

ORDINANCE NO. 12058

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SPECIFIC R-2 RESIDENTIAL ZONE PROPERTIES WITHIN THE SHEPHERD COMMUNITY, MORE PARTICULARLY DESCRIBED HEREIN, TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Ordinance No. 6958, as amended, known as the Zoning Ordinance, be and the same hereby is amended so as to rezone specific R-2 Residential Zone properties within the Shepherd Community, more particularly described below, to R-1 Residential Zone.

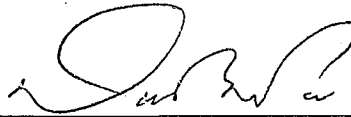
Zoning Study of the Shepherd Neighborhood being bounded on the north by the 6100 block of Emory Drive, the south by the 6300 block of Fisk Avenue, the east by the 1800 and 1900 blocks of Carver Street and on the West by part of the 100 Block of Highway 153. The following properties to be rezoned R-1 are Tax Map 148G-M-001, 003 thru 013, 015 thru 022, 148G-N-001, 003 thru 014, 015 thru 018, 019 thru 024, 025.01, 148G-P-006, 009, 010 and 012 thru 027, 148G-Q-001 thru 007, 009 thru 011, 013 thru 015, 017 thru 027, and 030 thru 054.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to the Zoning Study attached hereto and made a part hereof by reference.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

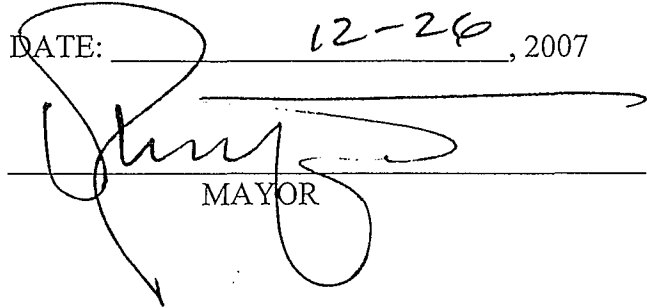
December 18, 2007.



CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 12-20, 2007



MAYOR

/add



SHEPHERD COMMUNITY ZONING STUDY

November 08, 2007

Regional Planning Agency

*Chattanooga-Hamilton County
Regional Planning Agency
Development Resource Center
1250 Market Street
Chattanooga, TN 37402*

*Phone 423.757.5216
TDD No. 423.757.0011
Fax 423.757.5532
Web: www.chcrpa.org*

BACKGROUND AND OVERVIEW

PURPOSE

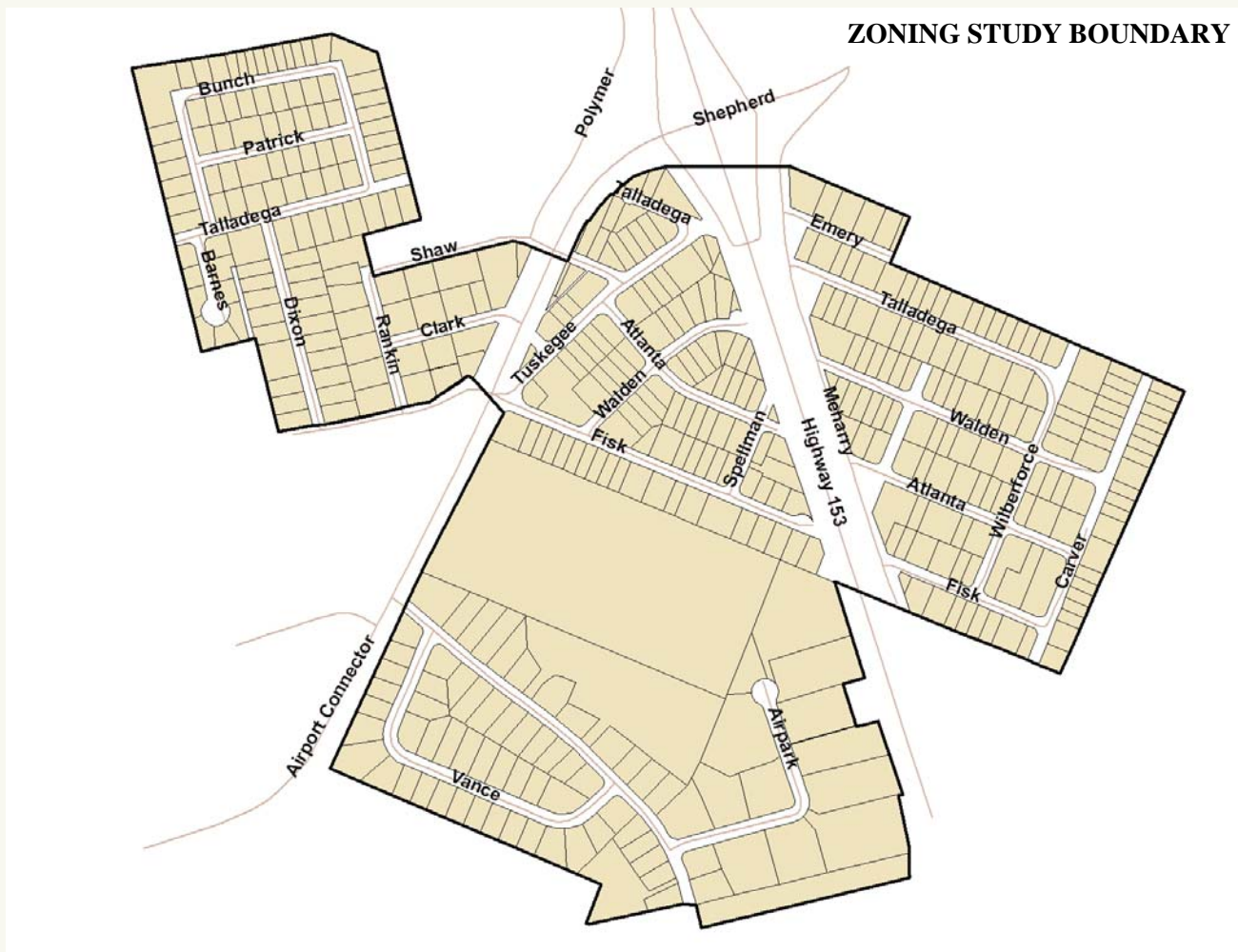
As a result of neighborhood concerns, the Chattanooga City Council on April 17, 2007 requested that the Chattanooga-Hamilton County Regional Planning Agency conduct a study of the Shepherd Community. As part of this request, a zoning moratorium was enacted for the Shepherd Community during the time the study was conducted.

