

1ST READING 3-8-05  
2ND READING 3-15-05  
INDEX NO. \_\_\_\_\_

2005-017  
City of Chattanooga

ORDINANCE NO. 11675

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE CERTAIN PROPERTIES WITHIN THE ST. ELMO NEIGHBORHOOD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE, R-4 SPECIAL ZONE, AND R-3MD MODERATE DENSITY ZONE.

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:

To be rezoned R-1: Beginning at the intersection of the south line of the 1800 block of West 37<sup>th</sup> Street and the west line of the 3700 block of Church Street, thence southwest along said west line to its intersection with the south line of the 1700 block of West 38<sup>th</sup> Street, thence southeast along said south line to its intersection with the west line of the 3800 block of Pennsylvania Avenue, thence southwest along the west line of said avenue to its intersection with the north line of the 1600 block of School Street, thence southeast along said north line some 195 feet, thence southwest across said street to the northeast corner of 1550-D-007, thence southwest along the east line, thence northwest along the south line, thence northeast along the west line to the south line of the 1600 block of School Street, thence northwest along said south line to the east line of 3800 block of Pennsylvania Avenue, thence southwest along said east line to the northwest corner of 1550-D-003, thence southeast along the north line of 1550-D-003 and 011 to the west line of the 100 block of Old Mountain Road, thence southwest along said west line to its intersection with the southeast corner of 1550-D-016, thence southwest across Old Mountain Road to the northeast corner of 1550-E-015, thence southwest along the east line of said parcel to its intersection with the north line of the 1600 block of West 40<sup>th</sup> Street, thence southwest across said street to its south line, thence southeast along said south line to its intersection with the northwest corner of 1550-F-019, thence southwest along the west line of said parcel some 55 feet, thence southeast to the southwest corner of 1550-F-

017, thence following the south property line of parcels 155O-F-017 and 018 to the west line of the 100 block of Ochs Highway, thence southeast across said highway to the northwest corner of 155O-L-019, thence southeast along the north line of said parcel to the west line of an unnamed alley, thence southwest along said west line to the north line of the 1500 block of West 41<sup>st</sup> Street, thence northeast along said street to its intersection with the east line of the railroad right-of-way presently or previously owned by the Southern Railway Company, thence northeast along said east line to its intersection with the west line of the 4000 block of Tennessee Avenue, thence northeast across said avenue to its intersection with the south line of the 1100 block of West 40<sup>th</sup> Street, thence northeast along said south line, thence northeast across said street to the southwest corner of 155O-N-001.02, thence northeast along the west line of said parcel to a point 192 feet south of its northwest corner, thence northwest to the northeast corner of 155O-M-008, thence northwest along the north line of said parcel to its intersection with the east line of the 3700 block of Tennessee Avenue, thence northeast along said avenue to the northwest corner of 155O-M-009, thence southeast along the north line of said parcel to the northwest corner of 155O-N-002, thence southeast along the north line of said parcel to its intersection with the west line of the unopened 3700 block of Long Street, thence southwest along said west line to its intersection with the south line of an unopened alley, thence southeast along said south line to its intersection with the west line of the 3800 block of Pirola Street, thence southwest along said west line to its intersection with the south line of the 1100 block of West 40<sup>th</sup> Street, thence southeast along said south line to its intersection with the east line of 155O-P-007, thence southwest along said east line to its southeast corner, thence southwest thru 167F-A-011 to its west line thence continuing to its intersection with the northwest corner of 167G-P-024, thence southeast along the north lines of said parcel and 167G-P-020 to the west line of an unnamed and unopened public road as shown in Humphrey's Addition to St. Elmo and Alton Park, Plat Book 12, Page 16, ROHC, thence southeast across said road to a point in the west line of 167F-A-011, thence northwest, and southeast following the west, north and east property lines of said parcel to their intersection with the west line of an unnamed alley, thence southwest along said west line to the north line of the 5400 block of Lee Avenue, thence northwest across said avenue to the south most point of 167O-L-013, thence northwest following the south line of said parcel to its intersection with the east line of the 5500 block of Tennessee Avenue, thence northwest across said avenue to its west line thence southwest to its intersection with the east line of the railroad right-of-way presently or previously owned by the TN, AL & GA Railway Company, thence northwest along said right-of-way to its

intersection with the south line of the 1500 block of West 55<sup>th</sup> Street, thence northwest along said south line to its intersection with the west line of the railroad right-of-way presently or previously owned by the TN, AL & GA Railway Company, thence southwest along said west line to its intersection with the north line of the 1500 block of West 56<sup>th</sup> Street, thence southwest along said north line to the southwest corner of 167O-E-002, thence northwest along the south line of said parcel to its intersection with the east line of the 5500 block of St. Elmo Avenue, thence northwest across said avenue to the southeast corner of 167O-F-013, thence northwest along the south line of said property to the east line of an unnamed alley, thence southwest along said east line to a point in the west line of 167O-G-003 being the line separating the zoning of the property, thence southeast following said zoning line to the west line of the 5600 block of St. Elmo Avenue, thence southeast across said avenue to its intersection with the southwest corner of 167O-K-008, thence southeast along said south line to its intersection with the west line of the railroad right-of-way presently or previously owned by the TN, AL & GA Railway Company, thence southwest along said west line to its intersection with the north line of West 57<sup>th</sup> Street, thence northwest along the north line crossing over to the northwest corner of 167O-J-008, thence southwest to its southwest corner, thence southeast to its southeast corner and its intersection with the west line of the railroad right-of-way presently or previously owned by the TN, AL & GA Railway Company, thence southwest along said west line to its intersection with the Tennessee/Georgia State Line, thence southwest along said state line to its intersection with the east line of 154-015, thence northwest and northeast along the east line of said parcel to a point in the south line of 155O-A-013, thence southeast along said south line to its southeast corner, thence northeast along the east line of said parcel to its northeast corner, thence northwest along its north line some 28 feet, thence northwest thru to a point in the east line of 154-015, thence northeast along said east line to the northwest corner of 155O-A-009, thence northeast to the west line of the 3800 block of Jo Conn Guild Trail, thence northeastwardly and northwestwardly along said west line to the north most point of 155O-B-003, thence northeast across said Trail to its intersection with the northwest corner of 155O-B-007, thence northeast along the north line of said parcel to the northwest corner of 155J-C-051, thence northeast along the north line of said parcel to a point in the south line of 155J-C-044, thence northwest along the south line 155J-C-044 and 038 to the southwest corner of parcel 038, thence northwest along the west line of 155J-C-038 and 039 to its intersection with the south line of the 1800 block of West 38<sup>th</sup> Street and the west line of an unnamed alley, thence northeast along said west line to a point in the south line of 155J-C-026, thence northwest thru said

