of structures as it eliminates the need for variances.
- Certain zones may be able to exempt an initial square footage from providing parking, based on the size of a business – for example, exempting the first 2,500 square feet from parking calculations – in order to provide relief for new developments on smaller lots. This would require only larger structures to provide parking.

- The shared parking regulation in the UGC Zone could be expanded to more zones.
- Lots within a transit corridor or within a designated proximity to key nodes in transit corridors could include reduced or eliminated parking minimums and/or parking maximums.

Bicycle parking could be expanded to create a more cohesive approach to micro-mobility in the City.

Required bicycle parking seems to be limited to a few zones such as in the Brainerd Overlay Zone and the UGC Zone. CDOT can also consider a substitution of one vehicle space for one bicycle space. To create a more cohesive network, bicycle parking could be required within more zones, remaining sensitive to the development realities of the zones. Required spaces typically specify how many short-term and long-term bicycle spaces are needed, and include design and siting requirements. As other forms of micro-mobility - for example, electric scooters - become popular within the City, standards for bicycle parking should be drafted with enough flexibility to accommodate such modes in the future.

Loading standards should be updated and include design standards.

The number of loading spaces is an important element of new development and should be required by use type. In addition, design standards should address a standard dimensional requirement, permitted location, such as distance from street intersections, yards where loading spaces may locate, surfacing requirements, and required screening. As noted in parking, older structures should also include flexibilities and/or exemptions to avoid variances.

The Code should address recreational vehicle and commercial vehicle storage.

Recreational Vehicles

Recreational vehicles should be limited to outdoor storage areas located in select areas of a site, such as within the interior side yard behind the front building line or in the rear yard. When stored in the interior side or rear yard, the recreational vehicle should be located a certain distance from any lot line and screened from view from any public right-of-way.

Commercial Vehicles

Commercial vehicles parked within a residential zone should allow for standard size vehicles owned and used for commercial purposes by the occupant of a dwelling or guest including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks, provided that the vehicle is stored or parked in a permitted parking area. Commercial vehicles for nonresidential should be limited to commercial vehicles that are being operated and stored in the normal course of business. They should be required to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs.



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LANDSCAPE

Landscape requirements should address all aspects of site development to properly beautify, screen, and buffer.

The contribution of landscape to the visual quality of the built environment cannot be overemphasized. In addition to its aesthetic benefits, green space provides environmental benefits. The current Code does include landscape requirements for certain zones or uses but does not comprehensively address them across the City. Building upon existing requirements, a full set of landscape standards tailored to the zones, whether urban, industrial, single-family neighborhoods, etc., should be included. The Code should be organized around landscape requirements for:

- Perimeter of Parking Lots. Where a parking lot abuts a street (this excludes alleys), requirements can effectively screen cars from the right-of-way. The Brainerd Overlay currently contains such standards. This can be expanded to all parking lots and more flexibility built in by allowing for an ornamental fence and shrubs, a pedestrian-scale wall, or natural plantings that meet a three foot screening requirement.
- Interior of Parking Lots. Current interior parking lot requirements require a space to be located more than 60 feet from a tree. This requirement could be loosened to allow for more flexibility in interior landscape, such as by requiring a landscape island every 10 spaces, as is current, and then a minimum percentage of overall landscape for larger parking lots that.
- Buffer Yards. Buffer yard requirements are structured in three classes with different widths and planting requirements, which allows for a more tailored approach in transitions between uses. With the addition of potential new urban zones, a fourth class of landscape yard may be needed to address those conditions. Within each class of buffer yard, the required plantings need to be evaluated to avoid excessive landscape.

With any new zones or revisions to zone standards, buffer yards should be reevaluated. Buffer yards

should not place an undue burden on property owners. Therefore, requirements should focus on where they are most effective. For example, buffers in more urban areas should be limited to where they are abutting a sensitive use, such as a commercial use against a single-family dwelling.

- Street Yard. The street yard requirements should be refined to apply only to structures that are located a certain distance from a lot line, such as 10 or 15 feet. (These requirements would not apply single-family, two-family, and townhouse dwellings)
- Street Trees. Street trees contribute to the urban tree canopy and beautify the right-of-way and pedestrian environment. Current requirements align with what is seen in other cities.
- The use of stormwater management techniques such as raingardens and bioswales should be encouraged in required landscape areas, including parking lot landscape. Parking lot island and landscape requirements should encourage designs to accommodate stormwater infiltration where appropriate.

Installation and maintenance standards for landscape can be supplemented with additional regulations to ensure healthy plantings.