The Chattanooga City Council, as well as the Shepherd Community Land Use Plan recommended a zoning study for the Shepherd Community. The study boundary of the zoning study is exactly the same boundary as the land use plan boundary.

STUDY AREA

The study area lies 5 miles north of downtown Chattanooga. The general study boundary is as follows:

North-Shepherd Road
South-Vance Circle
East-Emery Road
West-Airport Connector



ANNEXATION AND EXISTING CONDITIONS

ANNEXATION

The area to the west of Highway 153 was annexed by the City of Chattanooga in 1968. In 1971, the City of Chattanooga annexed the area east of Highway 153. Prior to being annexed, the area east of Highway 153 was zoned Rural Residential under the Hamilton County Zoning Ordinance. The rural residential zone permits two-family dwellings (duplexes). Upon incorporation, the area was zoned R-2 under the City of Chattanooga Zoning Ordinance. The R-2 zone within the Chattanooga Zoning Ordinance is a zone similar to the Rural Residential zone found within the Hamilton County Zoning Ordinance.

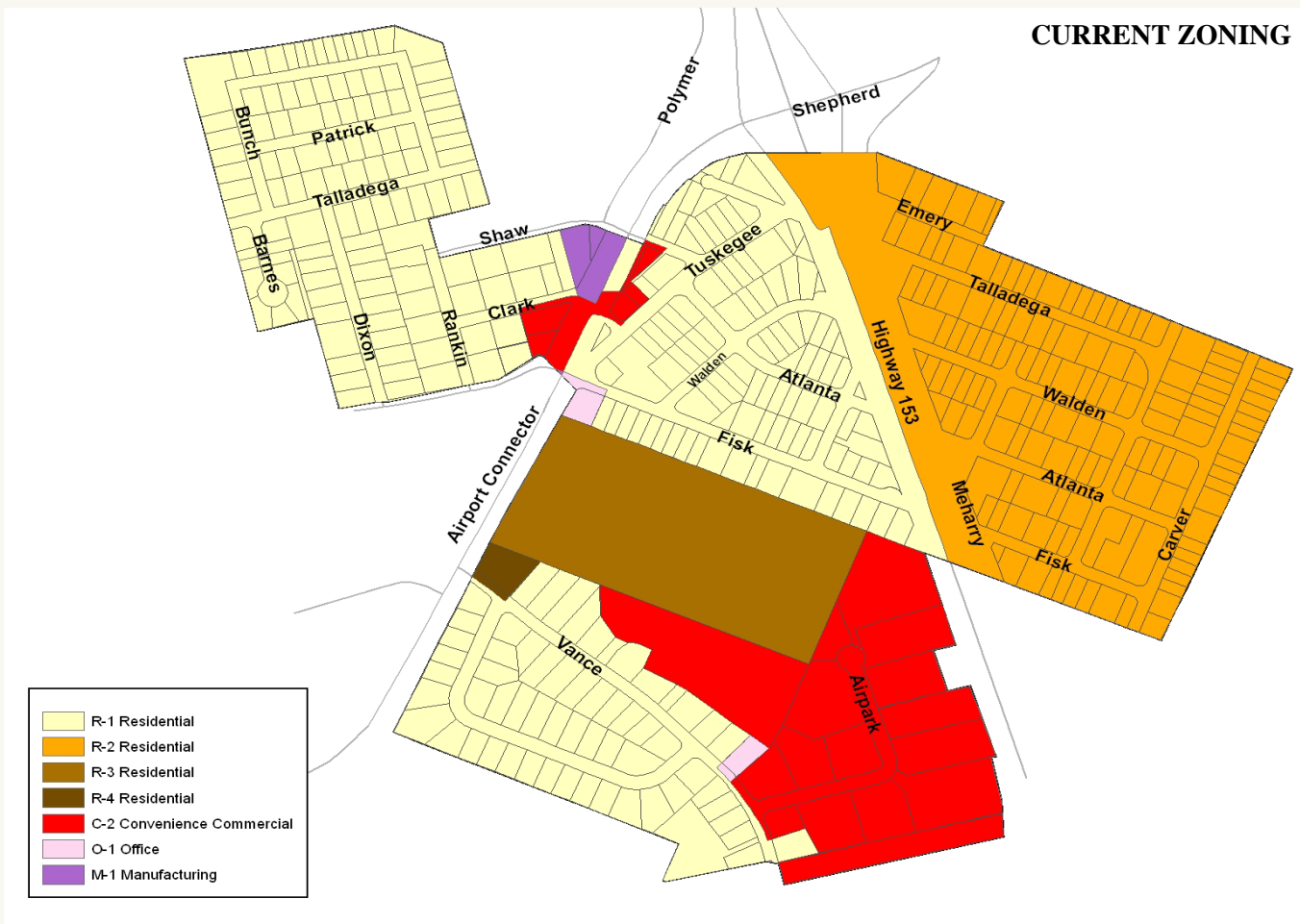
Per the requirements of the Chattanooga Zoning Ordinance, the R-2 zone permits the construction of a two-family dwelling (duplex) with a minimum lot size requirement of 9,500 square feet; however, a two-family dwelling may be built on a lot of record that is 7,500 square feet or larger. A lot of record is defined as any lot that was legally recorded, by deed at the time of the passage of the Chattanooga Zoning Ordinance on June 20, 1961, or on any lot legally platted on record with the Hamilton County Register of Deeds on or before June 20, 1961.

