

DIVISION 14. UGC URBAN GENERAL COMMERCIAL ZONE

Sec. 38-201. Intent.

- (1) It is the intent of the Urban General Commercial Zone to promote traditional urban development with multi-story buildings built close to the sidewalk and a mix of uses within each site and within individual buildings. For instance, residences can be integrated with non-residential development in the form of condos, townhouses, or loft apartments. Such urban places are intended to provide a concentration of goods and services that attract commerce – all within a walkable environment.
- (2) The Urban General Commercial Zone is intended for Urban Infill areas as described in the Comprehensive Plan 2030 and in the Urban Overlay Zone (Article III, Section 38-11). The UGC zone may be appropriate in other locations outside the urban area if the existing development patterns are urban or if a more traditional urban form is recommended in the adopted plan for that area.
- (3) As supported in the Comprehensive Plan, the Urban General Commercial Zone is also intended to promote higher density development that supports transit and multimodal transportation including automobile, bicycle, and pedestrian traffic. The intent is to reduce the need for parking as these urban areas are generally serviced by a well-connected street grid and transit system. Pedestrian and bicycle facilities also play an important role in reducing parking needs by reducing the number of vehicular trips. Parking reductions may also be used in conjunction with all shared parking options to further reduce the number of spaces required.
- (4) *Auto-Oriented Uses* - a use heavily influenced by and primarily dependant on the automobile for its viability, including but not limited to the following examples, or other similar uses as determined by the Chief City Zoning Official. Examples are:
 - (A) Gas Stations
 - (B) Service Stations
 - (C) Convenience Stores
 - (D) Drive-throughs
 - (E) Drive-ins
 - (F) Auto Dealerships
 - (G) Auto Repair/Detailing Shops
 - (H) Car Washes

Building – Any walled and roofed structure used or built for the shelter or enclosure of persons, animals or chattels.

Canopy – Any architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached or by support extending to the ground directly under the canopy and at the outer end by not less than one stanchion. A canopy is comprised of a rigid structure over which a covering is attached.

- (5) Definitions for use in this zone only:

Parapet - The extension of the main wall(s) of a building above the roof line.

Self-service storage facility - A building divided into separate compartments used to meet the temporary storage needs of individuals, organizations, or businesses

for self-service storage of personal property. No access to individual compartments is provided from the exterior and there shall be no outdoor storage. (Ord. No. 11924, 1-16-07; Ord. No. 11968, § 1, 5-15-07; Ord. No. 12302, 10-20-09)

Sec. 38-202. Location.

The Urban General Commercial Zone shall be located so as to primarily serve traffic on arterial or collector streets (see definition “Functional Classification of Streets”), and all businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets.

(Ord. No. 11924, 1-16-07)

Sec. 38-203. Principal Uses Permitted.

The following principal uses and structures may be permitted in any Urban General Commercial Zone:

- (1) Retail Sales and Service Establishments
- (2) Bakeries, delicatessens, meat and fish markets whose products are sold only at retail and on the premises,
- (3) Banks, savings and loan institutions, finance companies and credit unions
- (4) Bowling alleys, billiard rooms, theaters, or other indoor amusement establishments,
- (5) Office buildings,
- (6) Restaurants and other establishments serving prepared food and beverages,
- (7) Hospitals,
- (8) Commercial signs,
- (9) Schools, churches, and other public and semi-public buildings,
- (10) The following uses may be permitted, provided that employee parking and company use vehicles are provided on-premises parking. Parking of said vehicles shall not be within the public right-of way or block visibility to traffic:
 - (a) Plumbing shops
 - (b) Electrical shops
 - (c) Radio and TV shops
 - (d) Appliance repair shops
 - (e) Small print shops
 - (f) Photocopying services
 - (g) Similar workshop type uses
- (11) In general, all stores, shops, or services similar in character, type and effect to the above unless otherwise controlled or provided by law.
- (12) Residential dwelling units, excluding single-family detached and two-family residences and factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.
- (13) Wholesaling with accessory warehousing and related office space provided that said use shall not exceed 5,000 sq. ft. in total usable floor area.
- (14) Motels and Hotels
- (15) Furniture and Appliance Sales
- (16) Self-service storage facility

(Ord. No. 11924, 1-16-07; Ord. No. 12302, 10/20/09)

Sec. 38-204. Uses Permitted as Special Exceptions by the Board of Appeals.