parcel 26 to the north line of the 1800 block of West 37<sup>th</sup> Street at its intersection with the southwest corner of 155J-C-009, thence southeast along the north line of said street to its intersection with the 3700 block of Church Street, thence southwest crossing said street to the point of beginning, together with the R-2 portions of 155J-D-003 and 009 while excepting parcels 155O-K-018, 167B-E-019, 167G-E-004, 016, 167G-F-002, 003, 167G-G-001, 013, 014, 023, 167G-J-001, 167J-C-001, and 167O-E-009. Tax Map 155I-A-001.02, 155J-C-026 thru 035, 155J-C-038 thru 051, 155J-D-003 thru 015, 155O-A-009, 012, 014, 155O-B-002 thru 048, 155O-C-001 thru 013, 155O-D-001 thru 003, 007, 011 thru 016, 155O-E-015 thru 017, 155O-F-001 thru 016, 155O-F-019 thru 023, 155O-G-001 thru 031, 155O-H-001 thru 010, 155O-J-001 thru 012, 155O-K-001 thru 017, 019, 155O-L-007 thru 019, 023 thru 032, 155O-M-009, 010, 012, 155O-N-001 thru 002, 155O-P-007, 011 thru 015, 167B-A-001 thru 027, 167B-B-001 thru 026, 167B-C-001 thru 019, 167B-D-001 thru 011, 167B-E-001 thru 019, 167B-F-001 thru 017, 167B-G-001 thru 019, 167B-H-001 thru 015, 167B-J-001 thru 015, 167B-K-001 thru 017, 167B-L-001 thru 021, 167B-M-001 thru 010, 167B-N-001 thru 039, 167F-A-011(R-2 portion), 167G-A-001 thru 023, 167G-B-001 thru 028, 167G-C-001 thru 014, 167G-D-001 thru 018, 167G-E-001 thru 003, 167G-E-005 thru 028, 167G-F-001, 167G-F-004 thru 024, 167G-G-002 thru 012, 167G-G-015 thru 022, 167G-H-001 thru 022, 167G-J-002 thru 035, 167G-K-001 thru 021, 167G-L-001 thru 018, 167G-M-001 thru 027, 167G-N-001 thru 019, 167G-P-001 thru 045, 167J-A-001 thru 039, 167J-B-001 thru 020, 167J-C-002 thru 030, 167J-D-001 thru 018, 167J-E-002 thru 022, 167J-F-001 thru 026, 167J-G-001 thru 017, 167J-H-001 thru 021, 167J-J-001 thru 019, 167J-K-001 thru 022, 167J-L-001 thru 018, 167J-M-001 thru 015, 167J-N-001 thru 015, 167J-P-001 thru 018, 167J-Q-001 thru 015, 167J-R-001 thru 019, 167J-S-001 thru 023, 167O-A-001 thru 019, 167O-B-001 thru 020, 167O-C-001 thru 020, 167O-D-001 thru 018.01, 167O-E-001 thru 008, 010, 011, 013, 014, 019, thru 023, 167O-F-001 thru 013, 015 thru 023, 167O-G-001, 003 thru 016, 167O-H-001 thru 020, 167O-J-001 thru 007.04, 009 thru 014, 167O-K-001 thru 007, 167O-L-013, 167O-M-002 thru 014, 167O-N-001 thru 031, 167P-A-001 thru 010, 167P-B-001 thru 009, 167P-C-001 thru 031, 167P-D-001, 003 thru 018, 167P-E-001 thru 026.

To be rezoned R-4: Property located at 4000 Tennessee Avenue. All that part of Lot 2, Corrective Plat Resubdivision of Tracts 1 & 2, Winn-Dixie Addition to St. Elmo, Plat Book 54, Page 17, ROHC, Decd Book 4483, Page 61, ROHC which is currently zoned R-3. Tax Map 155O-M-012(part).

To be rezoned R-3MD: Properties located at 4910 and 4918 Tennessee Avenue.

Part of Lot 6, Daniel F. Cocke Subdivision, as seen in Deed Book F Volume 2, Page 255, as described in Deed Book 5730, Page 447 and Deed Book 2388, Page 347, ROHC. Tax Map 167J-G-011 and 012.

from R-2 Residential Zone and R-3 Residential Zone to R-1 Residential Zone, R-4 Special Zone, and R-3MD Moderate Density Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to all existing easements being retained.

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

March 15, 2005.

W. Jack Benson  
CHAIRPERSON

APPROVED: x DISAPPROVED: \_\_\_\_\_

DATE: 3/7, 2005

Deborah  
MAYOR

Reviewed By: Ruebeary

AKS/add

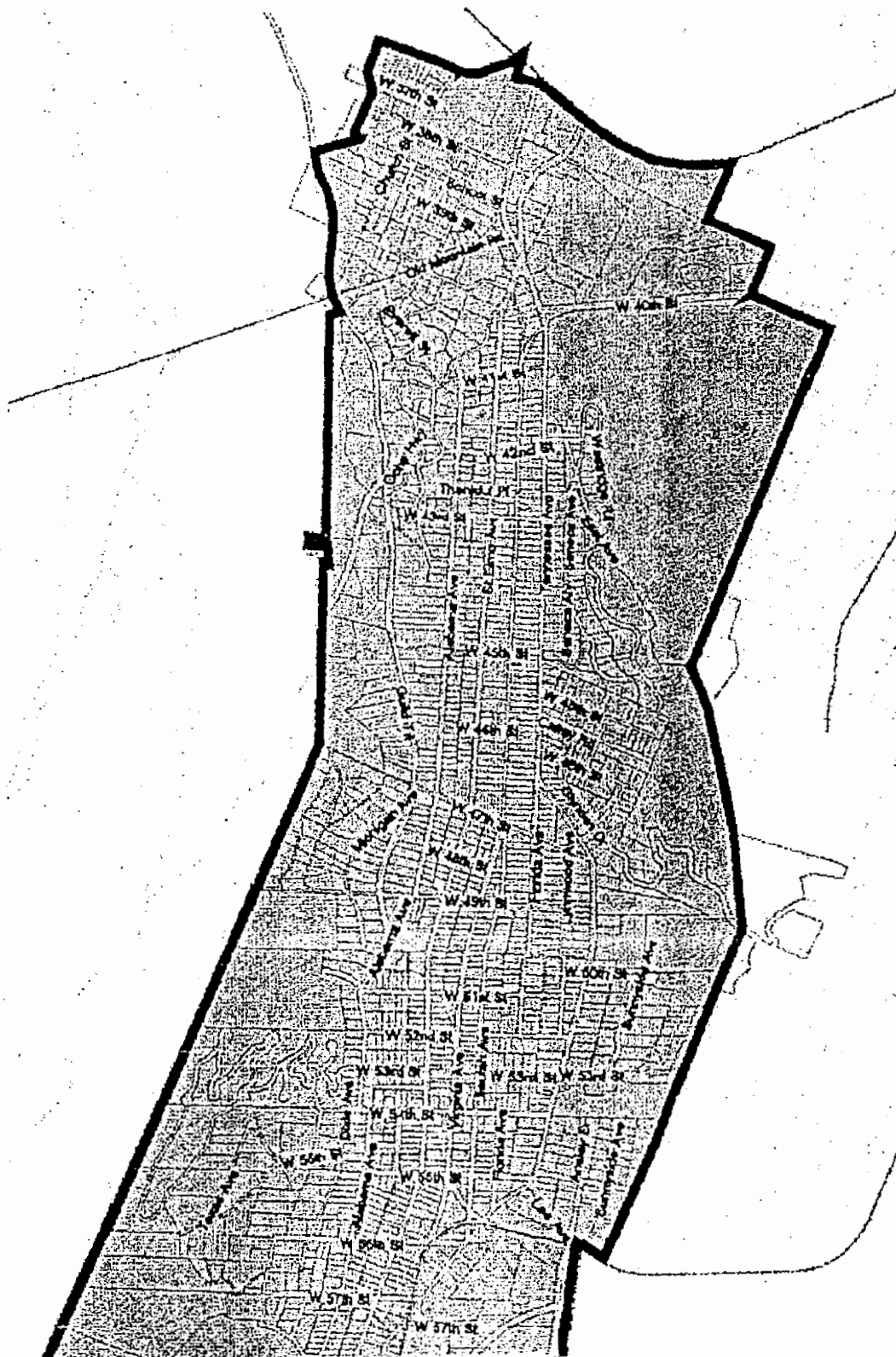
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2005-017: Approve, subject  
excluding 3 lots.