EXISTING CONDITIONS

Zoning

The following table lists the types of zoning present within the study boundary and the amount of land each one occupies.

ZONE	ACRES	PERCENT OF STUDY AREA
C-2	29	15%
M-1	1	<1%
O-1	0.53	<1%
R-1	90	48%
R-2	48	26%
R-3	19	10%
R-4	0.829	<1%



Existing Land Use

Land use is defined as the type of use activity occurring on a land parcel or within a building situated upon a parcel of land.

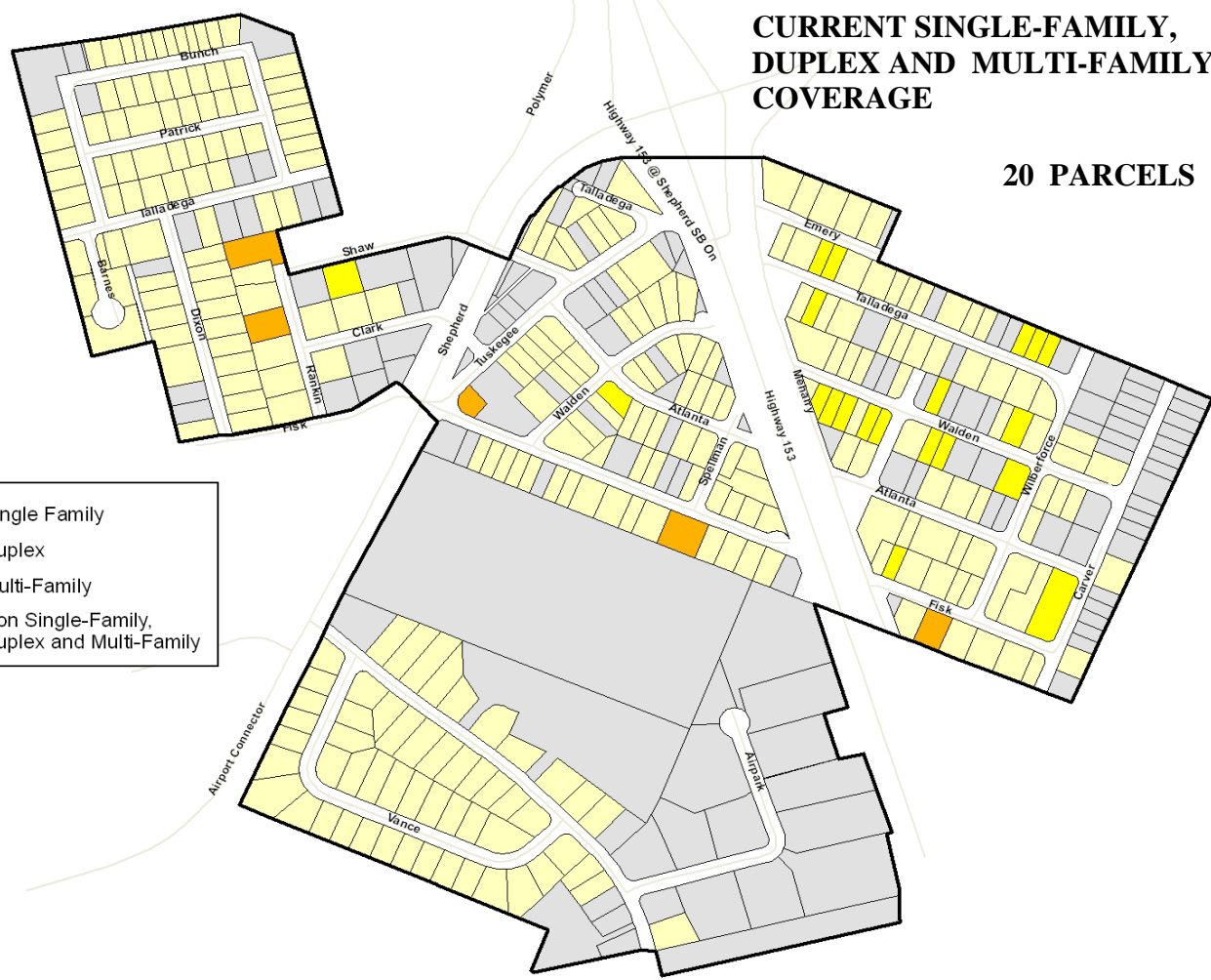
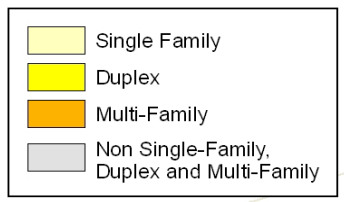
The following table represents types of existing land uses and the amount of land that each one occupies.