Basic landscape installation and maintenance standards are included as part of the Code. The Code can include a species diversity standard that requires a mix of species to ensure that even if some fall victim to disease or pests, sites can maintain an overall healthy, diverse landscape. Further, the City may want to consider moving the species list contained in the Code to an Appendix that can be modified without a text amendment. This list should be reviewed by City staff and partners to ensure all desired native species are included.



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ADMINISTRATION

The administrative sections of the Code could be reorganized to make the processes easier for applicants to follow.

Currently, administrative responsibilities and procedures are found in different articles and sections.

In order to make the various applications and their respective processes and requirements user-friendly, a reorganization is proposed:

Code Administrators

This Article would list the powers and duties of all boards and officials involved in administration. By listing all boards and officials for all applications, the process is clarified (i.e., the user can easily reference who recommends and who approves). The following boards and officials will be included:

- City Council
- Planning Commission
- Board of Appeals
- Director of the Land Development Office
- Form-Based Code Committee

In addition to those administrators named above, any other departments or officials that issue zoning approvals should also be listed.

Application Generally

This Article would contain the rules for processing the various zoning applications. These administrative procedures will be consistent with Tennessee law and grouped into the following sections:

- Application process
- Notice
- Public hearing
- Vested property rights (Section 38-35)

Approvals

All applications and approvals would be found in this Article. We anticipate that the following applications would be included:

- Amendments (text and map)
- Conditional zonings
- Special exceptions
- Variances
- Administrative modifications (New - based upon form-based code process)
- Sit plan/development plan - to include any special plan review provisions from the form-based code
- Zoning interpretation
- Temporary use permit (New)
- Zoning appeals

To the degree possible, the following structure would be used for each application:

- Purpose
- Applicability
- Authority
- Procedure
- Approval Standards
- Appeal

A completeness review could be included as part of the filing of applications provision.

It is recommended that a completeness requirement be added to the Code in order to avoid the submittal and processing of incomplete applications. This would allow interested members of the public to review the complete application prior to the hearing and would help to eliminate postponements on the basis of incomplete submittals. It should be noted that payment of fees should be considered part of completeness review.

Approval standards and timeframes for the different applications should be updated.

Each of the applications should have a set of approval standards. Current standards for each application should be updated for consistency with Tennessee case law and clarified. In addition, timeframes for review and hearing of the different applications should be included so that

applicants can better predict the processing of their applications.

In the current Code, variances and special exceptions have the same approval criteria, largely related to hardship standards. While special exceptions also have additional standards related to the particular use, these are generally not considered hardships but rather “special cases.” It may be beneficial to create a series of general standards separate from those for variances that allow for evaluation of their appropriateness in the location in which they are proposed.

A zoning map amendment should not require a site plan.

When evaluating a map amendment (rezoning), the evaluation must look at the area proposed for rezoning and decide if the potential development options and uses allowed in the zone are acceptable for the area in total. A specific development proposal should not be considered as part of the rezoning as the rezoning does not guarantee that the development will be built. Site plan review is applied on a site-by-site basis to ensure that the new development meets the Code regulations how it fits into both the larger context of the applicable zone and the micro-level of the site specifically.

Flexibility in the variation process can be included through an administrative modification procedure.

The form-based code includes a process for “Minor Code Modifications.” These modifications include thresholds for modification requests that can be approved by the Director of the Land Development Office. The City should consider allowing this process to apply throughout the City in order to reduce the number of variances requested, allowing minor adjustments to be approved administratively reducing the time and costs incurred by the variance process.

A zoning interpretation process should be added.

Every city has an informal process for text interpretations, but the Code should include a formal process for documenting text interpretations. No code can adequately or clearly address every possible aspect of regulation, so this process allows the Director of the Land Development

Office to render a written interpretation upon request. This results in a record of interpretation requests, which leads to the predictable and consistent application of the regulations.

Temporary uses can be tied to a specific permit (temporary use permit).

As described in the use section above, the Code can more comprehensively address common temporary uses on private property. Therefore, a temporary use permit should be created so that uses can be better regulated for impacts and to ensure that a temporary use is not, in fact, functioning as a permanent use. This would also allow for easier enforcement. Temporary events can bring impacts such as traffic, noise, litter, and security issues. With a temporary use permit, mitigation measures can be required as part of the permit approval and could control the duration of these uses, and enforce violations more effectively and efficiently as the permit would lay out the clear rules for how the event must be conducted. Typically, these are approved administratively, usually by the Director of the Land Development Office.

NONCONFORMITIES

Nonconformity regulations should address the variety of potential nonconforming situations and conform to the Tennessee Code Annotated (T.C.A).

