2ND READING 574-09

RDEX NO.

2009-059 City of Chattanooga c/o City Council

ORDINANCE NO. 12245

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE. PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND BOUNDED ON THE NORTH BY THE 1900 THRU 2100 BLOCKS OF CITICO AVENUE, ON THE SOUTH BY THE 1900 THRU 2200 BLOCKS OF McCALLIE AVENUE, ON THE EAST BY THE 100 THRU 300 BLOCKS OF NORTH LYERLY STREET AND THE 400 THRU 700 BLOCKS OF DODSON AVENUE, AND ON THE WEST BY THE 100 THRU 700 BLOCKS OF NORTH ORCHARD KNOB AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE. FROM R-3 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE AND FROM R-3 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL TO ZONE R-1 RESIDENTIAL ZONE.

WHEREAS, the Chattanooga-Hamilton County Regional Planning Agency has conducted a zoning study of areas of Chattanooga known as Churchville and Orchard Knob a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the studies of these areas recommended that most parcels be zoned to R-1 Residential Zone;

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same is hereby amended, so as to rezone:

From R-3 Residential Zone to R-1 Residential Zone:

All those properties which are zoned R-3 and located in the Churchville Neighborhood which is bounded on the north by the 1900 thru 2100 blocks of Citico Avenue, on the south by the 1900 thru 2200 blocks of East 3rd Street, on

the east by the 400 thru 700 blocks of Dodson Avenue and on the west by the 400 thru 700 blocks of North Orchard Knob Avenue, more specifically those parcels identified as Tax Map 146C-L-001, 146C-L-003 thru 005, 146C-L-007 thru 029.01, 146C-L-030 thru 032, 146C-Q-001 thru 010.01, 146C-Q-011 thru 012, 146C-Q-015 thru 025.01, 146C-Q-027, 146C-Q-029 thru 030.01, 146C-Q-031 and 032, 146C-R-001 thru 021, 146C-R-023 thru 032, 146C-S-001, 146C-S-004 thru 007 and 009 thru 012, 146C-S-014 thru 027, 146C-T-001, 146C-T-003 thru 004.01, 146C-T-005 thru 015, 146C-T-017 and 018, 146C-T-021 and 022, 146C-T-025 thru 027, 146C-T-030 and 032, 146C-T-033 and 034, 146C-T-036 thru 039 and 041, 146F-E-001 thru 027, 146F-E-029 thru 034, 146F-F-001, 146F-F-003 thru 029, 146F-F-032, 146F-F-034 and 035, 146F-G-001 thru 003, 146F-G-005 thru 012, 146F-G-014 thru 018 and 020, 146F-G-022 thru 024, 146F-G-026 thru 029.01, 146F-G-030 thru 038, 146F-G-041 thru 043, 146F-H-001 thru 004, 146F-H-007 thru 014, 146F-H-016 thru 025 and 027 thru 029, 146F-J-001, 146F-J-004, 146F-J-007, 146F-J-009 thru 011, 146F-J-014 and 014.01, 146F-J-016 thru 022 and 024, 146F-J-027 thru 034, 146F-J-036 thru 044, 146F-K-001, 146F-K-003 thru 006, 146F-K-011 and 012, 146F-K-014 thru 016, 146F-K-019 and 020, 146F-K-022, 146F-K-025 and 026, 146F-K-030 thru 036, 146F-K-038 thru 044, 146F-K-046 thru 050, 146F-K-053 and 058, 146F-N-001 thru 006, 146F-N-011 thru 016, 146F-N-018 thru 021.01, 146F-N-022 and 031, 146F-P-001 thru 006, 146F-P-008 thru 016.

From R-3 Residential Zone and C-2 Convenience Commercial Zone to R-1 Residential Zone:

A property located in the Churchville Neighborhood, Tax Map No. 146F-K-028.

From R-2 Residential Zone to R-1 Residential Zone:

All those properties which are zoned R-2 and located in the Orchard Knob Neighborhood which is bounded on the north by the 1900 thru 2200 blocks of East 3rd Street, on the South by the 1900 thru 2200 blocks of McCallie Avenue, on the east by the 100 thru 300 blocks of North Lyerly Street and on the west by the 100 thru 300 blocks of North Orchard Knob Avenue, more specifically those parcels identified as Tax Map 146F-U-001 thru 005, 146F-U-009 thru 021, 146F-V-001 thru 029, 146F-W-010 thru 018 and 020, 146K-A-001 thru 033, 146K-B-008 thru 021, 146K-C-001 thru 007.01, 146K-C-008 thru 011.01, 146K-C-012 thru 024, 146K-D-001 thru 006 and 008, 146K-D-010 thru 027, 146K-E-007 thru 014, 146K-E-016 thru 016.04, 146K-E-017, 146K-M-005,146K-N-001 thru 004.01, 146K-N-005 thru 012, and 146K-P-001 thru 007.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

PASSED on Second and Final Reading	
, 2009.	CHAIRPERSON
	APPROVED: X DISAPPROVED:
	RATE: May 22, 2009
	MAYOR
/mms	

CHURCHVILLE AND ORCHARD KNOB ZONING STUDY Case 2009-059

Chattanooga-Hamilton County Regional Planning Agency

Amended Version April 01, 2009

For further information contact Bryan Shults, 423-757-5216

RESOLUTION NO. 25511

A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO CONDUCT A ZONING STUDY FOR THE ORCHARD KNOB AND CHURCHVILLE AREAS.

WHEREAS, a zoning study can determine if the current zoning supports and encourages current and future land uses which are consistent with the development character of the neighborhood; and

WHEREAS, the study area includes those residentially-zoned properties generally bounded by Citico Avenue to the north, Dodson Avenue to the East, McCallie Avenue to the south and Orchard Knob avenue to the west; and

WHEREAS, the study boundary may be expanded to include residentially-zoned property west of Derby Street and other neighboring areas; and

WHEREAS, the intention of this zoning study is not to include those properties with a commercial or manufacturing zoning.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the Chattanooga-Hamilton County Regional Planning Agency be and is hereby authorized to conduct a zoning study for the Orchard Knob and Churchville areas, as generally described above.

ADOPTED: April 29 ,2008

1.0 INTRODUCTION

1.1 Study Purpose

The Chattanooga City Council passed Resolution Number 25511 on April 29, 2008 directing the Regional Planning Agency to conduct a zoning study for certain portions of the Orchard Knob and Churchville neighborhoods. The purpose of the zoning study is to determine if the current zoning supports and encourages current and future land uses which are consistent with the development character of the neighborhood. The zoning study includes *residentially-zoned* properties found within the study boundary. The intention of this zoning study is to *not include* those properties with non-residential zoning.

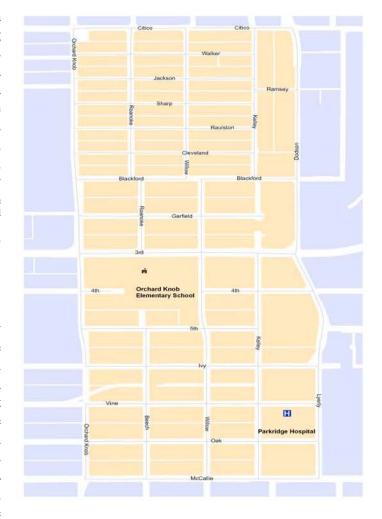
1.2 Study Area

The general study boundary is as follows: Citico Avenue to the north, Dodson Avenue to the east, McCallie Avenue to the south, and Orchard Knob Avenue to the west.