LAND USE	NO. OF ACRES	PERCENT OF RESIDENTIAL STUDY AREA (Area Based)	NO. OF PARCELS	PERCENT OF RESIDENTIAL AREA (Parcel Based)
Single-Family Residential	69	73%	279	91%
Two-Family		6%	19	7%
Multi-Family	1	1%	5	<1%
Manufactured Home Park	19	20%	2	<1%
Commercial	42	24%	19	4%
Institutional	0.67	<1%	3	<1%
Recreation	0.067	<1%	1	<1%
Vacant	35	20%	112	26%

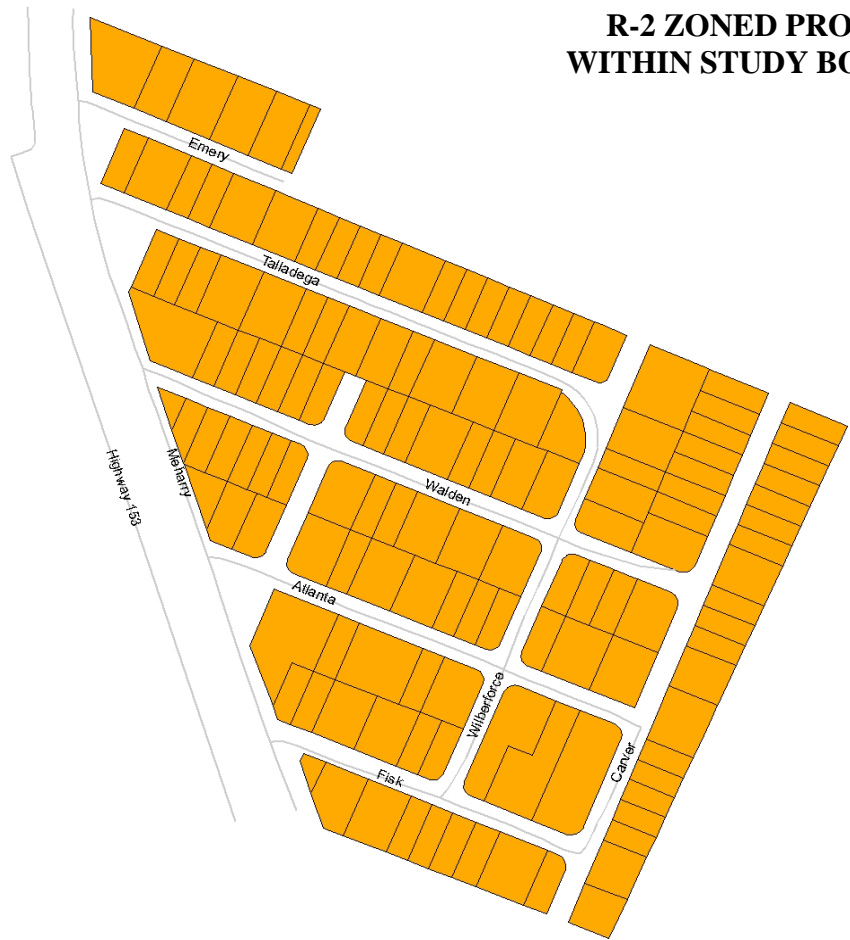
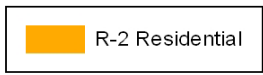