In any Code update, the intent is to eliminate as many nonconformities as possible. Many are eliminated when new or revised zones are tailored to existing conditions, however, some properties and uses will remain nonconforming. Therefore, the nonconformities article should be rewritten for clarity and include provisions for nonconforming uses, structures, and lots. The nonconformity provisions should clearly define and spell out how all of the following nonconformities are regulated. In most cases, this would be a clarification of existing provisions.

- **Nonconforming Structure.** A nonconforming structure is an existing, legal structure that does not conform to the standards of the zone where it is located, created either prior to the effective date of this Code or, as of the effective date of this Code and any subsequent amendment, is made nonconforming. Regulations should outline permitted alterations to such structures. Further, they should be clear that when a structure is damaged by an “act of God,” such as a natural disaster (tornado, wind damage, unintentional fire, etc.) that it may be rebuilt. (The T.C.A. also has specific requirements for nonconforming structures that would be referenced.)
- **Nonconforming Use.** A nonconforming use is the existing, legal use of a structure or land that is not allowed within the zone, created either prior to the effective date of this Code or, as of the effective date of this Code and any subsequent amendment, is made nonconforming. It should be clear that a nonconforming use can only be changed to a use allowed within the zone. With a generic use approach, as described earlier, especially for nonresidential uses, it is anticipated some common types of nonconforming uses would be minimized. (The T.C.A. also has specific requirements for nonconforming uses that would be referenced.)
- **Nonconforming Lot.** A nonconforming lot is an existing lot of record that does not comply with the lot

dimension standards of this Code, created either prior to the effective date of this Code or, as of the effective date of this Code and any subsequent amendment, is made nonconforming. Currently these provisions are contained in Section 38-502 (Lots of record). It should be clarified specifically what nonconforming lots of record may be used for within a zone.

There are exceptions within the nonconformity regulations regarding manufactured homes and their replacement. If these are still utilized, they should be retained.

Two-family homes located in single-family zones are a key existing nonconforming structure/use that should be reevaluated.

Currently, existing two-family dwellings located in single-family zones are subject to a “100 day without power” rule, specifying that if a structure is without power for 100 days or more, it can no longer be used as two-family dwelling. This is an atypical regulation; such a dwelling would most typically be treated as nonconforming, and thereby allowed to continue until such time as it is demolished or converted to a single-family dwelling. The “100 day without power” rule, however, essentially treats these dwellings as illegal, rather than nonconforming. Subsequently, if an existing two-family dwelling located in a single-family zone is without power for 100 days, options for such a structure are boarding it up, tearing it down, or converting it to a single-family dwelling. Alternatively, a rezoning could be sought – but there is no guarantee it would be granted.

Requiring these dwellings to be demolished or converted may work at cross-purposes with key City objectives. In numerous discussions with stakeholders, housing diversity, and affordability have been identified as critical issues for the City to address moving forward. Understanding that there is a need for more – and more diverse – housing units, the utility of the “100 day” rule should be closely examined, as it works against this identified need by pulling viable units out of the housing market based not upon their condition, occupancy or current status, but based upon the provision of electrical service to the premises. As an example, a property could be purchased and undergoing renovations or improvements, yet have its legal status revoked by this

rule, leaving the property owner with little recourse other than to seek a rezoning with no guarantee of approval.

Further, these types of structures are frequently original to the neighborhoods in which they are found, and reflect a diversity of housing stock that was a key character component of these neighborhoods. Allowing, or in fact encouraging such structures to sit vacant or be demolished does little to strengthen neighborhood character.

The current “Special Permit for Two-family or Multi-family Dwellings on Lots of Record” may be eliminated.

Related to nonconforming lot provisions is a special permit that allows for two-family and multi-family dwellings. This reads as follows:

Purpose: The purpose of this Special Permit is to support the development of infill housing by allowing an existing Lot of Record to be developed with Two-family (duplex) Dwellings or Multi-family Dwellings with lot sizes less than the required minimum lot area. The Lot of Record must be zoned appropriately for the dwelling proposed for the site. This permit does not allow for the creation of new lots with sizes smaller than the required minimum lot sizes.

With revisions to a zone structure, a provision such as this one would likely be able to be eliminated.

Flexibilities can be added to the nonconforming single-family and two-family regulations for additions and enlargements.

The Code can allow the nonconforming walls (with some limitations) of existing single-family and two-family nonconforming dwellings that are nonconforming in terms of the side or rear wall to be extended without a variance. This type of provision is very useful in allowing additions to existing homes, as it encourages continued investment in existing older neighborhoods, preserves the existing housing stock, and is a way to reward property owners who continue to invest in their homes, particularly older homes. Where a dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate this Code.



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CHATTANOOGA

Tennessee

ZONING CODE ANALYSIS

DECEMBER 2021
Prepared for the City of Chattanooga

CAMIROS