Due differences to characteristics such as existing zoning, land use, and lot sizes this zoning study was separated into the Orchard Knob and Churchville sections. The Orchard Knob is section 3rd Street, bounded by E. Knob Orchard Avenue. McCallie Avenue, and Lyerly Churchville Street. The section is bounded by E. 3rd Street, Orchard Knob, Citico, and Dodson Avenues.

1.3 Development History

According to the History Section included within the Glenwood, Churchville, and Orchard Knob Neighborhood Plan adopted in 2002 the first wave of residential home construction occurred between 1905 and 1920, many years before development regulations such as subdivision, zoning, and fire and building code



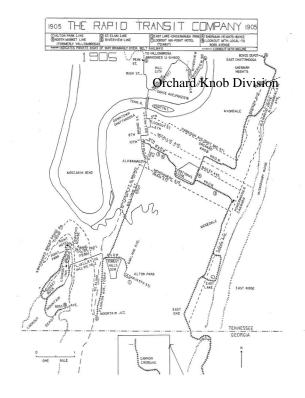
regulations were adopted by the City of Chattanooga. A second wave of residential home construction within the study boundary occurred during the early to mid 1940's. The

Orchard Knob Elementary school, built between 1902 and 1904 was constructed to accommodate anticipated growth in the Orchard Knob, Churchville and Glenwood communities. The Orchard Knob Elementary School was torn down and on August 05, 2008 a dedication and a ribbon cutting ceremony was held to officially open the newly constructed 86,000 square foot Orchard Knob Elementary School.

The study area was annexed by the city in 1922 and 1923. Many community leaders at the time were in favor of the annexation because of a lack of basic necessities in the community. Streets were not paved and sanitation was a problem in this new residential community. Land was ample and residential and institutional uses merged within the area as several hospitals chose to move into the Orchard Knob, Churchville, and Glenwood communities. In the 1940's the Tuberculosis Hospital was built on Citico Avenue. Many other large institutions followed, including Memorial Hospital, Orange Grove Center, and Parkridge Hospital. Institutional uses have grown substantially in the past several decades within this general area of the city. There has been continuing development pressures on the surrounding residential areas, however, these institutional uses are an economic component to the neighborhood and region.

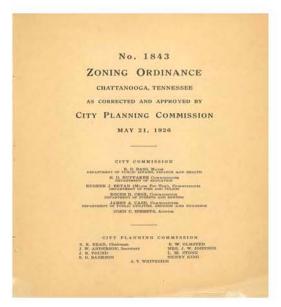
Another development issue that played an important role in development not only in this

study boundary but on the entire corporate limits of Chattanooga was the addition of the electric trolley system. The first electric cars were put into operation in 1888 and ran from the Stanton House, later site of the Terminal Station (Chattanooga Choo Choo) to the Tennessee River. trolley system eventually grew to 109 cars operating on 110 miles of track. Within the study boundary of this zoning study the trolley system tracks followed along present day Dodson and Lyerly Streets and then along a right-ofway located between Ivy Street and Vine Street and then ran along Vine Street in the Orchard Knob neighborhood eventually connecting to Holtzclaw Avenue. The map to the right shows the



general area of the electric trolley system in 1905 that was operated by the Rapid Transit Company. The map was provided in a report written by David Stankey in 1975 entitled "Chattanooga's Steam Dummy Railroad Operations and their Eventual Development into the Rapid Transit Company". After WWII rail travel began to decline and on April 10, 1947 the electric trolley system ran the last trolley within Chattanooga.

It is important to note that the early residential construction that took place within the study boundary pre-dates subdivision and zoning regulations. The first zoning ordinance within the City of Chattanooga was adopted on January 25, 1927. The zoning map that was adopted as part of the 1926 zoning ordinance indicates that the Orchard Knob community was zoned Residential District A. Permitted uses within the Residential District A include single-family, two-family, churches, and schools. In 1926, the minimum lot area in the Residential District A was 3,000 square feet per family/dwelling unit. Churchville community was zoned Multiple



Dwelling B. Permitted uses within the Multiple Dwelling B classification includes any of the uses permitted within the Residential District A classification, which includes single and two-family dwellings, multiple dwellings, boarding and lodging houses, hotels, hospitals and clinics, and private clubs, fraternities, and lodges. In 1926, the minimum lot area in the Multiple Dwelling B district was 1,500 square feet per family/dwelling unit, or 3,000 square feet for a two-family dwelling.

2.0 PUBLIC PLANNING PROCESS

On November 06, 2008 a public meeting with approximately 50 attendees was held at the Orchard Knob Elementary School to obtain feedback from the community with regard to the physical development of the Orchard Knob and Churchville neighborhoods. The concerns and issues stated that evening were combined into the following two categories: physical development and codes enforcement. The number in the parenthesis represents the number of votes placed by that concern or issue by the residents in attendance.

Physical Development

- (14) Get rid of the ability to have apartments. Would like to remove the ability to have duplex development. (5) No new duplexes/(4) Conversion of single-family residential developments into duplexes.
- (5) Guidelines for absentee landlords. (3) Renters should be held to a higher standard like owners. (2) Owners generally take better care of property. Current zoning hinders the future development of the neighborhood.
- (1) Prefer single-family residential developments. Need more single-family and less multi-family. (4) Have enough multi-family developments.
- (4) R-1 zone most appropriate/(6) Not enough R-1 zoning.
- (1) People starting businesses in houses/ (2) Too many unauthorized businesses.
 - (2) Repair cars issue. (5) Large homes being converted into small businesses.
- Commercial buildings of no benefit to the community.
- (2) Narrow streets limit parking to one side.
- (3) Churchville area has smaller lots but R-3 zoning.
- (5) Mostly single-family homes, but R-2 or R-3 zoning (doesn't match).

- (1) The current R-3 zone allows daycares that neighborhood doesn't want.
- (4) Too many boarding group homes.
- (1) Too many non-related families living in a single family residential structure.
- (1) Protection of property values.
- (2) Older single-family homes are being converted to multi-family (apartments).
- (5) R-2 encourages more apartments disproportionately to single family.
- (5) Rental unit increase the number of transients within the neighborhood.
- (1) Rental developments discourage homebuyers from coming into the neighborhood. Section 8 Housing.
- (1) Elderly long-term residents feel threatened by rental activity.
- (1) Other neighborhoods have R-1 zoning and have less rental developments.
- (3) Owner occupied properties generally better maintained than rental properties.
- Lack of retail/personal service establishments.
- Eliminate residential homes that are here-condo, medical office, concerned what zoning study will recommend.
- If house burns, couldn't rebuild. Need reassurance that they will be able to rebuild.
- Concerned property owner forced to sell to doctor's buildings.
- Residential property being converted to doctor's buildings.