CURRENT SINGLE-FAMILY, DUPLEX AND MULTI-FAMILY COVERAGE

20 PARCELS

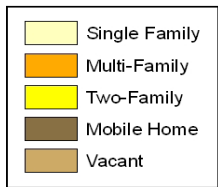


R-2 ZONED PROPERTY WITHIN STUDY BOUNDARY



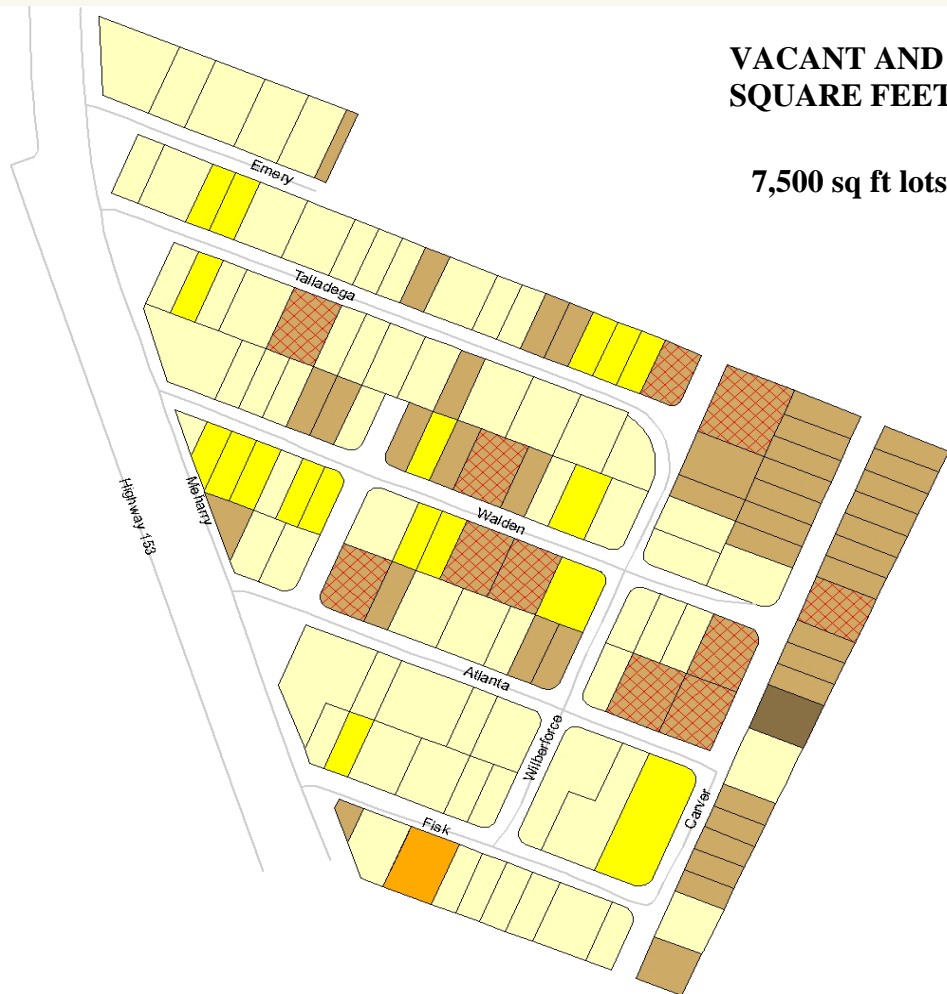
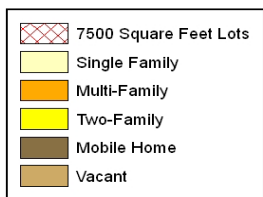
CURRENT DUPLEX COVERAGE