The following uses and structures with their customary accessory buildings may be permitted as special exceptions by the Board of Appeals, subject to the requirements and restrictions as specified in Article VIII:

- (1) Funeral homes, mortuaries, and undertaking establishments (and including cremation/crematory, when used in conjunction with such establishments),
(Ord. No. 12241, § 2, 5/19/09)
- (2) Small animal hospitals and veterinary offices,
- (3) Open-air markets,
- (4) Miniature golf courses and similar outdoor amusement facilities,
- (5) Adult-oriented establishments,
- (6) Day care centers,
- (7) Kennels, boarding, grooming, training and similar uses for small animals,
- (8) Communications Towers:
- (9) The Board of Appeals for Variances and Special Permits may issue a Special Permit for communications towers under the terms specified in Article VIII.
(Ord. No. 11924, 1-16-07; Ord. No. 12241, § 2, 5/19/09)

Sec. 38-205. Uses Permitted as Special Exceptions by the City Council.

The following uses may be permitted as special exceptions by the City Council as authorized by T.C.A. 57-3-208 and Chattanooga City Code, Part II, Sections 5-101 through 5-126.

- (1) Liquor stores,
- (2) Wineries, including vineyards, processing, bottling and sales facilities.
[Removed Special Exceptions Permit for Auto-Oriented Uses](#)

Sec. 38-206. Permitted Accessory Uses and Structures.

The following accessory uses and structures may be permitted in any approved Urban General Commercial Zone:

- (1) Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained: to have an adverse effect on the character of areas surrounding the zone.
- (2) Any outdoor storage of equipment or merchandise shall be limited to 20% of the lot square footage, excluding the area where buildings are located; such area shall be contained by fence, a minimum of six (6) feet high, and shall not encroach upon the required parking area. In the case of commercial nurseries, commercial greenhouses, and garden centers, outdoor storage shall be permitted and screened by a sight obscuring fence, a minimum of six (6) feet high. (Ord. No. 12253, § 3, 6/16/09)
(Ord. No. 11924, 1-16-07; Ord. No. 11968, § 1, 5-15-07; Ord. No. 12253, § 3, 6/16/09)

Sec. 38-207. Repealed. (Ord. No. 11968, § 1, 5-15-07)

Sec. 38-208. Minimum Yard and Landscaping Requirements.

(1) The minimum building setback from the street (s) right- of- way is zero (0) feet: however, a maximum building setback of 15 feet may be permitted if landscaping or pedestrian activity is provided between the building and right-of-way such as a park, plaza, outdoor dining, or sculpture garden and a wall, hedge or fence. For setbacks greater than zero (0) feet, a street edge treatment shall also be provided at the right-of-way (street). For the purposes of this zone, a street edge or “street edge treatment” requires the following:

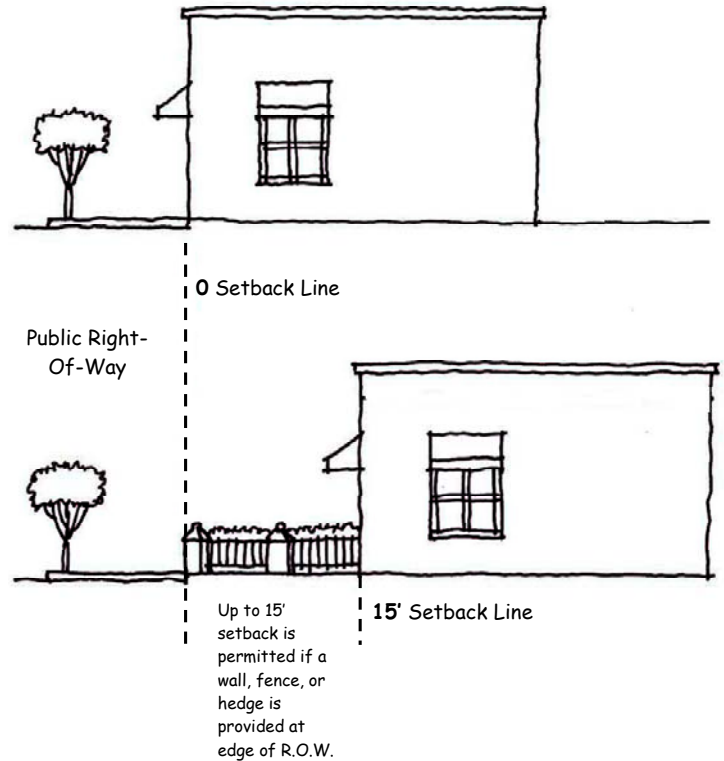
- (a) Shall consist of brick, stucco, or stone walls (concrete block can only be used when faced with said materials), decorative metal fences, (cast iron, or composite material,) and
- (b) shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade provided at the right-of-way to maintain the street edge at the right-of-way line.
- (c) When fences are used, landscape materials such as hedges must also be included to provide a near opaque screen similar in height stated in previous paragraph. Highway-style guardrails or contemporary security fencing (e.g. chain link, barbwire and razor wire) shall not be permitted.