Code Enforcement

- (2) More effective code enforcement would help improve housing conditions- apts.
- (5) Larger homes being converted into small businesses.
- (3) Illegal drug activity attracted by rental and some homeowners.
- (3) Homes not following housing code. Less up-keep and more overgrowth.
- (1) Lack of property upkeep by rentals impacting home-owners property values. Property maintenance-overgrowth if multiple properties, unoccupied residents.
- Home in Orchard Knob has 30 people living in it- 2 family dwelling, 18 cars, children, 1 duplex, garage, duplex.
- Nuisance: loud music
- Unsafe access onto alleys within the neighborhood. City not clarified ownership or cleaned up alleyways.
- Ditches & fields are not being maintained.
- Streets are not being maintained by the City of Chattanooga. This has negative impact from people, no upkeep from city.
- Property maintenance, drugs, nuisance-ham radio.
- Neighbor parking blocking driveway.
- The city is forcing people out of homes if can't fix them up. Inspectors, not complaint driven.

Other

- (7) Creek Maintenance.
- Long time residents in neighborhood who are committed to safety within the community. Residents feel fenced in.
- Not hiring people in community
- The zoning study should be broken into separate studies: one for Churchville and the other for Orchard Knob.

3.0 ORCHARD KNOB NEIGHBORHOOD EXISTING CONDITIONS

3.1 Existing Land Use

Land use describes how a particular lot or parcel of land is actually being used. For example, a property may be zoned R-3 (multi-family), but occupied by a single-family residence.

The table to the right represents the various types of existing land uses and the amount of land, in terms of acres that each land use category occupies within the Orchard Knob neighborhood. The number of acres for each land use classification is parcel based.

LAND USE	NO. OF ACRES	PERCENT OF STUDY AREA
Single-Family	28	48%
Two-Family	2	3%
Multi-Family	1	2%
Commercial/Office	2	3%
Institutional	23	40%
Vacant	2	3%

Residential uses account for 31 acres, or 53% of the land within the Orchard Knob neighborhood. Of the 31 acres of residential land, approximately 28 acres, or 90% of the land devoted residential uses is used as a single-family residential dwelling. Two-family and multi-family structures account for the remaining 10% of the land devoted residential land use. Two-family dwellings are scattered throughout the neighborhood and are not clustered and concentrated.

The second largest user of land within the Orchard Knob neighborhood is institutional uses. Institutional uses account for 23 acres, or 40% of the land within the Orchard Knob neighborhood. Institutional uses include churches, schools and colleges, health care related facilities, cemeteries, and government uses. Institutional uses within the Orchard Knob neighborhood include the Orchard Knob Elementary School, Parkridge Hospital, and several medical office complexes located along East 3rd Street and Lyerly Street.

Approximately 2 acres, or 3% of the land within the Orchard Knob neighborhood is considered to be vacant property. For purposes of this report vacant property includes vacant lots, buildings and/or structures that are boarded-up. The vacant property is generally scattered throughout the neighborhood and is not concentrated or clustered along certain streets. The vacant lots are generally located along several major streets within the neighborhood such as McCallie Avenue, Orchard Knob, or Oak Street.

CURRENT LAND USE



Single-Family Two-Family

Multi-Family

Retail Sales/Service

Office/Office Park Institutional

Vacant

3.2 Zoning

The Chattanooga Zoning Ordinance, available online at <u>www.chcrpa.org</u> is the primary tool for land use regulations. The zoning ordinance seeks to protect public health, safety, and welfare. Every piece of property including right-of-way dedicated to streets in Chattanooga is given a zone.

Commercial, manufacturing and office zoning is found within the Orchard Knob

neighborhood; however, intention of zoning study is to examine residentially zoned properties. This zoning study will make no recommendation for non-residentially zoned properties. There are three (3) residential zones within the boundary of the Orchard Knob neighborhood: R-2, R-3, and R-4 zones.

LAND USE	AND USE R-2 ZONE		R-4 ZONE	
Single-Family	Permitted	Permitted	Permitted	
Two-Family	Permitted	Permitted	Permitted	
Multi-Family	Not Permitted	Permitted	Permitted	
Boarding, Lodging and Bed & Breakfast	Not Permitted	Permitted	Permitted	
Offices	Not Permitted	Not Permitted	Permitted	

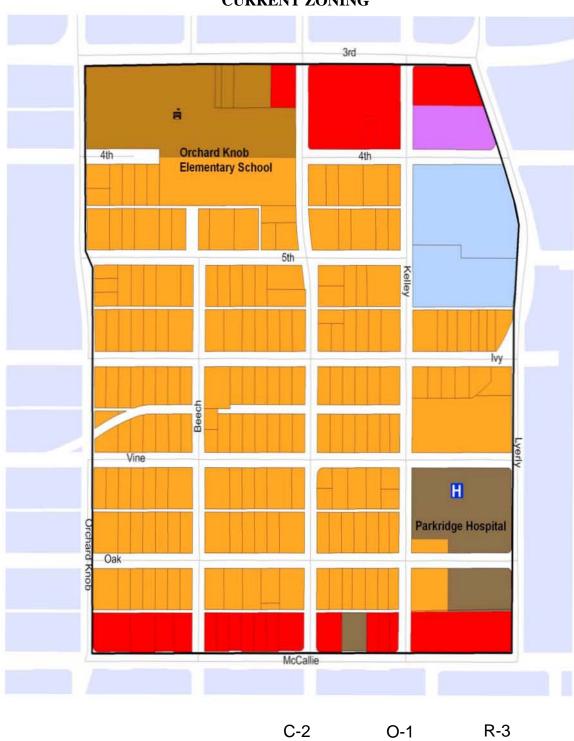
In terms of *residential* zoning, approximately 62% of the Orchard Knob neighborhood is zoned R-2. Permitted

uses in the R-2 zone include single-family and two-family dwellings. The Orchard Knob Elementary School and the property immediately adjacent to the Orchard Knob Elementary School

ZONE	ACRES	% of AREA
C-2	8	14%
M-1	1	2%
0-1	4	7%
R-2	36	62%
R-3	5	8%
R-4	4	7%

are zoned R-3, which accounts for 8% of the zoning within the Orchard Knob neighborhood. R-4 zone accounts for approximately 7% of zoning in the Orchard Knob neighborhood. The R-4 zone permits residential dwellings but in this zoning study boundary the R-4 zone is generally used for its more intense scale and capacity as office buildings (for example, portions of the Parkridge Hospital campus is zoned R-4.)

CURRENT ZONING



Orchard Knob
M-1 R-2 R-4

3.3 Area Requirements

Area regulations include lot size, minimum frontage on a public road, and minimum

setback requirements from property/lot lines. Does the existing lot meet the proper size and/or area requirements to take advantage of its current zoning? For example, a lot is zoned R-2. The R-2 zone permits two-family dwellings, but these uses may be prohibited if the lot does not meet the minimum 9,500 square feet for the construction of a two-family dwelling.

In addition to permitted uses, the zoning ordinance also establishes area regulations that must be met in order for permitted uses to be constructed on a lot.