18 PARCELS
36 DWELLINGS



VACANT AND 7,500 SQUARE FEET LOTS

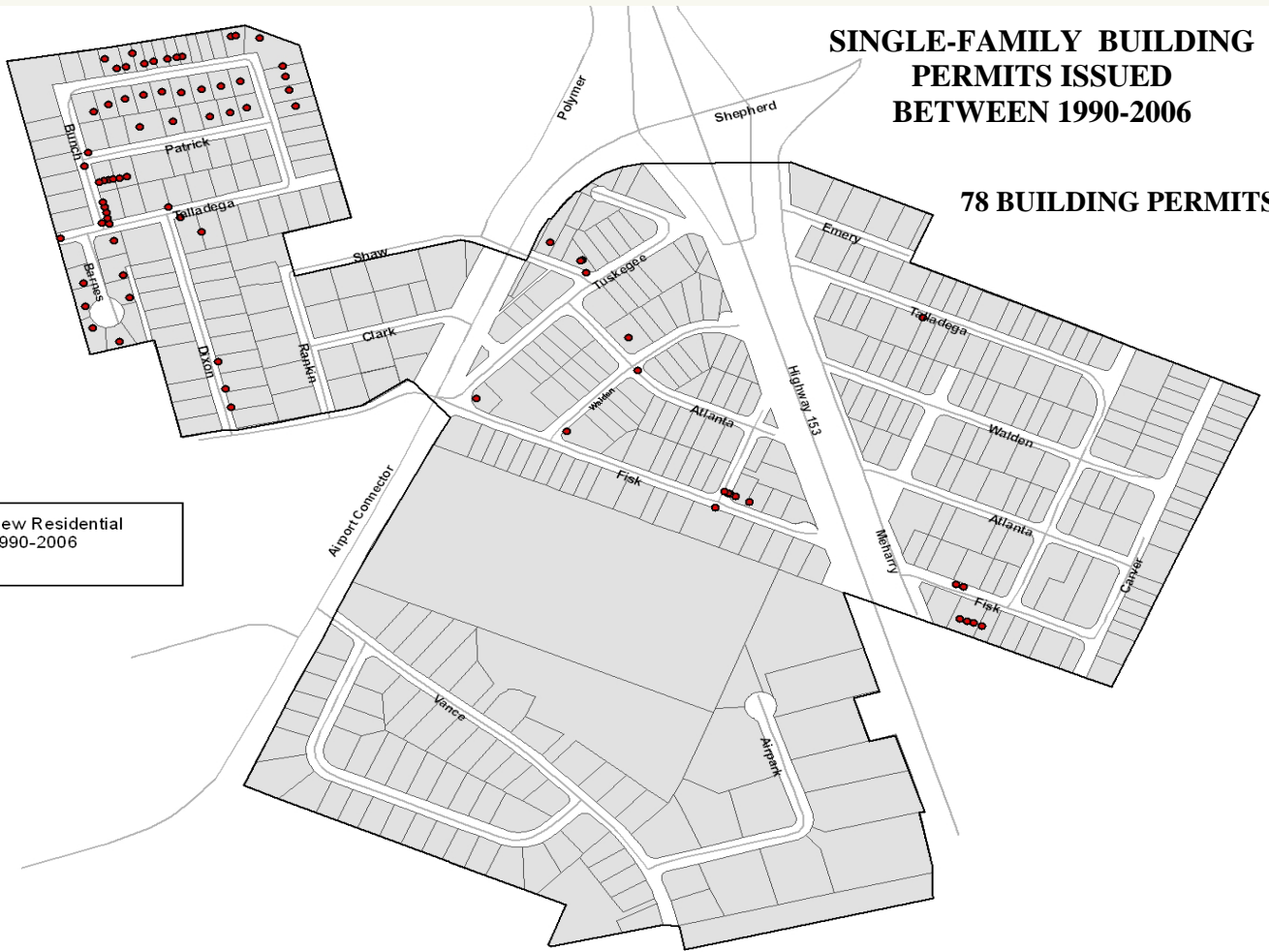
7,500 sq ft lots: 11



SINGLE-FAMILY BUILDING PERMITS ISSUED BETWEEN 1990-2006

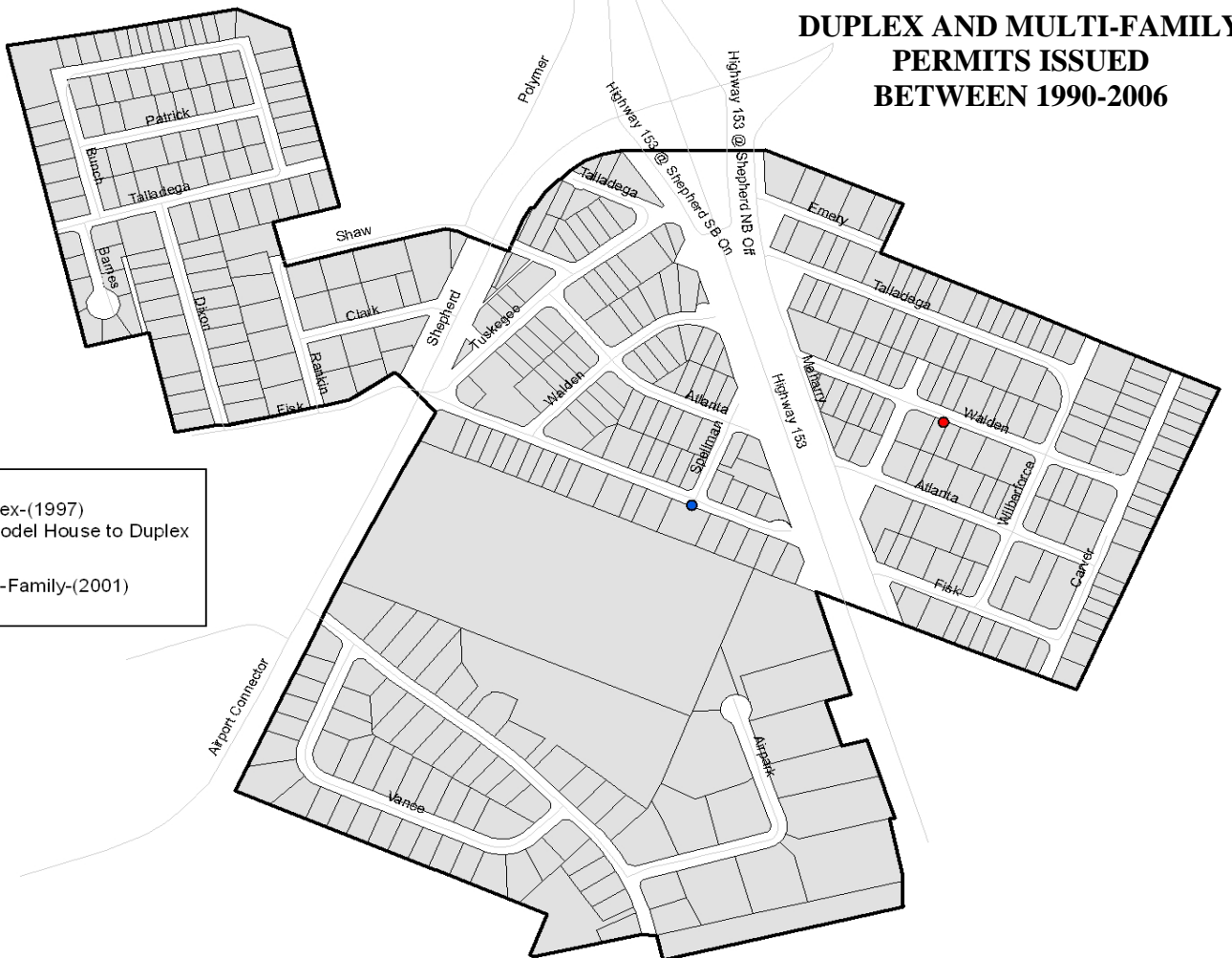
78 BUILDING PERMITS

- New Residential 1990-2006



DUPLEX AND MULTI-FAMILY PERMITS ISSUED BETWEEN 1990-2006

- Duplex-(1997)
Remodel House to Duplex
- Multi-Family-(2001)



PETITIONERS OPPOSED TO REZONING FROM R-2 TO R-1



Those in opposition to the proposed rezoning who signed a petition were mapped using their addresses as stated on the petition.

