

Fort Wood **Rezoning Alternative- March 18, 2008**

Process

In March 2007, Chattanooga City Council requested the Chattanooga-Hamilton County Regional Planning Agency (RPA) to conduct a zoning study for Fort Wood. The issues the study sought to address were:

- Fraternal organizations
- Multi-family residences
- Lodging/Boarding homes
- Maintaining the residential feel of the community

In December 2007, the Regional Planning Agency presented a rezoning recommendation for the Fort Wood community to the Planning Commission. There was opposition to the proposed rezoning at Planning Commission and that body recommended denial of the zoning study to Chattanooga City Council. Also, there was extensive opposition to the zoning study recommendations at the first and second reading of the ordinance at City Council. At the time of the second reading, City Council voted for a three month deferral so that the Regional Planning Agency could further review the area.

Original Zoning Study recommendation

1. Rezone the R-3 properties to R-3MD, a moderate density residential zone which allows single-, two-, three-, and four-family dwellings, but does not allow boarding and lodging houses or bed and breakfasts and;
2. Rezone the R-4 Special Zone properties which allow all types of residential housing as well as office type uses to R-4 with the following conditions:
 - Multiple-family housing shall not exceed four-family dwellings, except condominiums that were already purchased or under contract for purchase at the time rezoning is enacted by the Chattanooga City Council.
 - Boarding and Lodging Houses and Bed and Breakfasts are prohibited.
 - There shall be no more than four fraternal organization residential housing structures at any given time within the Fort Wood Study Boundary attached hereinto as part of the ordinance rezoning said properties.

Reassessment

As there has been vocal opposition to the original recommendations of the zoning study, RPA reassessed that recommendation in light of that strong opposition and the issues expressed by many community members throughout the process.

The challenge that this reassessment sought to address were balancing the concerns of some Fort Wood residents with the concerns expressed by the opposition regarding the proposed rezoning of their property including:

City Council request
March 2007

Survey sent to residents
July 2007

Public meeting
August 2007

Planning Commission
November 2007

City Council
December 2007

Rezoning alternative
March 2008

- “Grandfathering” of legal, nonconforming property can be difficult to maintain particularly in this community adjacent to the university as properties may be vacant for over 100 days during the summer months and properties could lose their grandfathered status.
- Losing potential uses due to the rezoning. Several property owners stated that they purchased their residences based on the zoning of the property and potential uses associated with that zoning. Investments were made based on the existing zoning of the property and stakeholders were concerned this investment would be lost.
- Loss of rental income.

RPA has tried to determine specific issues in the Fort Wood community and quantify as many of them as possible. As there is continued opposition to the proposed rezoning of the area, staff reviewed existing zoning and code standards for the area and focused on three main areas: **land use, parking, and code enforcement**. Discussed below are possible alternatives to a rezoning for Fort Wood by strengthening existing code and City process in order to meet the needs of the community without changing the zoning designation.

Alternatives to a rezoning for Fort Wood

Land Use existing conditions

It appears that some property owners appear to understand the permitted uses allowed through zoning but do not understand how these uses are additionally regulated through the minimum lot size requirements. The following uses (bolded) seem to be most in question:

Current Permitted Uses in Fort Wood

*For complete list of uses see zoning ordinance.

R-3 Residential Zone

- Single-family dwellings
- **Two-family dwellings.**
- **Boarding Houses, Lodging Houses and Bed and Breakfast.**
- **Multiple family dwellings.**

R-4 Special Zone

- Single-family, **two-family, and multiple-family dwellings**
- **Lodging Houses, Boarding Houses and Bed and Breakfast.**
- Offices