The following table describes the various minimum lot size requirements for residential land uses within each of the residential zones within the Orchard Knob neighborhood. These minimum lot size requirements are based on lots with public water and sewer and are not considered a Lot of Record.

LAND USE	R-2 ZONE	R-3 ZONE	R-4 ZONE
LAND GOL	IN-Z ZOIAL	K-3 ZONE	N-4 ZONE
Single-Family	7,500 Square Feet*	7,500 Square Feet*	7,500 Square Feet*
Two-Family	9,500 Square Feet*	9,500 Square Feet*	9,500 Square Feet*
Multi-Family	Not Permitted	7,500 square feet for 1st unit with an additional 2,000 square feet for each additional unit	7,500 square feet for 1st unit with an additional 2,000 square feet for each additional unit
Boarding, Lodging and Bed & Breakfast	Not Permitted	7,500 square feet for first two lodgers/boarders with an additional 500 square feet for each additional lodger or boarder	7,500 square feet for first two lodgers/boarders with an additional 500 square feet for each additional lodger or boarder

^{*} Standards do not apply to Lots of Record (See Page 12).

3.4 Lots of Record

In addition to the minimum lot size requirements stated in the table in section 3.3 of this zoning study the Chattanooga Zoning Ordinance has established height and area exceptions for legally recorded lots in the Hamilton County Register of Deeds before June 20, 1961. Lots legally recorded prior to June 20, 1961 are called Lot of Record. Based on the zoning ordinance a Lot of Record will have different area requirements.

Often, the terms lot and parcel are often used interchangeable; however, there difference between the two. A parcel is a quantity of land identified for taxation purposes, while a lot is a recognized subdivision of property with a written legal description. It is common for a lot and a parcel to share the same space and have common boundaries, but this is not always the especially in established older, neighborhoods. For instance, it is possible for

PARCEL: A quantity of land identified for taxation purposes. A parcel may be composed of a lot of record, lot, lots, or portions of a lot.

LOT: A recognized subdivision of property with a written legal description.

a parcel to have more than one lot, or portions of lots.

Lot 5	Lot 6	Lot 7	Lot 8	Lot 9	Lot 10	Lot 11	Lot 12 Parcel
		 - -	 - -	Parcel	Parcel		65 Parcel
Parcel 70		Parcel 90	 	100	102		55

A single-family dwelling may be built on any lot that was recorded, by deed at the time of the passage of the Chattanooga Zoning Ordinance on June 21, 1961, or on any lot legally platted or recorded with the Hamilton County Register of Deeds on or before June 21, 1961, in any zone where dwellings are permitted regardless of lot size. In addition, the Lot of Record will be required to meet the minimum yard (setback) and off street parking requirements according to the zone where the lot is located.

A two-family dwelling (Duplex) may be built on any Lot of Record where duplexes are permitted, provided that the yard requirements (setbacks) are met and that the lot has a area of 7,500 square feet or more in the R-2 zone, or 5,000 square feet or more in the R-3 and the R-4 zone. For two-family dwellings on a Lot of Record, off street parking shall be required according to the zone requirements where such lot is located.

It appears that the Orchard Knob neighborhood predominately contains existing Lots of Record. Initial research utilizing parcel and lot data supplied by the Hamilton County

GIS Department many of the parcels contain legally platted lot lines that have never been legally abandoned through the subdivision process, as indicated by the red dashed lot lines on the map on page 14 of this document. With the exception of a couple of parcels, it appears that many of the existing parcel lines are the same as the legally platted lot lines; therefore, these parcels appear to be existing Lots of Record which is typical in many of the older, established residential neighborhoods in Chattanooga.

The map on page 14 indicates, based on RPA staff research, lots within the Orchard Knob neighborhood that could be considered a Lot of Record and has a minimum lot area of 7,500 square feet. It should be noted that determining Lot of Record status is often a difficult issue to address. The lots shown in this study as a Lot of Record is in the best judgment of RPA staff a Lot of Record utilizing existing GIS parcel data and lot lines from the Hamilton County GIS Department. Each of these parcels/lots should be reviewed on a case by case basis with the Chattanooga Land Development Office and the Codes Enforcement Office in order to determine the status of the lot as being a Lot of Record.

It is important to keep in mind that any resubdivision of a Lot of Record will mean a loss of Lot of Record status. A loss of Lot of Record status means that any new two-family residential dwelling shall be required to comply with the lot area requirements of 9,500 square feet. It is important to note that a single-family residential dwelling may be built on any lot resulting from a resubdivision of Lot of Record provided that the resubdivided lot(s) are as large or larger than the

Any resubdivision of Lot of Record means a loss of Lot of Record status. However, a single-family dwelling may be built on any lot resulting from a resubdivision of a Lot of Record.

previous lot(s) and the lot thus created is located in a zone where dwellings are permitted.

OUESTIONS TO ASK PRIOR TO DEVELOPMENT

- 1). Is the use permitted within the current zone for my property?
- 2). Was lot legally recorded before June 20, 1961? If yes, and no resubdivision of the lot has occurred after June 20, 1961 your lot is considered a Lot of Record and will meet different lot area requirements under the zoning ordinance.
 - If Lot of Record no minimum lot size area for single-family dwellings; however, a minimum lot size of 7,500 square feet is required for two-family dwellings.
- 3). If the lot was recorded after June 20, 1961, or if the lot was resubdivided through the subdivision process after June 20, 1961 the lot is not considered a Lot of Record.
 - No Lot of Record status minimum lot size of 7,500 square feet for single-family dwellings and a minimum lot size of 9,500 square feet for two-family dwellings.

LOT OF RECORD AND LOTS GREATER THAN 7,500 SQUARE FEET



Lot Lines

Lots > 7,500 Sqft

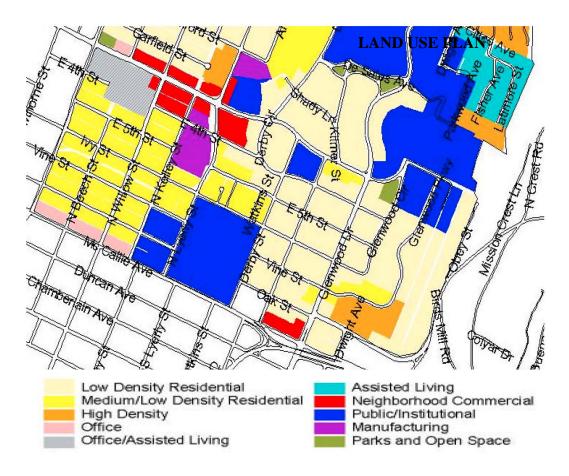
*The map above is for general planning purposes only. Each of these lots within the study boundary should be reviewed on a case by case basis with the Chattanooga Land Development Office and Codes Enforcement Department in order to determine the status of a lot as being a Lot of Record. RPA staff utilized GIS parcel and lot line data from the Hamilton County GIS Department and made in their best judgment those lots that appear to be a Lot of Record and have a minimum lot area of 7,500 square feet.