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**2005-017**

**St. Elmo Zoning Study Boundary**

PC MEETING DATE: 2/14/2005



2005-017

- C-2 Convenience Commercial
- C-5 Neighborhood Commercial
- M-1 Manufacturing
- M-2 Light Industrial
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Special Zone

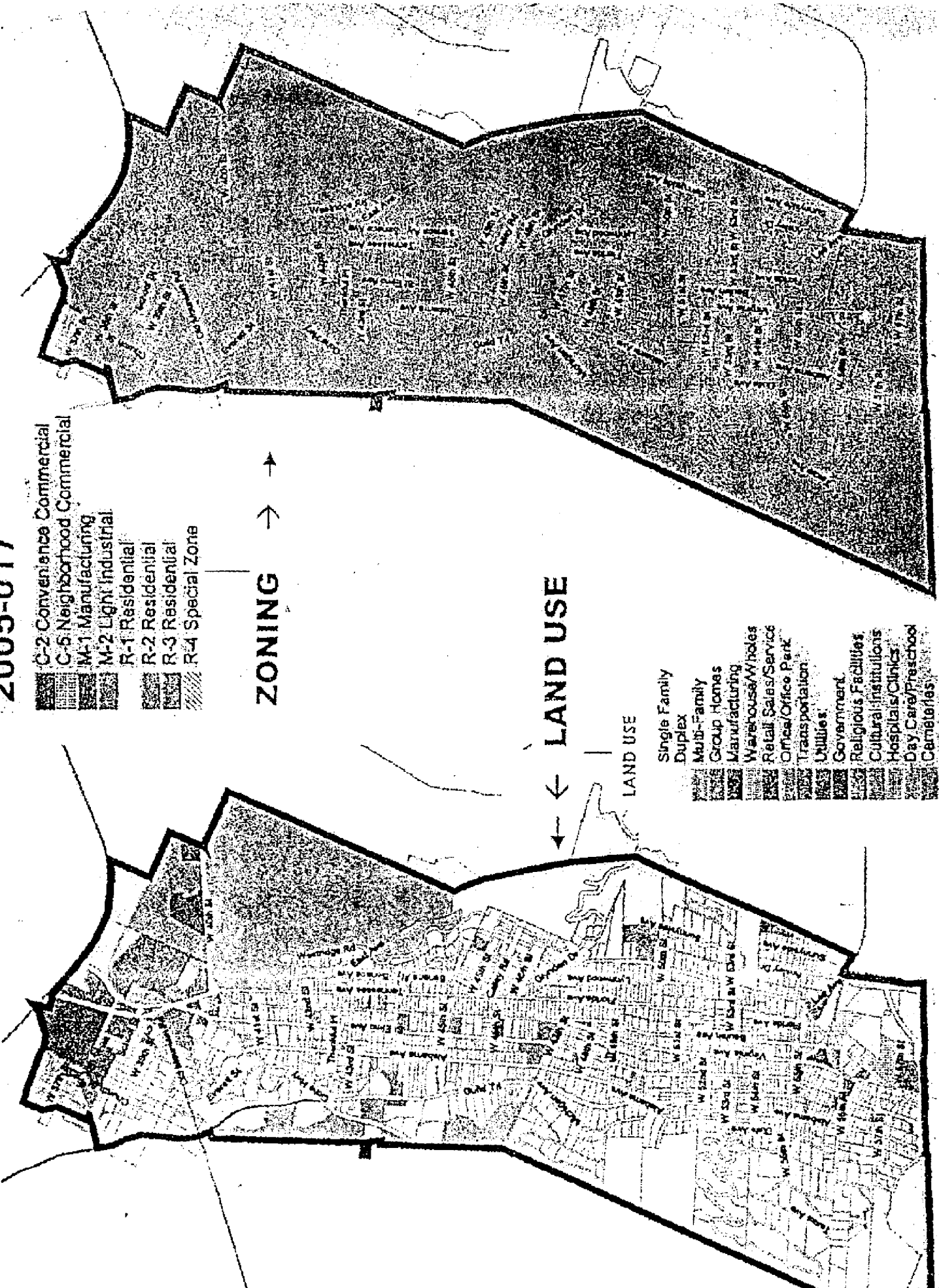
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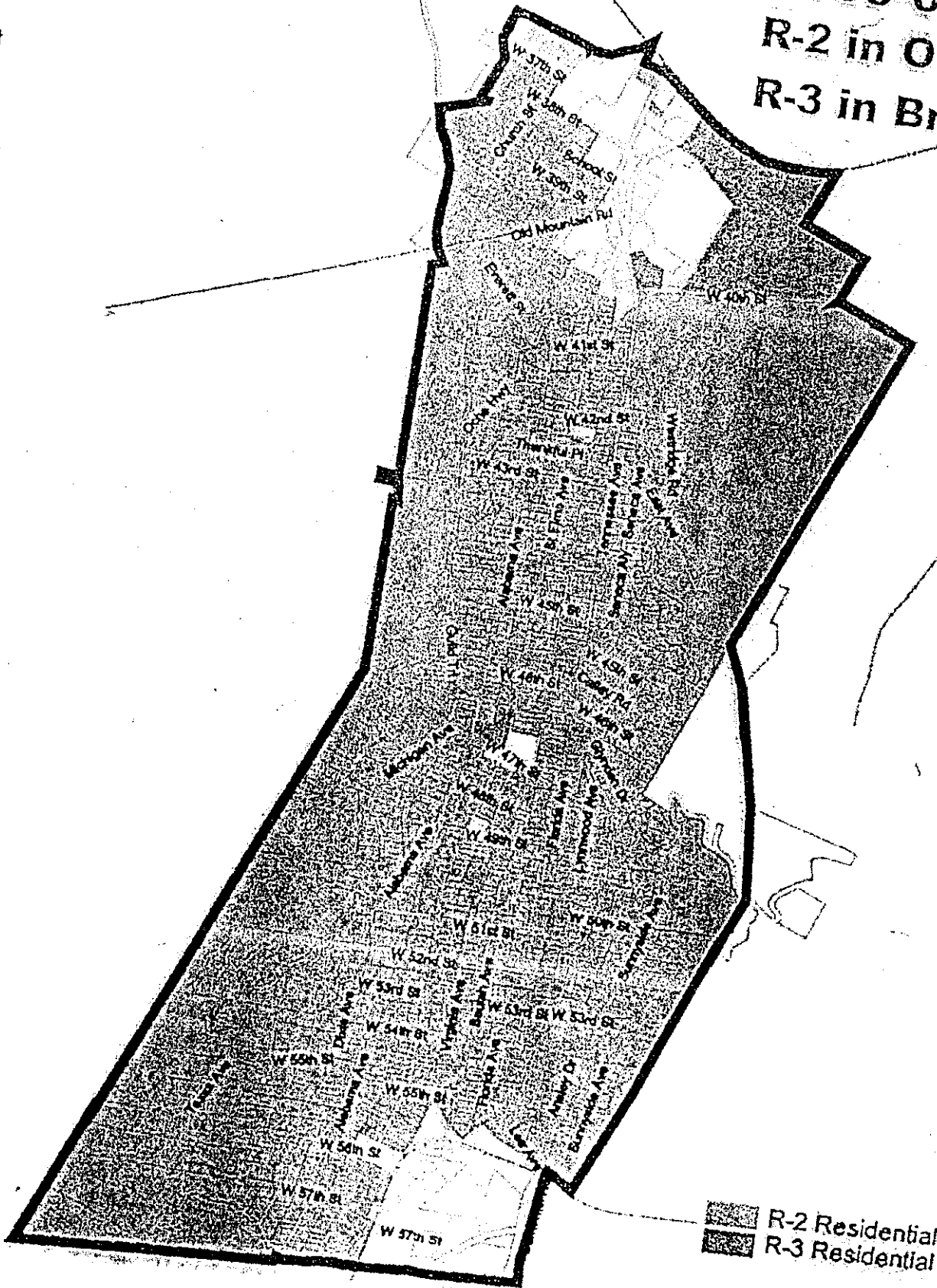
LAND USE