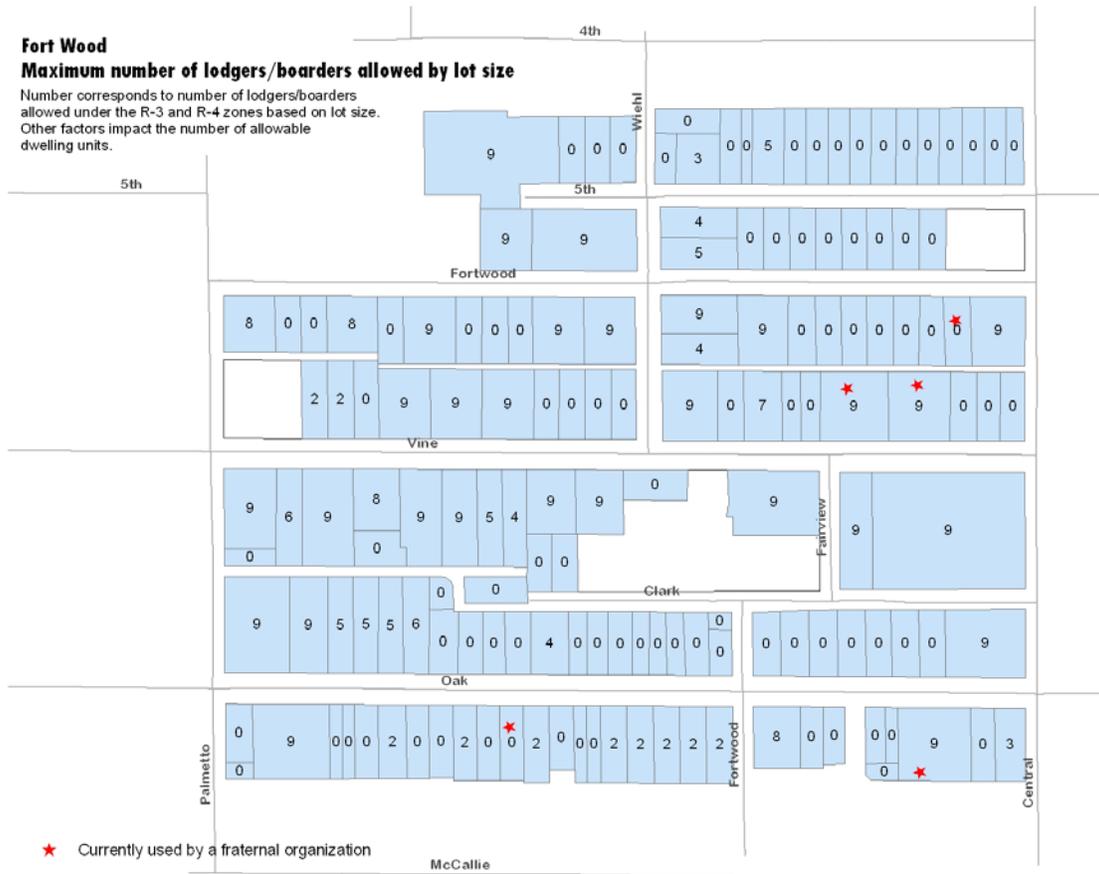
The lot sizes in Fort Wood are similar to those found in older urban areas of Chattanooga and range from 1,500 sq. ft. to 68,000 sq. ft.

Below is a map showing the number of dwelling units that could be developed based on lot size in the current zone. (*Note: There may be some exceptions to the data presented based on subdivisions of parcels/lots.*) Most properties can be developed with two, three, or four units. Only 12 properties in the study area have the ability to contain more than four units (and most of these are on the fringes of the neighborhood) and three of these lots are currently fraternal organizations. So the existing zoning with its lot size minimums and parking requirements actually regulates Fort Wood as a lower-density area regardless of the listed permitted uses.

Fort Wood

Maximum number of lodgers/boarders allowed by lot size

Number corresponds to number of lodgers/boarders allowed under the R-3 and R-4 zones based on lot size. Other factors impact the number of allowable dwelling units.



Essentially, Fort Wood's existing zoning limits development of both multi-family dwellings and boarding/lodging house. These were two of the main uses that the zoning study sought to address in its original recommendation.

Parking: permit parking and off-street parking

Another issue that was mentioned was parking. Some residents state that they feel there is a parking problem while others claim that there is not a problem. The western portion of Fort Wood is designed as a restricted on-street parking area due to its proximity to the University of Tennessee at Chattanooga, the nature of the historic district, and the limited amount of off-street parking facilities in the neighborhood. The City Traffic Engineer's office issues a residential parking permit for the "owner or operator of a motor vehicle who resides in a restricted on-street parking area."