3.5 Land Use Plan Recommendations

The study boundary is included within the study boundary of the Glenwood, Churchville, and Orchard Knob Neighborhood Plan adopted by the Chattanooga City Council on April 09, 2002. Overall residential goals of the land use plan include the following:

- Encourage single-family infill housing
- Increase code enforcement of absentee landlords
- Communicate concerns with local apartment management companies
- Encourage local non-profit organizations to rehabilitate and renovate housing in the area

Medium/Low Density Residential is recommended for the residential portion of the Orchard Knob neighborhood. Medium/Low Density Residential is intended for a mix of single-family and two-family dwellings. Public/Institutional is recommended for the Parkridge Hospital property. Office/Assisted Living and Neighborhood Commercial uses are recommended for the general area located along E. 3rd Street. Office type uses are recommended for the general area along McCallie Avenue. Manufacturing type uses are recommended for the general area located between E. 4th Street, Kelley Street, and Lyerly Street. The future land use plan map for the Glenwood, Churchville, and Orchard Knob Neighborhood Plan is included below.



4.0 ORCHARD KNOB ZONING STUDY RECOMMENDATION

This zoning study recommends that those selected parcels that are currently zoned R-2 be rezoned to R-1 as shown on the proposed zoning map on page 19. This zoning study recommends no zoning changes to those parcels shown as exempted parcels on the proposed zoning map on page 19.

The intention of this zoning study is to not prelude future request for residential zoning that allows appropriate higher-density residential development within the Churchville and Orchard Knob neighborhoods.

Higher-density residential land uses are generally appropriate along major streets and immediately adjacent to high intensity land uses such as retail and office development or institutional uses such as schools and hospitals. Higher-density residential land uses serve as a buffer/transitional area between the more intense land uses and the low density residential areas.

Maintaining the integrity of the existing residences is very important to neighborhood stabilization. Future requests for higher-density residential zoning <u>may</u> be appropriate when carefully considered with the neighborhood's involvement and overall plans for development/redevelopment of the area.

Exempt Parcels (No Zoning Changes)

- 1. This study made no attempt to examine non-residentially zoned properties. Those parcels abutting McCallie Avenue and E. 3rd Street that are commercially zoned are exempt from this zoning study and no zoning change is recommended. Commercial zoning is generally appropriate along major traffic corridors.
- 2. Again, this study made no attempt to examine non-residentially zoned properties. The existing O-1 zoned properties located between Kelley and Lyerly Streets are exempt from this zoning study and no zoning change is recommended. Those properties that are zoned O-1 are presently being used as medical offices.
- 3. The property owned by Parkridge Hospital located along Lyerly Street is exempt from any zoning change. Parkridge Hospital is primarily zoned R-4 with the exception of two parcels located along Vine and Oak Streets. These two parcels are zoned R-2 and are currently used as parking for the hospital. Any potential rezoning of these parcels should be handled on a case by case basis as requested by the property owner through the public planning process and would require the submittal and review of a site plan.
- 4. The Orchard Knob Elementary School property is shown as exempt from any zoning change. The property is currently zoned R-3 and R-2 and any future rezoning request or development plans should be reviewed on a case by case basis as requested by the property owner through the public planning process and would require the submittal and review of a site plan.

Parcels to be rezoned from R-2 to R-1

- 1. R-1 zoning better reflects the existing land uses and the potential for new residential development based on existing lot size and Lot of Record status.
- 2. There appears to be a disconnect between the current zoning and the current land use within the Orchard Knob neighborhood.

Approximately 62% of the Orchard Knob neighborhood is zoned R-2, which permits two-family dwellings. A review of existing land use indicates that only 3% of the land is devoted to the use as a two-family dwelling. Approximately 48% of the land within the Orchard Knob neighborhood is presently being used as a single-family residential dwelling.

3. Rezoning parcels from R-2 to R-1 would not negatively impact the ability of the property owner to construct two-family dwellings based on a review of Lot of Record and minimum lot size of these Lots of Record. Because Orchard Knob is an older neighborhood, the area requirements for a use other than single-family dwelling most likely will fall under the Lot of Record standards.

Lot of Record: A two-family dwelling maybe built on a lot that was recorded before June 21, 1961 and has a minimum lot area of 7,500 square feet.

Based on lot size, it appears that there are currently 4 lots that in the best judgment of RPA staff are a Lot of Record and has a minimum lot area of 7,500 square feet. A map of these lots is provided on page 14 of this zoning study. remaining lots do not have a minimum lot area of 7,500 square feet for Lots of Record,

Lots of Record: It appears there are 4 Lots of Record with a minimum lot area of 7,500 square feet.

meaning they could not be used for the construction of a two-family dwelling utilizing the Lot of Record standards.

These lots could be combined: however, any resubdivision means a loss of Lot of Record status for the construction of a two-family dwelling.

4. Overall residential goal of the Glenwood, Churchville Orchard Knob Land Use Plan is encourage single-family infill

The resubdividing of a Lot of Record means a loss of lot of record status. However, a single-family dwelling may be built on any lot resulting from a resubdivision of a Lot of Record.

The land use plan also recommended Medium/Low Density housing. Residential which is intended for a mix of single-family and two-family dwellings.

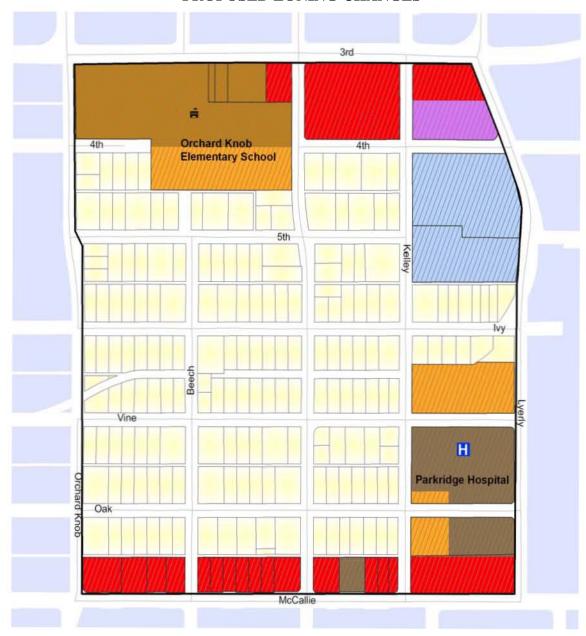
- 5. During the public planning process held on November 06, 2008 local stakeholders consistently voiced the following concerns:
 - Get rid of the ability to have multi-family dwellings; remove the ability to have duplex developments; no new duplexes.
 - Conversion of single-family residential developments into duplexes; current zoning hinders the future development of the neighborhood; prefer single-family residential developments; need more single-family and less multi-family. Have enough multi-family developments.
 - R-1 zone most appropriate (not enough R-1 zoning) within the community.
- 6. Between the years 2001-2008 there were a total of 10 building permits issued:

• New Single-Family Construction: 1 Permit and

• Repairs/Alteration: 2 Permits

• Demolitions: 7 Permits

PROPOSED ZONING CHANGES



Orchard Knob Boundary Rezone R-2 to R-1 No Zoning Change

5.0 CHURCHVILLE EXISTING CONDITIONS

5.1 Existing Land Use

Land use describes how a particular lot or parcel of land is actually being used. For example, a property may be zoned R-3 (multi-family), but occupied by a single-family residence.