- Single Family
- Duplex
- Multi-Family
- Group Homes
- Manufacturing
- Warehouse/Wholes
- Retail Sales/Service
- Office/Office Park
- Transportation
- Utilities
- Government
- Religious Facilities
- Cultural Institutions
- Hospitals/Clinics
- Day Care/Preschool
- Cemeteries
- Recreation
- Vacant



2005-017  
R-2 in Orange  
R-3 in Brown



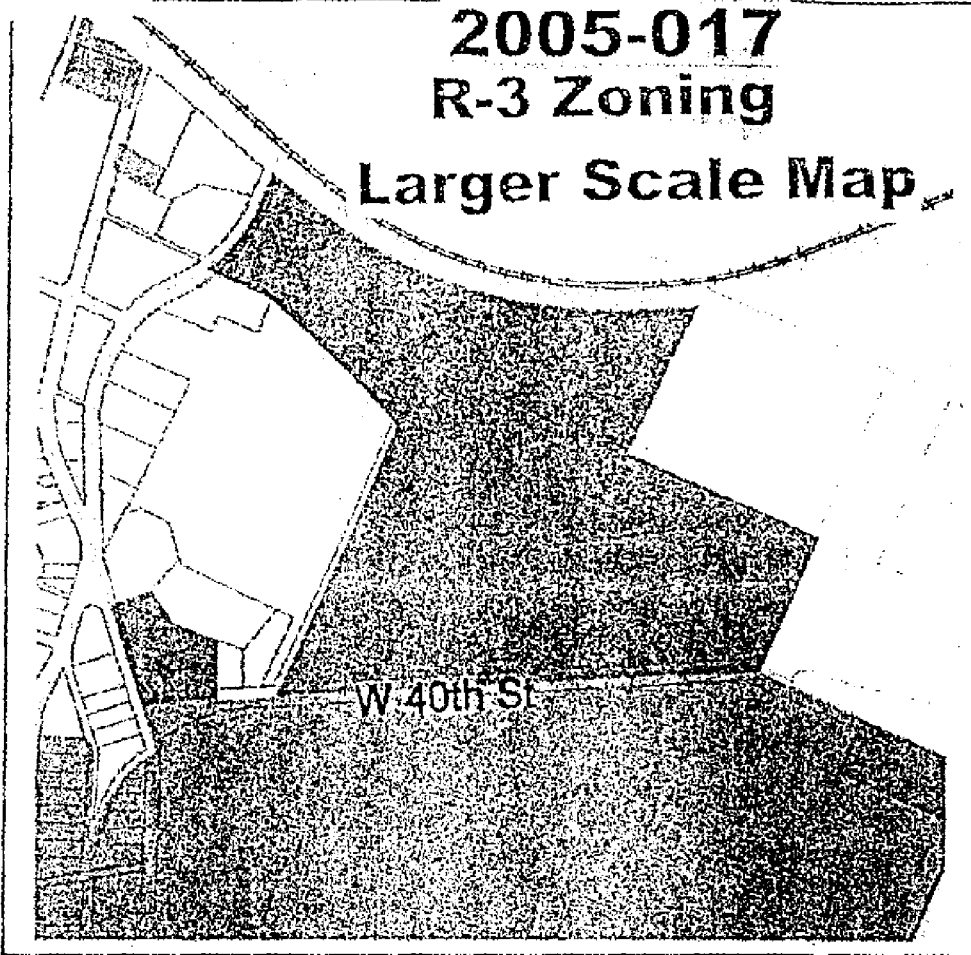
■ R-2 Residential  
■ R-3 Residential

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# 2005-017 R-3 Zoning Larger Scale Map

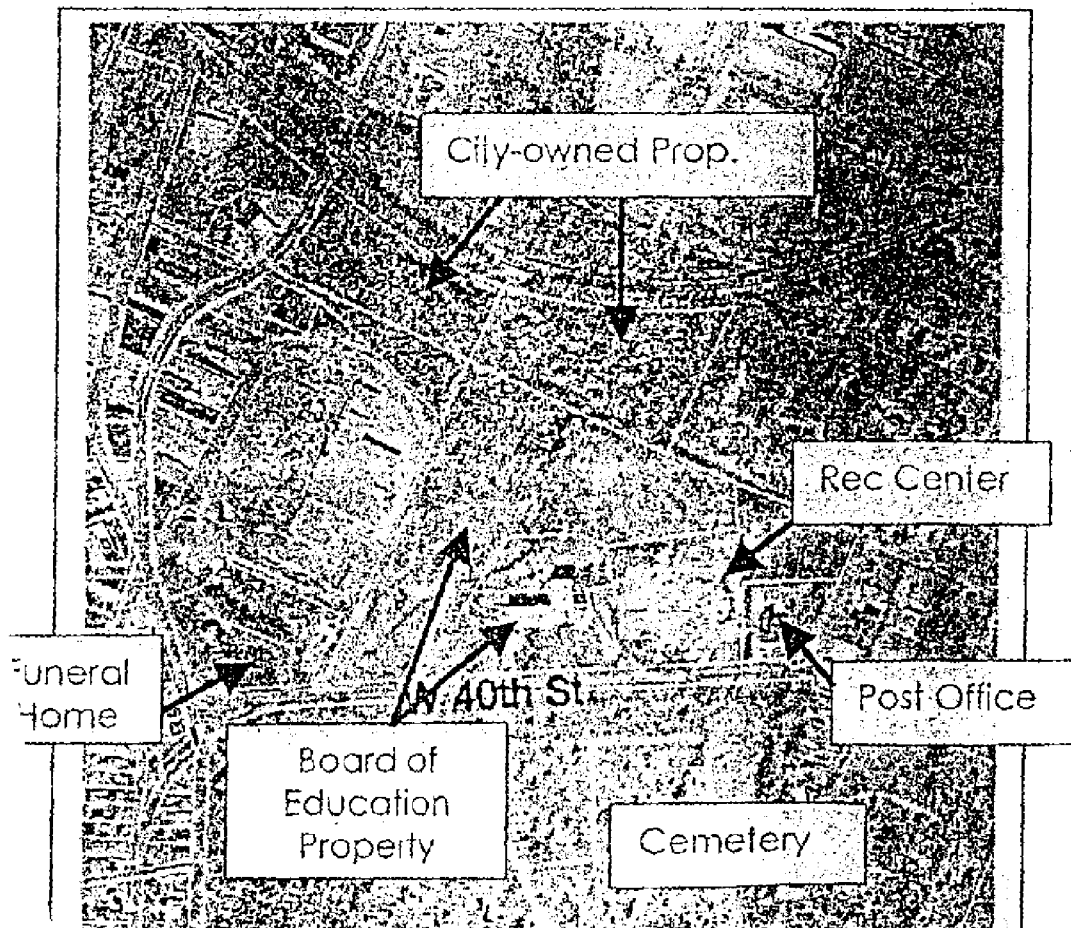


## R-3 Resid.

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The civic use e Tennessee Ave under current : location. The be rezoned to that location.