Auto-oriented Uses are exempt from the minimum setback requirements, but must follow the requirements of Sec. 38-212. *Above a-c represents the original language – different format for legibility*

(2) First floor minimum setbacks and screening on corner lots shall be reviewed and approved on a case-by-case basis by the City Traffic Engineer prior to the issuance of any building permit to insure adequate sight triangle visibility.

(3) Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where permitted use adjoins any Residential Zone.

- (4) For the purposes of this zone, canopies, whether attached or detached:
- (a) are not considered part of the “building” or eligible as part of the calculations for setback requirements. “Setback” is defined as the distance between the primary (principle use) building and





any lot line. Front setbacks are measured from the right-of-way on the primary street with the most vehicular traffic.

(b) require a street edge delineating the public and private space at the right-of-way. **The street edge shall be as described by Sec 38-208, (1).** *Removal of repetitive language describing street edge.*

(5) The minimum lot area for dwellings shall be five thousand (5,000) square feet, plus one-thousand (1,000) square feet for each additional dwelling unit. This minimum lot area shall be in addition to the area required for the commercial use and its parking and loading area.

(6) Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.

(7) **Environmentally sustainable practices suggest that landscaping is adequately provided throughout the site.**

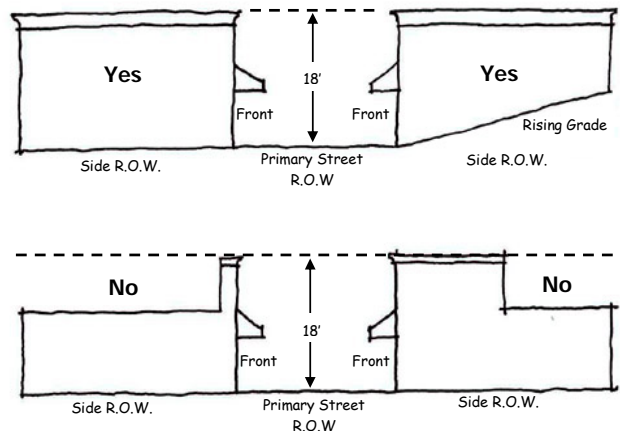
(a) Due to the urban character of the zone and the urban setback requirements, property within the Urban General Commercial Zone is exempt from the street yard requirements of the Chattanooga Landscape Ordinance when a 0' to 15' setback is proposed. Instead of a street yard, street trees shall be planted along the sidewalk. When a setback deeper than 15' is proposed, in addition to requiring street trees planted along the sidewalk, the City's Landscape Inspector may require a street yard, buffer plantings or other landscape treatments as outlined in the Chattanooga Landscape Ordinance.

(b) To achieve the city's goal of a 15% tree canopy in urban areas, surface parking lots shall be landscaped with a minimum of one (1) tree for every five (5) parking spaces. Type I shade trees shall be used unless overhead utility lines necessitate smaller trees.

(Ord. No. 11924, 1-16-07; Ord. No. 12302, 10/20/09)

Sec. 38-209. Minimum Building Height.

- (1) A minimum building height of eighteen (18) feet should be maintained along all street rights-of-way, except if the street grade along the side of the building rises from the front of the building to the rear of the building creating the appearance of a shorter height.
- (2) The approval of the Regional Planning Agency is required if



minimum building height is proposed to be less than eighteen (18) feet. Appeals of the Regional Planning Agency staff decision shall be heard as a design review decision by the Chattanooga-Hamilton County Regional Planning Commission. A deviation from the specific height requirement will be considered under the following conditions:

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

(Ord. No. 11924, 1-16-07)

Sec. 38-210. Maximum Building Height.