The table to the right represents the various types of existing land uses and the amount of land, in terms of acres that each land use category occupies within the Churchville neighborhood. The number of acres is parcel based.

LAND USE	NO. OF ACRES	PERCENT OF AREA
Single-Family	31	57%
Two-Family	5	9%
Multi-Family	3	6%
Commercial/Office	3	6%
Institutional	3	6%
Vacant	8	15%
Recreation	0.5	<1%
Parking	1	1%

Residential uses account for 39

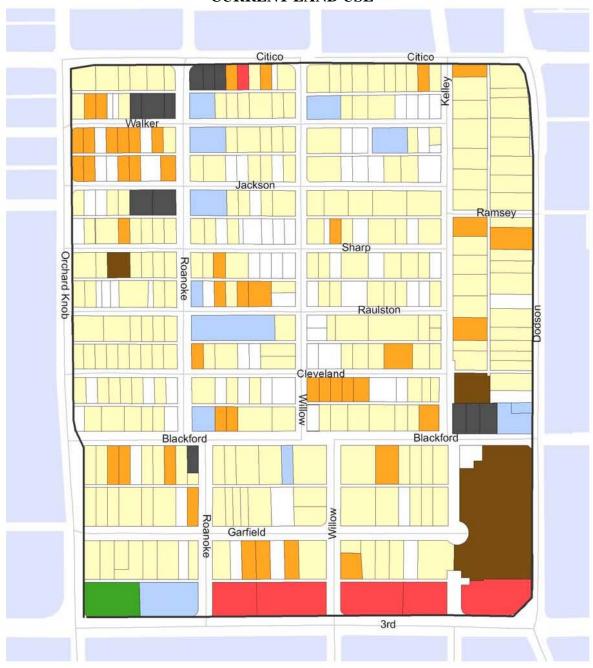
acres, or 72% of the land within the Churchville neighborhood. Of those 39 residential acres, approximately 31 acres, or 79% of the land devoted to residential is used as a single-family residential dwelling.

Multi-family dwellings account for 8 acres, or 15% of the Churchville study boundary, or 21% of the land devoted to residential uses. The location of the two-family dwellings are generally scattered throughout the Churchville neighborhood; however, they are concentrated and clustered along the following streets: Walker, Jackson, Cleveland, Blackford and Garfield.

The second largest user of land is vacant property, which is defined to include boarded-up buildings. Vacant property accounts for 8 acres, or 15% of the overall land use within Churchville neighborhood study boundary. The vacant parcels are generally concentrated and clustered along certain streets and for the most part are scattered throughout the entire Churchville neighborhood.

The Churchville neighborhood also has a large concentration of institutional uses, mainly churches. Institutional uses are defined to include churches, schools, day cares, health care related facilities, and cultural institutions. These institutional uses are scattered throughout the entire neighborhood.

CURRENT LAND USE



Churchville Boundary Single-Family

Retail Sales/Service Two-Family Institutional

Multi-Family

Recreation Vacant Parking

5.2 Zoning

The Chattanooga Zoning Ordinance, available on-line at <u>www.chcrpa.org</u> is the primary tool for land use regulations. The zoning ordinance seeks to protect public health, safety, and welfare. Every piece of property including right-of-way dedicated to streets in Chattanooga is given a zone.

Commercial zoning is found within the Churchville neighborhood along E. 3rd Street and

one parcel along Blackford Street: however, the intention of this zoning study is to examine residentially zoned properties. zoning study will make no recommendation for non-residentially zoned properties. In terms of residential zoned property there are two residential zones within the boundary of the

LAND USE	R-3 ZONE	R-4 ZONE
Single-Family	Permitted	Permitted
Two-Family	Permitted	Permitted
Multi-Family	Permitted	Permitted
Boarding, Lodging and Bed & Breakfast	Permitted	Permitted
Offices	Not Permitted	Permitted

Churchville neighborhood: R-3 and R-4 zoning.

Approximately 94% of the Churchville neighborhood is zoned R-3 residential. Permitted uses within the R-3 zone include single-family dwellings, two-family dwellings, multi-

family dwellings, and boarding and lodging houses. The R-4 zone occupies less than 1% of the zoning in the study boundary of the

ZONE	ACRES	% of AREA
C-2	3	6%
R-3	51	94%
R-4	<1	<1%

Churchville neighborhood. The R-4 zone allows residential dwellings; however, in the study boundary of the Churchville neighborhood there is one parcel of property zoned R-4 along E. 3rd Street that is presently used as a medical office.

CURRENT ZONING



Churchville Boundary C-2 R-3 R-4

5.3 Area Requirements

In addition to permitted uses, the zoning ordinance establishes area regulations that must

be met in order for permitted uses to be constructed on a lot. Area regulations include lot size, minimum frontage on a public road, and minimum setback requirements from property/lot lines. Does the existing lot meet the proper size and/or area requirements to take advantage of its current zoning? For example, a lot is zoned R-2. The R-2 zone permits two-family dwellings, but these uses may be prohibited if the lot does not meet the

In addition to permitted uses, the zoning ordinance also establishes area regulations that must be met in order for permitted uses to be constructed on a lot.

minimum 9,500 square feet for the construction of a two-family dwelling.

The following table describes the various minimum lot size requirements for residential land uses within each of the residential zones within the Churchville neighborhood. These minimum lot size requirements are based on lots with public water and sewer and are not considered a Lot of Record.

LAND USE	R-3 ZONE	R-4 ZONE
Single-Family	7,500 Square Feet*	7,500 Square Feet*
Two-Family	9,500 Square Feet*	9,500 Square Feet*
Multi-Family	7,500 square feet for 1st unit with an additional 2,000 square feet for each additional unit*	7,500 square feet for 1st unit with an additional 2,000 square feet for each additional unit*
Boarding, Lodging and Bed & Breakfast	7,500 square feet for first two lodgers/boarders with an additional 500 square feet for each additional lodger or boarder	7,500 square feet for first two lodgers/boarders with an additional 500 square feet for each additional lodger or boarder

^{*} Standards do not apply to Lots of Record see (page 25).

5.4 Lots of Record

In addition to the minimum lot size requirements stated in the table in section 5.3 of this zoning study the Chattanooga Zoning Ordinance has established height and area exceptions for legally recorded lots in the Hamilton County Register of Deeds before June 20, 1961. Lots legally recorded prior to June 20, 1961 are called Lots of Record. Based on the zoning ordinance Lots of Record will have different area requirements.

Often, the terms lot and parcel are often used interchangeable; however, there is a difference between the two. A parcel is a quantity of land identified for taxation purposes, while a lot is a recognized subdivision of property with a written legal description. It is common for a lot and a parcel to share the same space and have common boundaries, but this is not always the case, especially in older, established neighborhoods. For instance, it is possible for a parcel to have more than one lot, or portions of lots.

PARCEL: A quantity of land identified for taxation purposes. A parcel may be composed of a Lot of Record, lot, lots, or portions of a lot.

LOT: A recognized subdivision of property with a written legal description.