The only other Alexian Court , study does not



# St. Elmo Zoning Study

In November 2004, Chattanooga City Council requested that the Regional Planning Agency (RPA) conduct a zoning study for the St. Elmo community. The primary purpose of the study is to make recommendations to adjust the current zoning in certain areas to more accurately reflect the current land use. The focus of the study is those areas zoned R-2 Residential and R-3 Residential.

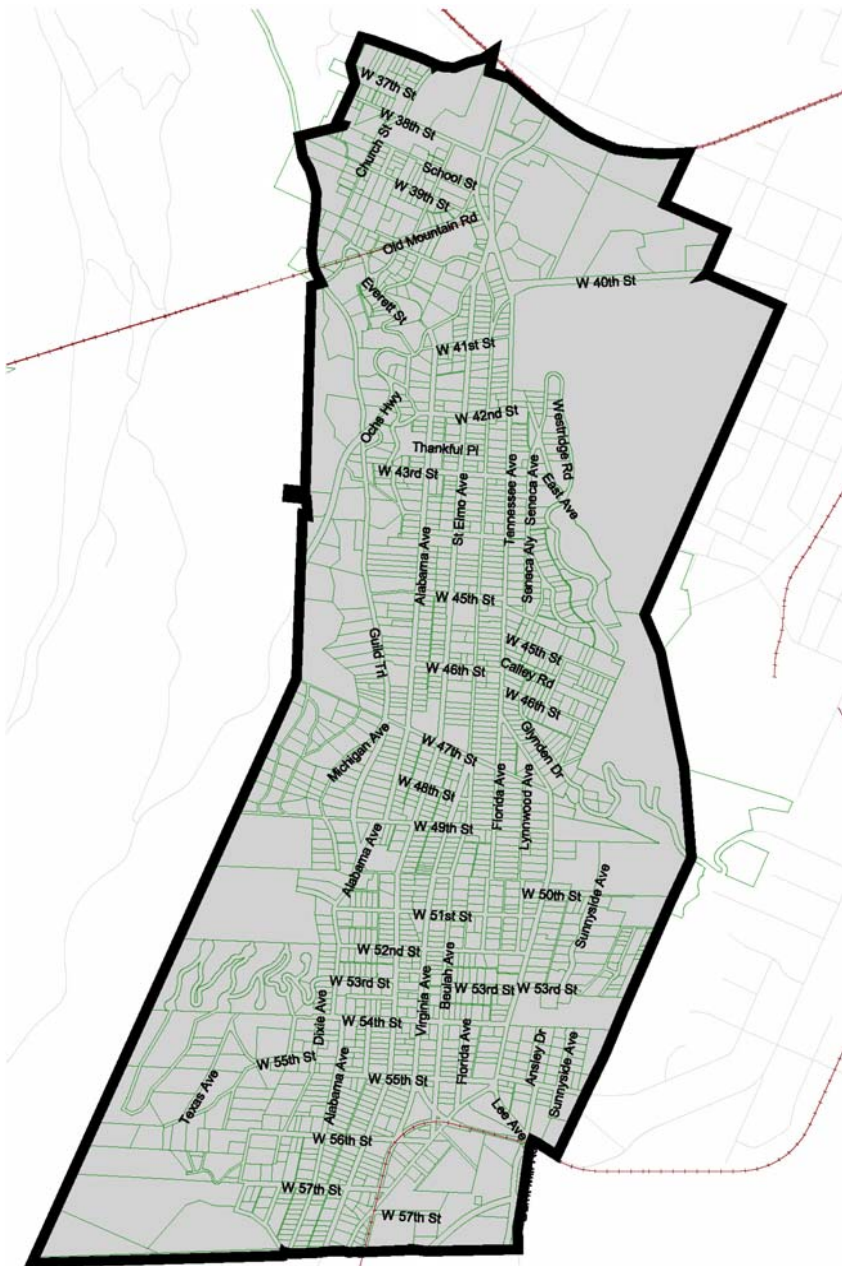
Much of the existing R-2 Residential property near downtown Chattanooga is the result of the *1961 Revised Zoning Ordinance* which rezoned many of these areas R-2 Residential. At that time, duplexes were permitted on lots of record which were 5,000 square feet or larger. Currently, a duplex may be built on a lot of record that is 7,500 square feet or larger. Parcels that are zoned R-2 and that meet the area regulations can be developed with new duplex construction or have an existing structure converted to a duplex.

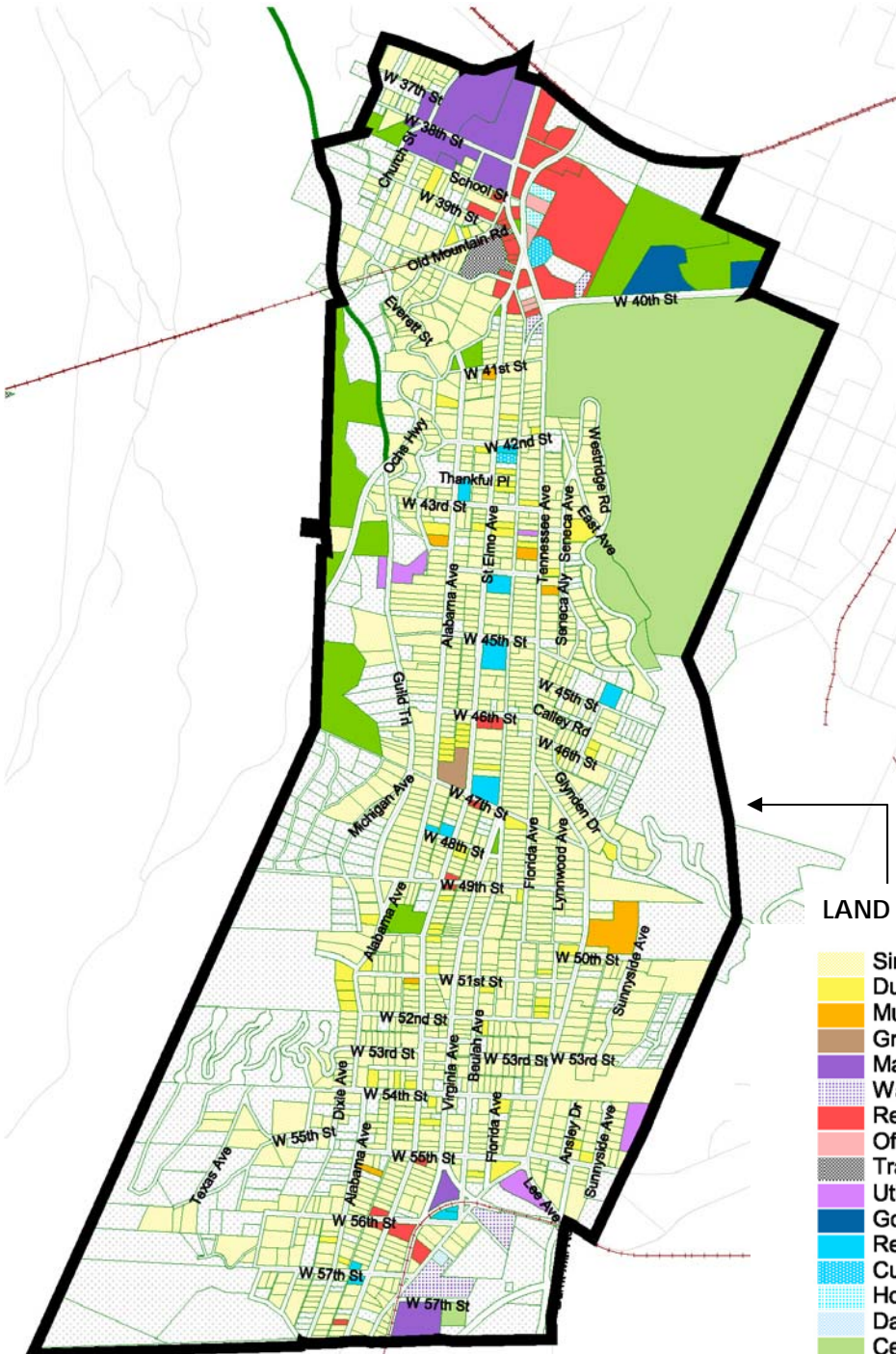
A zoning study for St. Elmo is appropriate at this time as several other similar studies have been completed recently in the "river to ridge" portion of Chattanooga. East Chattanooga, Avondale and the Rossville Boulevard area have all had zoning adjustments within the past nine months. These zoning studies have been the result of community plans that show a need to have some control primarily over duplex development and to a lesser extent multi-family development. During the public planning process, local stakeholders consistently voice their concern over the existence and maintenance of renter-occupied duplex housing in the community.