- (1) Maximum building height should not exceed forty (40) feet.
- (2) Maximum building height measurements shall not include chimneys, water tanks or towers, elevator bulkheads, ornamental towers or spires, stair enclosures, monuments, cupolas, domes, similar structures and necessary mechanical appurtenance.
- (3) Maximum building height measurements shall include parapet walls if included.



- (4) The approval of the Regional Planning Agency is required if maximum building height is proposed to be higher than forty (40) feet. Appeals of the Regional Planning Agency staff decision shall be heard as a design review decision by the Chattanooga-Hamilton County Regional Planning Commission. A deviation from the specific height requirement will be considered under the following conditions:
 - (a) The applicant presents an alternative that complies with the stated intent, goals and general standards of the Zone.
 - (b) The deviation from the standard is consistent with adopted plans and principles for the area.
 - (c) The deviation is compatible with the character of the Zone where it is proposed, and with the size and location of the buildings in the vicinity.
 - (d) The physical conditions of the property, such as steep slopes, drainage, easements, or small or irregular lot shape make compliance to this specific requirement impossible.

- (e) Communications towers shall be subject to the setback requirements set forth in Article VIII.

(Ord. No. 11924, 1-16-07)

Sec. 38-211. Additional Standards.

- (1) There shall be provided at least one (1) primary pedestrian entrance (door) from the primary street.
- (2) Additional curb-cuts shall not be incorporated on major streets. Side streets and alleys are preferred to be used for access. If it is physically impossible or unsafe to locate vehicular access anywhere but a major street, the City Traffic Engineer and the Regional Planning Agency may approve a curb-cut onto a major street.
- (3) Placement of all dumpsters to the rear of the property or away from residential areas is preferred. In all cases, dumpsters shall be screened from any public right-of-way.
- (4) There shall be a percentage of openings (doors and windows) on the ground floor primary street facade of no less than 30%.
- (5) No security-type roll up metal doors shall be permitted on the primary street.
- (6) Applicants seeking rezoning to this zone or individuals considering development or redevelopment of properties zoned Urban General Commercial Zone shall attend the City of Chattanooga's Pre-submittal meeting to gather important guidance and feedback on the technical issues of the project and should consider using the Regional Planning Agency's Planning and Design Studio for project consultation.
- (7) Off-street parking should not be located between the building and the primary street. Parking should be located to the rear of the building. If it is physically impossible to locate parking to the rear of the building, parking may be located to the side of the building. *If parking or driveways front any street, a street edge that includes a decorative fence, wall and/or hedge shall be provided along the street (excluding alleys) to screen the parking. This street edge shall meet the requirements of "street edge treatment" and landscaping as described in Sec 38-208 (1). Removal of repetitive language describing street edge and fencing. See below # 9*
- (8) For off-street parking requirements, see Article V, Section 38-471, *et seq.* On corner lots, screening shall be reviewed and approved on a case-by-case basis by the City Traffic Engineer prior to the issuance of any building permit to insure adequate sight triangle visibility.
- (9) Highway-style guardrails, stockades, or contemporary security fencing (e.g. chain link and/or razor wire) shall not be visible from any public right-of-way.

(Ord. No. 11924, 1-16-07; Ord. No. 11968, § 1, 5-15-07; Ord. No. 12302, 10/20/09)

Sec 38-212. Auto-Oriented Uses.

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

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

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

2.) General Restrictions:

- (a) The only off-street parking allowed between the primary building frontage and the primary street is for temporary parking (for drop-offs, etc.) and/or handicapped spaces.
- (b) Small scaled, stand alone drive-throughs or “drive-ups” are not allowed.
- (c) Canopies should be designed as secondary (in size, scope and use) to the primary building.
- (d) Roof signs, billboards and/or other off premise signs are not permitted. The sides and tops of canopies cannot be illuminated or include additional signage. Lighting must be directed downwards to reduce excessive glare and light pollution.
- (e) All mechanical equipment, whether on the ground or rooftop, shall be screened from all public rights-of-way.
- (f) The display and/or sale of vehicles (excluding scooters, bicycles and other non-motorized craft) requires a street edge treatment at the public right-of-way as described in Sec 38-208 (1). The following shall be screened from view from all public rights-of-way: the outdoor storage of equipment and products, other apparatus related to vehicular sales and/or repairs; and loading and parking areas for large, heavy-use vehicles, dump trucks, repair vans and/or fleets.
- (g) Garage doors and loading docks shall not front or be visible from the primary street.

Sec. 38-213 Appeals.

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

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

March 4, 2010