

**STAFF REPORT ON ZONING ORDINANCE TEXT CHANGES SINCE  
RELEASE OF FORM BASED CODE DRAFT, APRIL 21**

The following provides a list of the comments relating to specific requests to change a standard or text narrative in the code. These comments were received by staff following the release of the revised draft on Friday, April 15th. The comments include all responses from phone messages, emails and public comments at the April 21st public hearing. The comments are organized by each division in the Code. Each comment and any corresponding staff response is provided with a unique number.

**DIVISION 1: INTRODUCTORY PROVISIONS**

- As a follow-up to comments received at the March public meeting requesting that an annual review be incorporated into the ordinance language, staff recommends the following addition to the introductory provisions.

**CHANGE # 1, P 1-3**

Section 38-692 Legal Requirements, Add the following:

"(9) The FBC Administrator shall work with the Form Based Code Committee established by this ordinance to conduct at a minimum, an annual review of the form based code standards and review process. This review will include a survey of applicants who participated in the review process and solicit the feedback of neighborhood associations. The information garnered from the survey information and staff report will be reviewed by the Form Based Code Committee and presented by the Committee to the City Council with any recommendations for changes to code standards or the administrative process."

**DIVISION 2: ADMINISTRATION**

- Staff received comments that the staff approved modifications should be limited to the merits of the request itself, and not subject an applicant to negotiating trade-offs of a modification for other property enhancements.

STAFF RECOMMENDATION: add language to clarify the intent of Minor Code Modification review.

**CHANGE # 2, Page 2-4**

Section 38-696, Technical Plan Review, (4) Code Modifications, B. Minor Code Modifications, add the following sentence after the first paragraph:

"Staff is only authorized to take action on the merits of a specific requested code modification and is not authorized to require the applicant to offset the code modifications with additional development enhancements"

### DIVISION 3: RULES FOR ALL ZONES

- Staff received comments that the illustration for Residential Attached lot type (p. 3-5) does not include an illustration of a detached accessory dwelling

STAFF RECOMMENDATION: The Residential Attached lot type is intended to include accessory buildings to the rear. Staff will add an illustration to support this as requested.

- Staff received comments to clarify if the following requirement is applicable to residential detached/attached development (p. 3-13). "Any setback greater than 5 feet must provide an intentional public or pedestrian activity space between the building and the right-of-way, such as a park, plaza, outdoor dining, or landscaped area including shrubs and trees."

STAFF RECOMMENDATION: This standard is not intended to be applied to residential detached or attached units, but for multi-family and commercial development. Proposed change to reinforce this intent

#### CHANGE # 3, Page 3-13

Section 38-698. Measurements and Exceptions, (2) Building Placement, C. Setbacks

Replace "2. Any setback greater than 5 feet must provide an intentional public or pedestrian activity space between the building and the right-of-way, such as a park, plaza, outdoor dining, or landscaped area including shrubs and trees."

With

"2. Except for single unit living detached and attached developments, any setback greater than 5 feet must provide an intentional public or pedestrian activity space between the building and the right-of-way, such as a park, plaza, outdoor dining, or landscaped area including shrubs and trees."

- Staff received comments asking to clarify the following (p.3-18): "Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback."

STAFF RECOMMENDATION: to simplify this measurement, staff recommends the following change:

#### CHANGE # 4, Page 3-18

Section 38-698. Measurements and Exceptions, (4) Height and Mass, A. Building Height

Replace "2. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback",

With "2. Average grade is determined by calculating the average of the highest and lowest elevation along the finished grade along the front of the building parallel to the primary street setback."

## DIVISIONS 4 - 7: DISTRICT STANDARDS FOR DOWNTOWN, RIVER, URBAN, AND URBAN EDGE

- Staff received comments regarding Residential ground floor elevation of 18 inches. The comment noted that the total minimum height needs to work in increments of 4 inches to work with CMU block.

STAFF RECOMMENDATION: reduce the minimum Residential ground floor elevation from 18 inches to 16 inches.

### CHANGE # 5

Replace "Residential ground floor elevation 18" min/5' max" with

"Residential ground floor elevation 16" min/5' max"

For all Public Realm tables where 18" minimum ground floor elevation is required

- Staff received comments requesting to reduce the minimum ground story height of 11ft to 10 ft for Residential Attached to provide more flexibility.