The St. Elmo Community Plan, adopted in May 2001, acknowledges that much of the residential portion of St. Elmo is appropriate for low to moderate-density residential (single and two-family homes). The document also states that "a shift to R-1 would be appropriate for certain areas in the neighborhood." A zoning adjustment for those properties zoned R-2 and certain properties zoned R-3 to R-1 Residential would help meet the intent of the residential recommendation of the plan while allowing some community oversight in development and redevelopment in this community.

If the existing R-2 and R-3 zoned parcels are rezoned to R-1, future zoning change requests to R-2 for those same parcels should be expected. The Plan does recommend some duplex development in the St. Elmo community, but the adjustment to R-1 will require that all new duplex development and some redevelopment will be considered on a case-by-case basis.

Anyone desiring a R-2 rezoning request will be required to follow the City requirements that includes posted notification of the request, review by City staff, and public hearings at Planning Commission and City Council. This process is currently not required due to the present extent of the R-2 and R-3 zoning in St. Elmo.



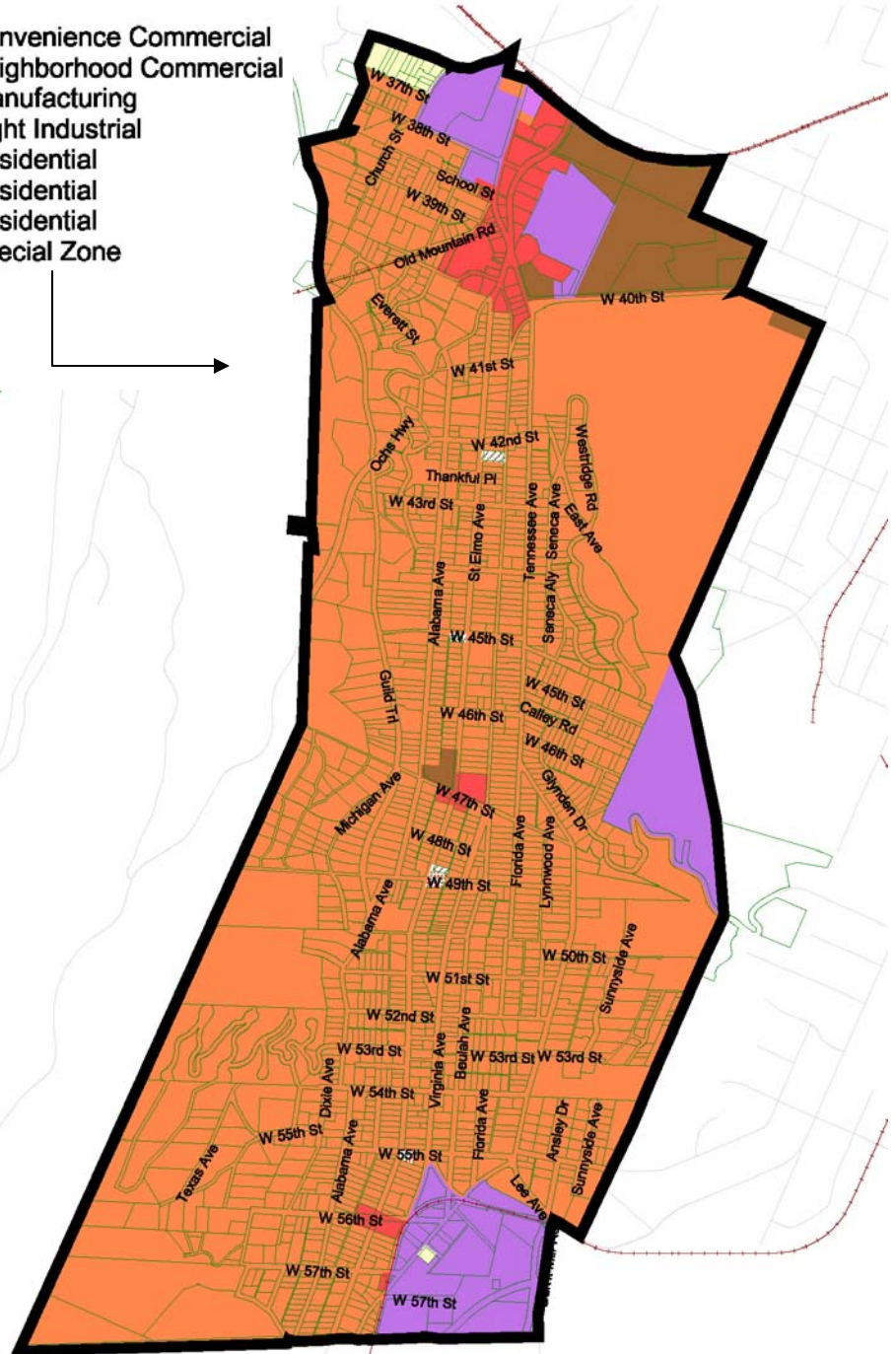


**ZONING**

- C-2 Convenience Commercial
- C-5 Neighborhood Commercial
- M-1 Manufacturing
- M-2 Light Industrial
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Special Zone

**LAND USE**

- Single Family
- Duplex
- Multi-Family
- Group Homes
- Manufacturing
- Warehouse/Wholes
- Retail Sales/Service
- Office/Office Park
- Transportation
- Utilities
- Government
- Religious Facilities
- Cultural Institutions
- Hospitals/Clinics
- Day Care/Preschoo
- Cemeteries
- Recreation
- Vacant



## Land Use and Zoning

It is evident from comparing the land use and zoning maps that generally commercial and manufacturing uses exist in areas zoned for such purposes. This is not the pattern for the portions both zoned and used for residential.