DWELLING TYPE

SINGLE-FAMILY
 SINGLE-FAMILY
 SINGLE-FAMILY
 SINGLE-FAMILY
 SINGLE-FAMILY

DUPLEX STRUCTURE
 DUPLEX STRUCTURE
 DUPLEX STRUCTURE
 DUPLEX STRUCTURE
 DUPLEX STRUCTURE
 DUPLEX STRUCTURE
 DUPLEX STRUCTURE

PROPERTY OWNER

ADDRESS

6306 TALLADEGA AVENUE
 1801 RANKIN STREET
 1814 DIXON STREET
 5901 CLARK STREET
 581 PATRICK PLACE

6315 TALLADEGA AVENUE
 6314 TALLADEGA AVENUE
 6317 TALLADEGA AVENUE
 6216 WALDEN AVENUE
 6303 WALDEN AVENUE
 6210 WALDEN AVENUE
 6208 WALDEN AVENUE

6408 ATLANTA AVENUE
 6409 ATLANTA AVENUE
 5901 SHAW AVENUE
 5923 SHAW AVENUE
 1911 TUSKEGEE BLD

COMMERIAL USE

1817 TUSKEGEE BLVD

RECOMMENDATIONS

ZONING ADJUSTMENT

The Chattanooga-Hamilton County Regional Planning Agency recommends that select residential parcels currently **zoned R-2 be rezoned to R-1**. (As shown on the attached map). Those properties containing an existing duplex structure within this area will be excluded from the proposed rezoning. **Parcels containing an existing duplex will remain zoned R-2 allowing existing duplexes to remain in their current use as a duplex.**

This recommendation is based on the following rationale:

MAIN SUPPORT

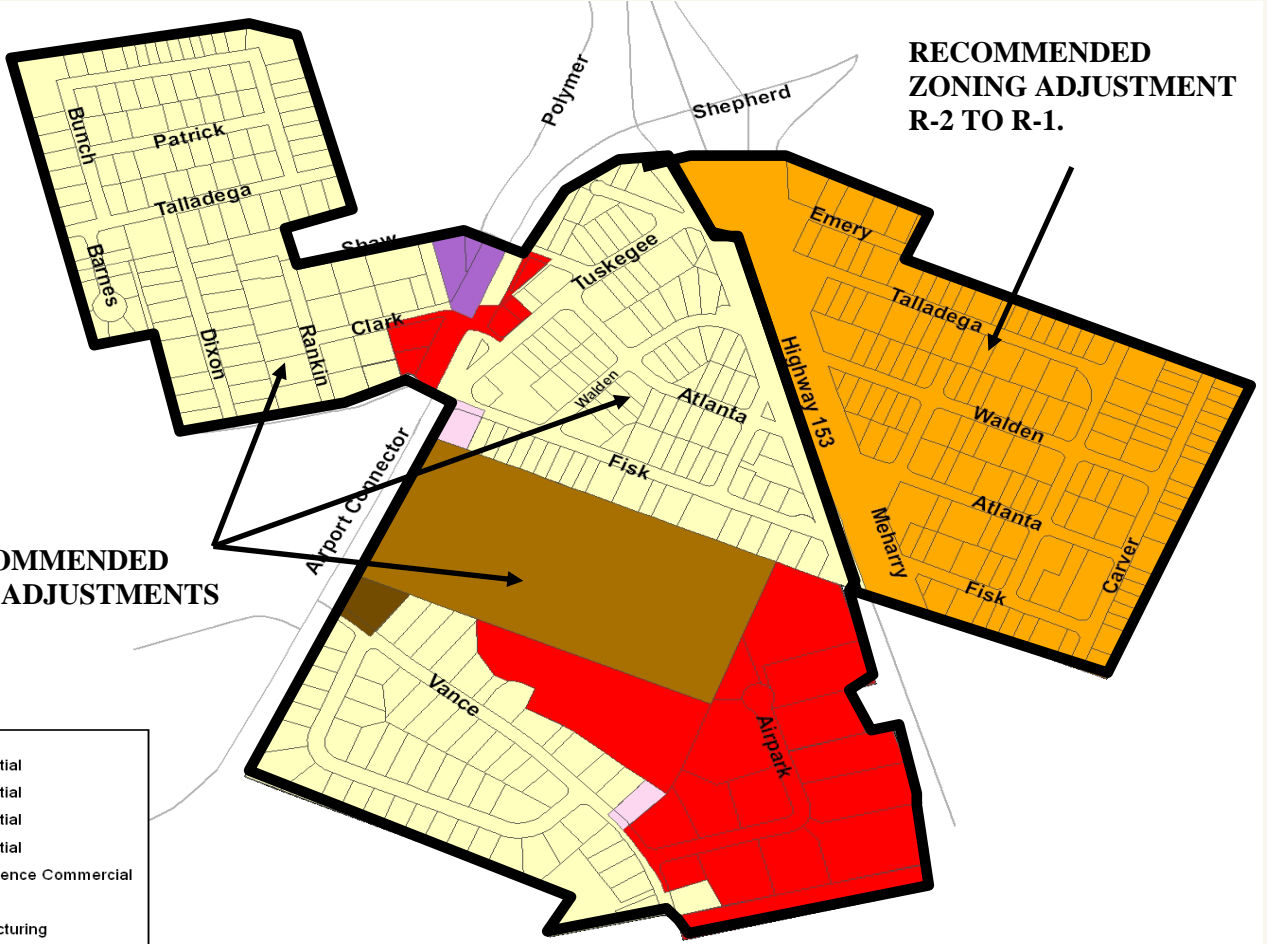
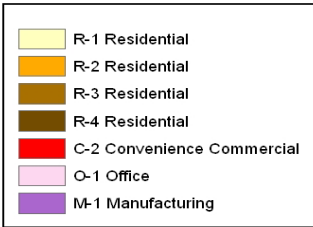
1. The Shallowford Road-Lee Highway Plan and the Shepherd Community Land Use Plan recommends Low Density Residential for the existing R-2 area. Low Density Residential is intended to encourage the development and/or redevelopment of primarily detached single-family dwellings with some exceptions made for townhouse, patio homes, and two-family dwellings if the density is compatible.
2. During the public planning process within the Shepherd Community local stakeholders stated that it was not their intent to place a burden on, or harm the residents and/or the property owners of existing duplexes. **The intent of the rezoning is to prohibit the construction of new duplexes and/or the conversion of single-family residential into duplexes within the area so as to stabilize the neighborhood and promote the development of single-family residential.** During the planning process the neighborhood association voiced the following concerns and issues associated with duplexes: increase in the amount of traffic, residents constantly moving into and out of duplexes, and the residents of duplexes not adequately maintaining their residence.
3. Between 1990 and 2006 there were a total of 78 building permits issued within the study boundary for the construction of new single-family residential dwellings. During the same time period of 1990 through 2006 there has been one (1) building permit issued for the construction of a two-family dwelling. The permit issued was actually for the conversion of a single-family residential structure to a two-family (duplex) structure.
4. Recommendations for the light and medium business areas within the land use plan generally include neighborhood and convenience commercial, office, and medium to high intensity residential zones. Therefore, in conjunction with the land use plan, this zoning study makes no recommendations for a particular commercial, office, or residential zone; rather rezoning requests within these light and medium business mix area should be reviewed on a case by case basis utilizing the policy recommendations stated within the Shepherd Land Use Plan.