STAFF RECOMMENDATION: staff is fine with reducing the ground story height from 11ft to 10ft for the Residential Attached zone.

### CHANGE # 6

Replace "Ground story, floor to floor 11ft" with

"Ground story, floor to floor 10ft"

For the Downtown Residential Attached Public Realm table, Page 4-6, (no 11ft requirements for ground story in other contexts)

## DIVISION 8: USE PROVISIONS

- No comments

## DIVISION 9: PARKING AND ACCESS

- Staff received comments at the PC hearing on April 21 and emails from several concerned residents about the lack of any required parking minimums in the code, particularly in areas bordering existing neighborhoods.

STAFF RECOMMENDATION: Reinstate Section (1) under Section 38-741 to provide the following minimum parking standards:

**CHANGE # 7, Page 9-2**

Section 38-741. Vehicle Parking add the following

"(1) Required Parking Spaces

A. The following parking minimums apply to the River, Urban and Urban Edge contexts, except for properties that meet the following exclusions:

1. Properties located in the Downtown Core Context
2. Non-residential projects on lots that have an area less than 4,000 sqft
3. Single unit living (detached/attached) or two unit living projects

B. All other properties shall provide the following parking minimums. All fractions of a parking space are rounded up to the next whole number.

<b>Minimums</b>	
Multi-unit living (3 or more units in a single structure)	0.75 spaces per unit
Live/work unit	1 space per unit
Commercial	1 spaces per 1,000 square feet of gross leasable area
Industrial	0.75 spaces per 1,000 square feet of gross leasable area

C. The following discounts can be applied to meet the parking minimums with approval of the FBC Administrator:

<b>Discounts Allowed</b>	
Remote/off-site parking within ¼ mile of the site	Off-site parking within ¼ mile of the site can be counted towards the parking minimum.
Property provides long-term bike parking	Receive a one to one credit for each long-term bike parking space provided on-site for up to 25 percent of total required minimum parking. Long-term bicycle parking must be located in an enclosed area providing protection from weather and must be accessible to intended users.

D. For existing buildings with no increase in gross floor area, after all discounts have been applied, the applicant is not required to provide more on-site parking than the existing site can physically accommodate."

- Staff received public comments and a number of emails from citizens concerned about removing the long-term bike parking requirements. It should also be noted that the prior long-term parking standards that were included in the first draft received concerns from development stakeholders that they were excessive.

STAFF RECOMMENDATION: The current draft does require short term bike parking. To encourage the provision of long-term bike parking, the proposed parking change noted above provides for a one for one credit (receive credit towards one required parking space for each long-term bike space provided) for up to 25 percent of the total minimum required parking.

- To create more flexibility for parking on small sites, staff recommends reducing the minimum drive-aisle width from 24 ft to 22 ft.

**Change #8; Page 9-5**

Section 38-743, Parking Lot Access and Design, (4) Parking Space Specifications

Replace minimum width standard of 24ft for Drive aisle width with 22 ft.

**DIVISION 10: LANDSCAPE**

- Staff received comments requesting that the exemption for small parking lots under 10 spaces from parking lot landscaping (included in first draft released in February) be reinstated.

STAFF RECOMMENDATION: After additional site analysis that was performed for the minimum parking standards, staff recommends reinstating this exemption so as not to conflict with the ability of small sites to provide on-site parking.

**Change #9; Page 10-3**

Section 38-748, Parking Lots, (1) Applicability, add the following sentence:

"Parking lot landscaping is required for all on-site vehicle parking areas with more than 10 spaces."

## DIVISION 11: SIGNS

- Staff received comments concerning how the Form Based Code treats temporary construction or realtor signs.

STAFF RECOMMENDATION: add a reference in the sign section that refers to the Chattanooga sign ordinance which governs these temporary signs.

### **Change #10; Page 11-3**

Section. 38-754, (4) Other Signs, replace "A. Temporary signs or banners, regardless of size, can only remain in place for 30 days and require a sign permit, per the Chattanooga Sign Ordinance."

With

"A. Temporary signs, banners, construction, or realtor signs shall be governed by the Chattanooga Sign Ordinance."

## DIVISION 12: SITE LIGHTING

- No comments

## DIVISION 13: DEFINITIONS

- No comments