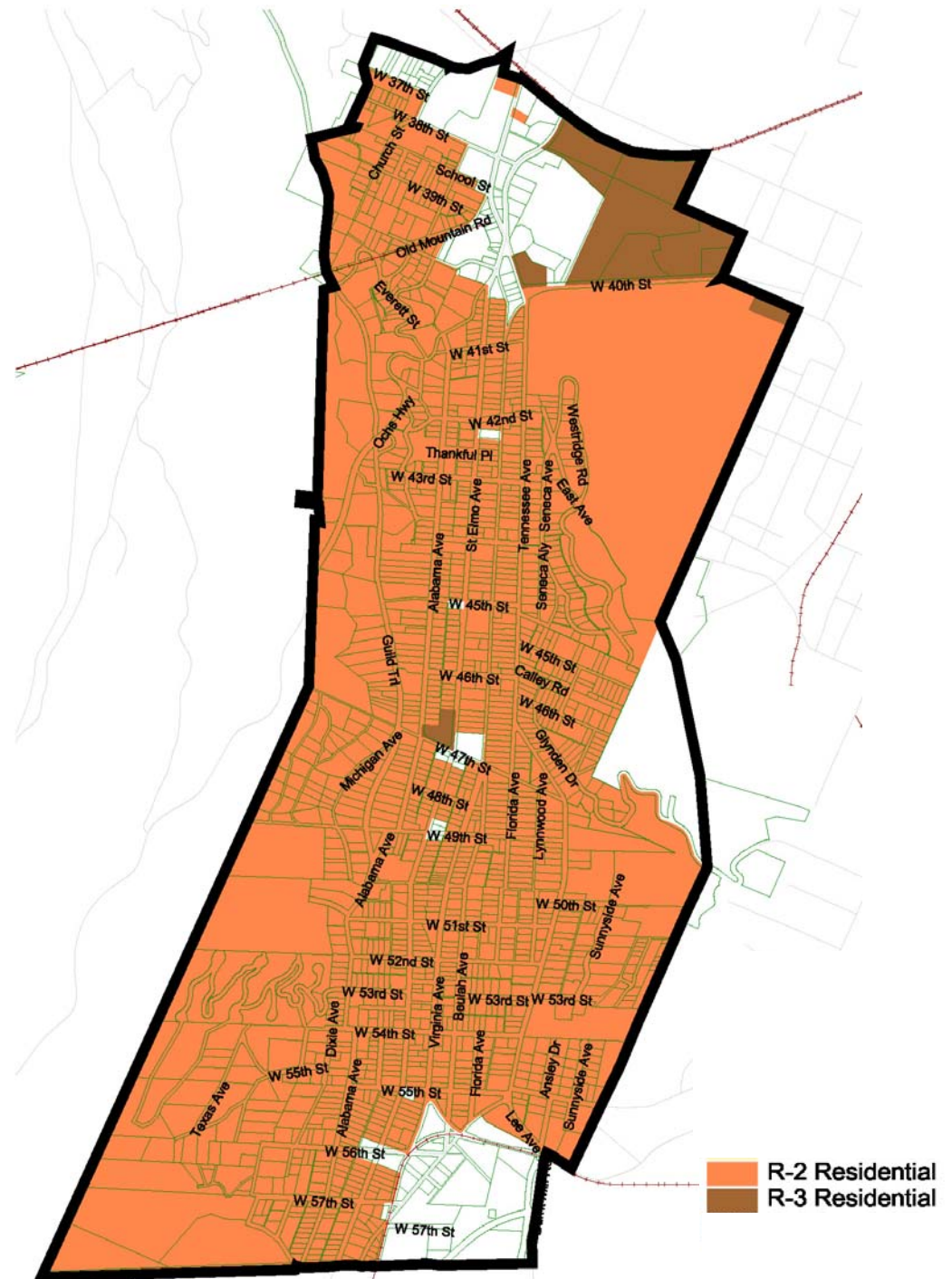
As was mentioned previously, most of the community is zoned R-2 which allows duplex development; however, it is mostly comprised of single-unit residences. Also, much of the R-3 zoned property in the northeast corner of the study area is not being used for residential purposes. It is these areas, shown on the map to the right, that are being proposed for a potential zoning adjustment.

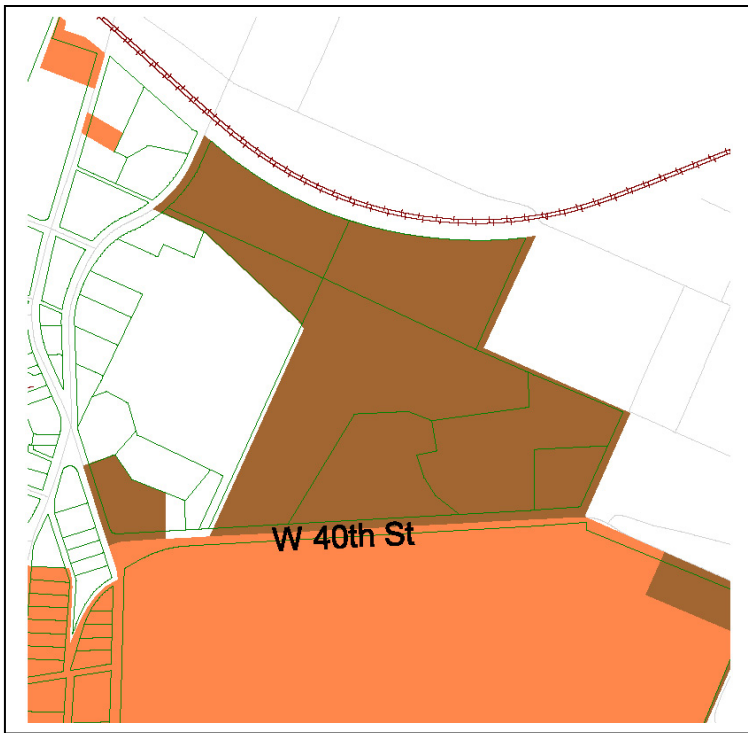
### “Grandfathered Uses”

Any existing duplex in the R-2 or R-3 Residential area at the passage of any rezoning by Chattanooga City Council becomes a grandfathered use. A use of this nature is one that legally existed prior to the date of adoption of the zoning adjustment and after a zoning change will become a non-conforming use. That use may continue indefinitely unless the non-conforming duplex is removed, or the non-conforming use of the duplex is discontinued, for 100 consecutive days.