Lot 5	Lot 6	Lot 7	Lot 8	Lot 9	Lot 10	Lot 11	Lot 12 Parcel 65
Parcel 70		Parcel 90		Parcel 100	Parcel 102		Parcel 55

A single-family dwelling may be built on any lot that was recorded, by deed at the time of the passage of the Chattanooga Zoning Ordinance on June 21, 1961, or on any lot legally platted or recorded with the Hamilton County Register of Deeds on or before June 21, 1961, in any zone where dwellings are permitted regardless of lot size. In addition, the Lot of Record will be required to meet the minimum yard (setback) and off street parking requirements according to the zone where the lot is located.

A two-family dwelling (Duplex) may be built on any Lot of Record where duplexes are permitted, provided that the yard requirements (setbacks) are met and that the lot has a area of 7,500 square feet or more in the R-2 zone, or 5,000 square feet or more in the R-3 and the R-4 zone. For two-family dwellings on a Lot of Record, off street parking shall be required according to the zone requirements where such lot is located.

It also appears that the Churchville neighborhood predominately contains existing Lots of Record. Initial research utilizing parcel and lot data supplied by the Hamilton County

GIS Department many of the parcels contain legally platted lot lines that have never been legally abandoned through the subdivision process, as indicated by the red dashed lot lines as indicated on the map on page 27. With the exception of a couple of parcels, it appears that many of the existing parcel lines are the same as the legally platted lot lines; therefore, these parcels appear to be existing Lots of Record, which is typical in many of the older, established residential neighborhoods in Chattanooga.

The map on page 27 also indicates, based on RPA staff research, lots within the Churchville neighborhood that could be considered a Lot of Record and has a minimum lot area of 5,000 square feet. It should be noted that determining Lot of Record status is often a difficult issue to address. The lots shown in this study as a Lot of Record is in the best judgment of RPA staff a lot of record utilizing existing GIS parcel data and lot lines from the Hamilton County GIS Department. Each of these parcels/lots should be reviewed on a case by case basis with the Chattanooga Land Development Office and the Codes Enforcement Office in order to determine the status of the lot as being a Lot of Record.

It is important to keep in mind that any resubdivision of a Lot of Record will mean a loss of Lot of Record status. A loss of Lot of Record status means that any new two-family residential dwelling shall be required to comply with the lot area requirements of 9,500 square feet. It is important to note that a single-family residential dwelling may be built on any lot resulting from a resubdivision of Lot of Record provided that the

Any resubdivision of Lot of Record means a loss of Lot of Record status. However, a single-family dwelling may be built on any lot resulting from a resubdivision of a Lot of Record.

resubdivided lot(s) are as large or larger than the previous lot(s) and the lot thus created is located in a zone where dwellings are permitted.

QUESTIONS TO ASK PRIOR TO DEVELOPMENT

- 1). Is the use permitted within the current zone for my property?
- 2). Was the lot legally recorded before June 20, 1961? If yes, and no resubdivision of the lot has occurred after June 20, 1961 your lot is considered a Lot of Record and will meet different lot area requirements under the zoning ordinance.
 - If Lot of Record no minimum lot size area for single-family dwellings; however, a minimum lot size of 5,000 square feet is required for two-family dwellings.
- 3). If the lot was recorded after June 20, 1961, or if the lot was resubdivided through the subdivision process after June 20, 1961 the lot is not considered a Lot of Record.
 - No Lot of Record status minimum lot size of 7,500 square feet for single-family dwellings and a minimum lot size of 9,500 square feet for two-family dwellings.





Lot Lines

Lots > 5,000 Sqft

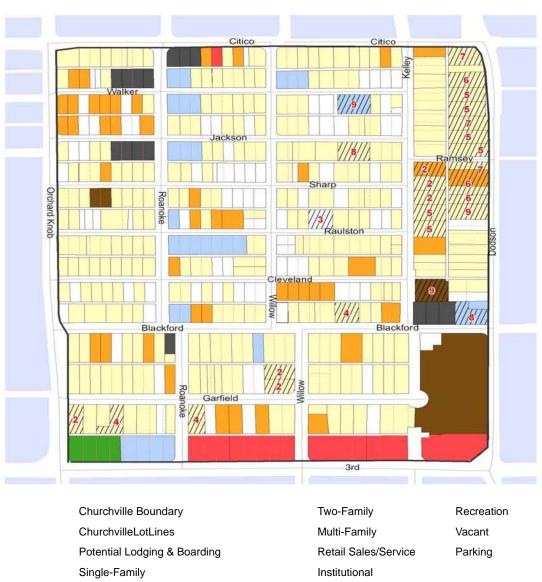
^{*}The map above is for general planning purposes only. Each of these lots within the study boundary should be reviewed on a case by case basis with the Chattanooga Land Development Office and Codes Enforcement Department in order to determine the status of a lot as being a Lot of Record. RPA staff utilized GIS parcel and lot line data from the Hamilton County GIS Department and made in their best judgment those lots that appear to be a lot of record and have a minimum lot area of 5,000 square feet.

5.5 Lodging, Boarding, and Bed and Breakfast Establishments

For purposes of this zoning study is it is important to note that boarding and lodging establishments are permitted within the R-3 and R-4 zones. A minimum lot area of 7,500 square feet for the first two lodgers/boarders with an additional 500 square feet of lot area for each additional lodger or boarder is required. The number of lodgers/boarders is limited to a maximum number of 9.

The map below shows those parcels and/or lots that have a required minimum lot area of 7,500 square feet and could potentially be converted to lodging and boarding establishments. The map also shows the maximum number of lodgers/boarders that could be permitted based on existing lot area.

POTENTIAL BOARDING & LODGING UNITS

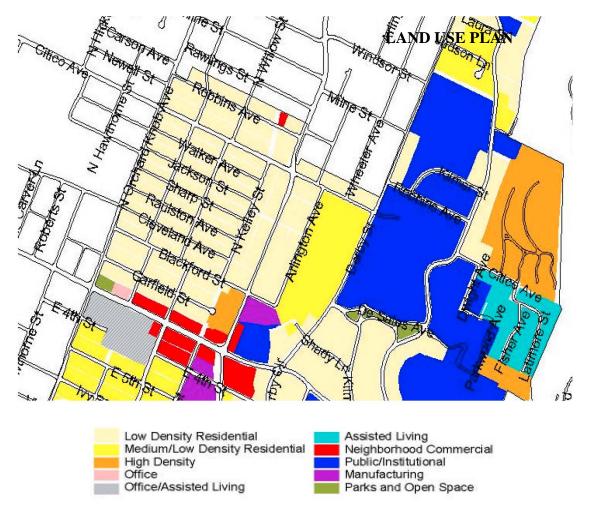


5.6 Land Use Plan Recommendations

The study boundary is included within the study boundary of the Glenwood, Churchville, and Orchard Knob Neighborhood Plan adopted by the Chattanooga City Council on April 09, 2002. Overall residential goals of the land use plan include the following:

- Encourage single-family infill housing,
- Increase code enforcement of absentee landlords
- Communicate concerns with local apartment management companies
- Encourage local non-profit organizations to rehabilitate and renovate housing in the area

The Glenwood, Churchville, and Orchard Knob Neighborhood Plan recommend the rezoning of the Churchville neighborhood to R-1. In addition, the land use plan recommends future land use classifications for the Churchville neighborhood. Low Density Residential Housing is recommended for the Churchville neighborhood. Low Density Residential is intended for predominately detached single-family dwellings.