OTHER SUPPORT

1. Approximately 57% of residential zoned parcels within the Shepherd Community are zoned R-1, which is typically the single-family residential zone. A review of existing land uses indicates that approximately 73% of land within the Shepherd Community devoted to residential use is occupied by single-family residential dwellings.
2. In terms of the number of parcels devoted to residential structures, approximately 91%, or 279 parcels are devoted to single-family residential dwellings, while approximately 7%, or 19 parcels are devoted to two-family structures.
3. Approximately 30% of residential zoned parcels in the Shepherd Community are zoned R-2, which permits two-family structures. A review of existing land use indicates that approximately 6% of land devoted to residential use is occupied by a two-family (duplex) dwelling.
4. Per the requirements of the Chattanooga Zoning Ordinance, the minimum lot size requirement for a two-family structure is 9,500 square feet. However, a two-family (duplex) structure may be built on any lot which was a lot of record, provided that the lot has a area of 7,500 square feet. Based on the lot of record requirement there are eleven (11) lots within the existing R-2 zoned area that are currently vacant and comply with the minimum lot area requirement of 7,500 square feet for lots of record.
5. Staff received a petition opposing the proposed rezoning from R-2 to R-1. Cross checking the petition list with stated addresses as indicated on the petition list and a majority of the petitioners who are opposed to the rezoning are residents of an existing duplex within the recommended rezoning area. Some of the petitioners on the list opposing the rezoning are not located in the proposed rezoning boundary. (As shown on the attached map).

RECOMMENDED ZONING ADJUSTMENT R-2 TO R-1.

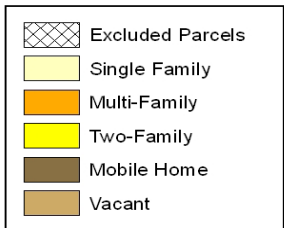
NO RECOMMENDED ZONING ADJUSTMENTS



PARCELS TO BE REZONED FROM R-2 TO R-1

Rezone Existing Single-Family and Vacant Parcels to R-1

Existing Two-Family Structures Shall Remain Zoned R-2



PARCELS EXCLUDED FROM REZONING FROM R-2 TO R-1

<u>TAX MAP</u>	<u>GROUP</u>	<u>PARCEL NUMBER</u>	<u>ADDRESS</u>
148 G	Q	16.00	6314 FISK AVENUE
148 G	Q	8.00	6408 ATLANTA AVE
148 G	Q	12.00	6307 FISK AVENUE
148 G	P	11.00	6320 WALDEN AVENUE
148 G	P	8.00	6308 WALDEN AVENUE
148 G	P	7.00	6306 WALDEN AVENUE
148 G	P	5.00	WALDEN AVENUE
148 G	P	4.00	6216 WALDEN AVENUE
148 G	P	3.00	6212 WALDEN AVENUE
148 G	P	2.00	6210 WALDEN AVENUE
148 G	P	1.00	6208 WALDEN AVENUE
148 G	N	14.01	6317 WALDEN AVENUE
148 G	N	18.01	6303 WALDEN AVENUE
148 G	N	2.00	6204 TALLDEGA AVENUE
148 G	M	2.00	6317 TALLADEGA AVENUE
148 G	M	2.02	6315 TALLADEGA AVENUE
148 G	M	2.01	6313 TALLADEGA AVENUE
148 G	M	14.00	6201 TALLADEGA AVENUE
148 G	M	14.01	6203 TALLADEGA AVENUE