*Single-unit Residential house in R-2 Residential*



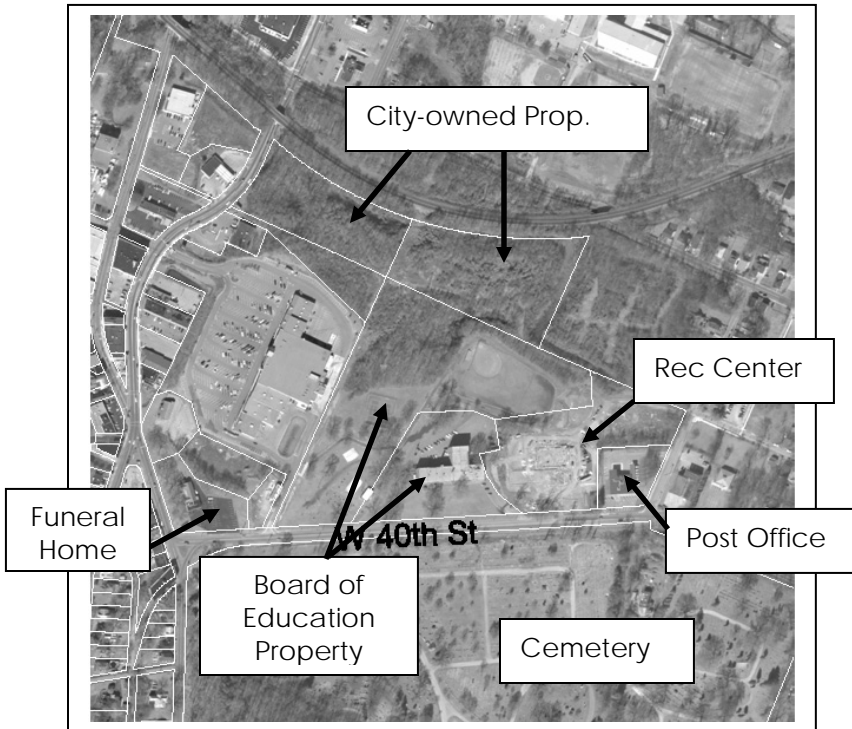





### R-3 Residential Zoning

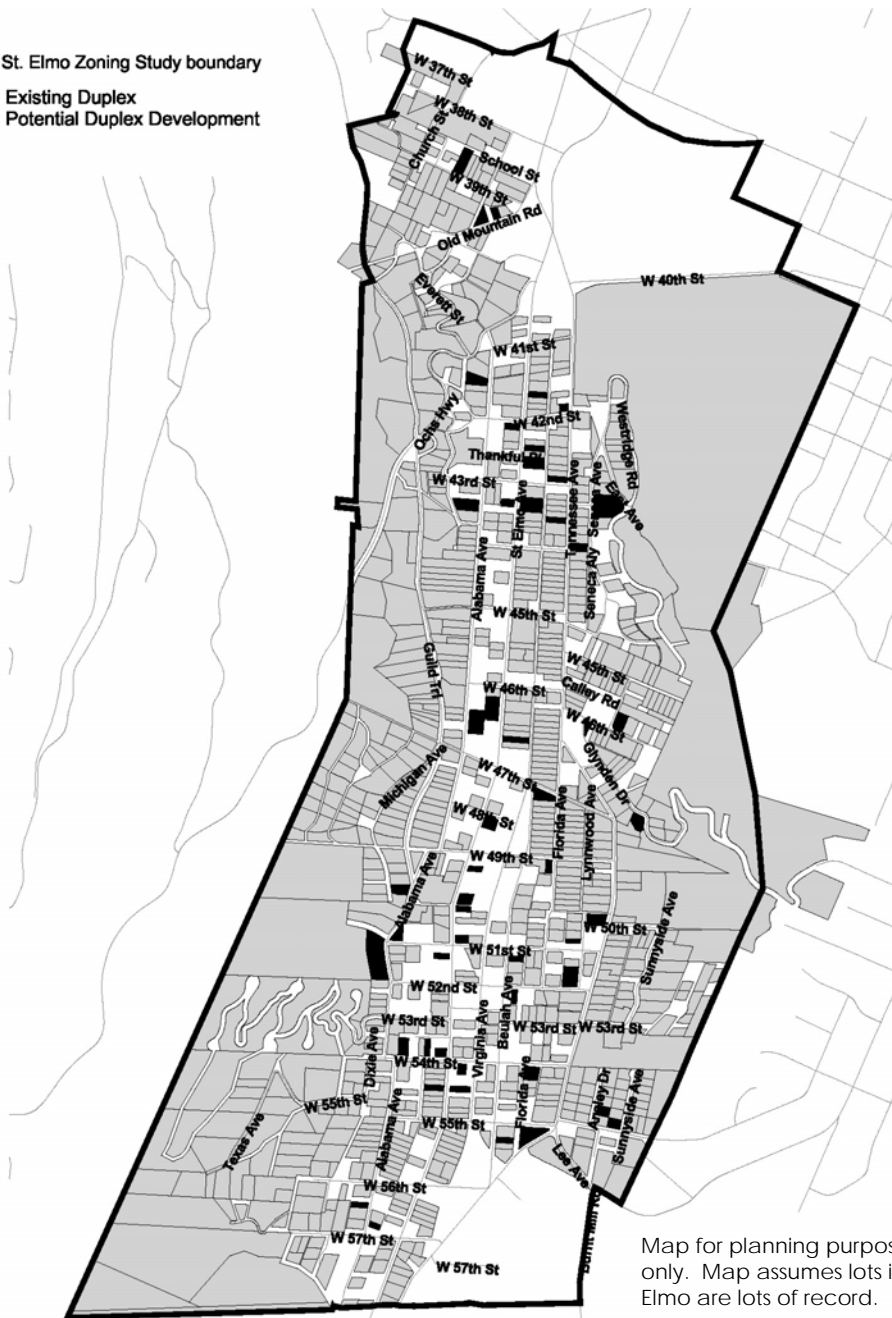
The majority of R-3 Residential zoning in the study area is north of W. 40<sup>th</sup> St. and appears to have carried this zoning designation since the mid-60s. With one exception, these properties are owned by government entities- the City of Chattanooga, Hamilton County Board of Education and the United States- and are being used for civic purposes. The South Chattanooga Recreation Center, post office, teacher training facility, and park lie just south of two vacant parcels owned by the City. These civic uses are permitted in any zone and a zoning adjustment to R-1 Residential for these properties will allow for proper redevelopment in this area.

The civic use exception north of W. 40<sup>th</sup> St. is Wann Funeral Home located on Tennessee Avenue. Funeral Homes are no longer permitted in R-2 Residential under current zoning guidelines and this use has been "grandfathered" at this location. The Regional Planning Agency recommends that the funeral home be rezoned to R-4 Special Zone to more accurately reflect the land use at that location.

The only other R-3 use in the study area is at 4625 St. Elmo Avenue. The Alexian Court Apartments were built after a rezoning process in 2000. This study does not recommend any change to that parcel's existing R-3 zoning.



-  St. Elmo Zoning Study boundary
-  Existing Duplex
-  Potential Duplex Development



Map for planning purposes only. Map assumes lots in St. Elmo are lots of record.

## R-2 Zoning

According to the land use record for each parcel, in the existing R-2 Residential zone the breakdown of residential usage is as follows:

**Single-Unit Residential properties: 1,054**  
**Two-Unit (Duplex) Residential properties: 68**  
**Multi-Unit Residential properties: 8**

93% of the parcels with a residential use are currently being used for single-unit residential purposes.

While most of the single-unit residences will most likely continue as that use, redevelopment or conversion to two-unit (duplex) residential is a possibility. The map to the left depicts the parcels that, over time, could be developed or redeveloped as two-unit dwellings based on the existing R-2 zoning. The parcels shaded light gray could be converted or redeveloped with one or more two-unit dwellings based on the lot square footage. (Potential two-unit residential lots are those that are, at a minimum, 7,500 sq. ft. lots of record.)

The Lookout Village Apartments are currently zoned R-2 Residential. The St. Elmo Community Plan recommends a "shift from R-2 zoning to R-3MD". The recommendation from the zoning study supports this, but any expansion of the apartment use will need to go through the rezoning process.

## Recommendation

- The Chattanooga-Hamilton County Regional Planning Agency recommends that all properties (or the portions of parcels that lie within the study area) currently zoned R-2 Residential be rezoned to R-1 Residential.
- All R-3 properties, with the exceptions of Wann Funeral Home and the R-3 zoning obtained for development of the Alexian Court Apartments, be rezoned to R-1 Residential.
- Wann Funeral Home be rezoned R-4 Special Zone to more accurately reflect its current land use.
- Rezone the Lookout Village Apartments from R-2 to R-3MD.

Planning Commission recommended the exclusion of certain parcels:

Chris Zahnd: 1550 D 010 and 1550 D 004

Mary Ward: 1550 K 018