5.7 Community Impact of Chattanooga

Community Impact is a non-profit organization created to support the City of Chattanooga in its efforts to revitalize distressed neighborhoods. The mission of Community Impact is to create an improving quality of life for participating neighborhoods through support of neighborhood associations and partnerships with other key support organizations.

The Churchville, Orchard Knob and Glenwood neighborhoods have created a partnership with Community Impact on its next phase of work and revitalization efforts for their neighborhoods.

6.0 CHURCHVILLE ZONING RECOMMENDATION

This zoning study recommends that those selected parcels currently zoned R-3 be rezoned to R-1 as shown on the proposed zoning map on page 34. This zoning study recommends no zoning changes to those parcels shown as exempted parcels on the proposed zoning map on page 34.

The intention of this zoning study is to not prelude future request for residential zoning that allows appropriate higher-density residential development within the Churchville and Orchard Knob neighborhoods.

Higher-density residential land uses are generally appropriate along major streets and immediately adjacent to high intensity land uses such as retail and office development or institutional uses such as schools and hospitals. Higher-density residential land uses serve as a buffer/transitional area between the more intense land uses and the low density residential areas.

Maintaining the integrity of the existing residences is very important to neighborhood stabilization. Future requests for higher-density residential zoning **may** be appropriate when carefully considered with the neighborhood's involvement and overall plans for development/redevelopment of the area.

Exempt Parcels (No Zoning Change)

- 1. This study made no attempt to examine non-residentially zoned properties. The commercially zoned parcel located at the corner of Blackford and Kelley, as well as those commercially zoned parcels abutting E. 3rd Street are exempt from this zoning study and no zoning change is recommended. Commercial zoning is an appropriate zone along the E. 3rd Street corridor. The commercially zoned parcel located at the corner of Blackford and Kelley Streets is immediately adjacent to an existing multi-family development and church.
- 2. The multi-family apartment complex located at the corner of Blackford and Dodson Streets if presently zoned R-3. The present use and zone of the property is appropriate; therefore, this zoning study recommends no zoning adjustment for this parcel.

- 3. The existing parcel at the corner of Orchard Knob and E. 3rd Street is zoned R-3 and is used as a recreational area for the community. Parks are a permitted use within the R-3 zone. A medium density residential zone is generally appropriate along a major traffic corridor. This zoning study recommends no zoning adjustment for this parcel.
- 4. The parcel at the corner of Roanoke and E. 3rd Street is presently used as medical office and is zoned R-4. The R-4 zone permits medical offices, which would be an appropriate use along the major corridor of E. 3rd Street; therefore, this zoning study recommends no zoning adjustment for this parcel.

Parcels to be rezoned from R-3 to R-1

- 1. R-1 zoning better reflects the existing land uses and the potential for new residential development based on lot size and Lot of Record status.
- 2. There appears to be a disconnect between the current zoning and existing land use within the Churchville neighborhood.

Approximately 94% of the area in Churchville is zoned R-3. The R-3 zone permits single-family, two-family, multi-family, and boarding and lodging dwellings. A review of existing land use indicates that approximately 57% of the land is devoted to the use as a single-family residential dwelling, while 15% of the land is currently being used as a multi-family dwellings.

3. By leaving the current R-3 zoning in place the Churchville neighborhood could see a significant increase in the overall density of the area either through the conversion of single-family dwelling units, construction of two-family dwellings on vacant lots, or the construction on existing Lots of Record.

Lot of Record: A two-family maybe built on a lot that was recorded before June 21, 1961 and has a minimum lot area of 5,000 square feet.

Because Churchville is an older established neighborhood, the area requirements for a use other than single-family dwelling most likely will fall under the Lot of Record standards. It appears that in the best judgment of RPA staff that there are

Lots of Record: It appears there are 100 lots of record with a minimum lot area of 5,000 square feet.

approximately 100 existing lots that have a minimum lot area of 5,000 square feet and could be considered a Lot of Record. These lots could be utilized for the construction or conversion as a two-family dwelling. These Lots of Record are primarily concentrated along Blackford and Garfield Streets, as well as Kelley Street and Dodson Avenue. A map of these lots is found on page 27 of this zoning study document.

The remaining lots within the Churchville neighborhood do not meet the minimum lot area requirement of 5,000 square feet for a Lot of Record meaning that these lots could not be constructed as a two-family dwelling utilizing the Lot of Record status. These lots could be combined; however, any resubdivision through the subdivision process means a

The resubdivision of a Lot of Record means a loss of Lot of Record status. However, a single-family dwelling may be built on any lot resulting from the resubdividing of a Lot of Record.

loss of Lot of Record status for the construction of a two-family dwelling.

4. The R-3 Residential zone permits boarding, lodging and bed and breakfast establishments that have a minimum lot area of 7,500 square feet, plus 500 square feet for each additional boarder/lodger with each structure containing no more than 9 boarders/lodgers.

Utilizing the minimum lot area of 7,500 square feet for lodging/boarding homes there are approximately 27 existing parcels and/or lots that could potentially be

converted to boarding and/or lodging structures. If these 27 parcels and/or lots were converted to boarding/lodging homes they could potentially add an additional 139 boarders/lodgers to the Churchville neighborhood. This would be a significant increase in the overall density

Approximately 27 parcels/lots could be converted to lodging/boarding homes for a total of 139 boarders/lodgers.

of a relatively dense and compact neighborhood. A map of these parcels is on page 28 of this zoning study.

5. Overall residential goal of the Glenwood, Churchville, Orchard Knob Land Use Plan is to encourage single-family infill housing. The land use plan recommends Low-Density Residential for this area, which is defined as being predominately single-family residential dwellings.

The Glenwood, Churchville, Orchard Knob Land Use Plan also recommended the zoning adjustment of the Churchville area to R-1 Residential.

- 6. During the public planning process held on November 06, 2008 local stakeholders consistently voiced the following concerns:
 - Get rid of the ability to have multi-family dwellings; remove the ability to have duplex developments; no new duplexes.
 - Conversion of single-family residential developments into duplexes; current zoning hinders the future development of the neighborhood; prefer single-family residential developments; need more single-family and less multifamily. Have enough multi-family developments.
 - R-1 zone most appropriate (not enough R-1 zoning) within the community.

7. New construction taking place within the neighborhood has been single-family residential structures.

From 2001-2008 there were a total of 17 permits issued for the construction of new single-family residential dwellings. The majority of the new single-family construction is located along Citico Avenue and Garfield Street.

During this same time period there were a total of 10 building permits issued for the demolition of 7 two-family structures and 3 single-family structures. The majority of the demolition permits were issued for existing structures located along Sharp Street.

PROPOSED ZONING CHANGES



Churchville Boundary

Rezone R-3 & C-2 to R-1

Rezone R-3 to R-1

No Zoning Change