- In 2008, 128 parking permits have been issued for the parking district. Using information from a 1993 Traffic Engineering report, the restricted parking area in Fort Wood has the capacity for 209 legal on-street parking spaces (see map next page).
- At least eight properties have six or more parking permits issued to it. At least six of these eight properties are used as offices according to RPA land use data and a recent windshield survey (see map next page).
- According to Chattanooga City Code, Section 24-384, "Upon application a permit shall be issued only to the owner or operator of a motor vehicle who resides in a restricted on-street parking area." Visitors to the district are allowed one hour of parking without a permit between 7:00 a.m. and 6:00 p.m. Office employees and clients/customers are not allowed permits under the current parking district regulations.
- If a structure is converted from a single-family house to a lodging/boarding house or a multi-family structure, provisions for required parking may not be reviewed by the Land Development Office. Parking provisions are reviewed with a change of use such as residential to office or when a permit is pulled to add an additional electrical meter.
- Some residents stated they feel there is a parking problem in Fort Wood. This may reflect the fact that sometimes they are not able to park front of or in near their residence. This situation may be more acute where parking permits are issued for many addresses in close proximity to one another.

**Fort Wood
On-street parking district**

Number corresponds to number of parking permits per address for 2008



**Fort Wood
On-street parking district**

Number corresponds to number of on-street parking spaces as determined by City Traffic Engineering



Code enforcement existing conditions

Code issues such as litter, bulky item collection, illegal dumping, housing and general complaints were reviewed through examination of the City's 311 system. RPA mapped the 2006-2007 311 calls and looked at those that were most similar to the neighborhood concerns mentioned by some. However, due to the way the data is collected and the fact that oftentimes the complaint address may not correspond with the violation (inoperable vehicle parked in front of a residence) this was not the most exacting method to determine a correlation between violations and land use.

While some of the larger, more intense uses such as multi-family residences did correspond to an increase in 311 calls, there was not an obvious correlation to staff between the land use and the number of 311 complaints.

Revised recommendation

The Regional Planning Agency has revised its recommendation for Fort Wood due to the combination of all the following factors:

- Existing zoning and lot size requirements, in conjunction with off-street parking requirements, will help ensure lower-densities for Fort Wood.
- Concerns expressed during the public hearings at Planning Commission and City Council about difficulty in maintaining legal, nonconforming status due to student renters' schedules.
- Enforcing existing City Code and strengthening development processes will help address some of the residents' concerns.
- Property owners need to better understand the legal, allowable uses of their property.

Recommendation for fraternal/Greek organizations:

- Although fraternal/Greek organizations are required to obtain a Special Permit from the Board of Zoning Appeals, limiting the development of more fraternities and sororities in Fort Wood appears to have wide support. RPA recommends adopting a formal policy that "There shall be no more than four fraternal organization residential housing structures at any given time within the Fort Wood neighborhood as depicted on the attached zoning study boundary map."
 - *The City of Chattanooga and Regional Planning Agency will advise potential developers and Greek organizations of the adopted policy for Fort Wood.*

Recommendation for land use:

- An informational letter from the Regional Planning Agency to all property owners in Fort Wood. Information in the letter could include: the current zoning, the lot size and number of permitted dwelling units and lodgers/boarders, explanation of the parking district and parking requirements, and requirements for business permits for those specific residential uses that require them. This letter can be used to explain to property owners the legal use of their property and the method to ensure the property's uses remain compliant with city regulations.
 - *The Regional Planning Agency will send these letters in Spring 2008.*

Recommendations for parking:

- Become more stringent in applying the requirements of City Code, Chapter 24, Article XI, Section 24-384(b) as pertains to the issuance of parking permits particularly regarding businesses. 37 permits were issued this year to six businesses in the district. However, in reviewing permits that have been issued recently, it appears that some permits are most likely being issued to individuals who do not reside in the district although they work there. Increased vigilance on the City's part in issuing parking permits based on the language of City Code can help ensure that parking is fairly enforced and made appropriately available in the district.

City Code requires:

(b) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the motor vehicle's make, model, registration number and the number of the applicant's operator's permit. In the absence of this information, a current lease agreement will be required. The motor vehicle's registration and operator's license may, at the discretion of the city traffic engineer, be required to be presented at the time of making said application in order to verify the contents thereof. In the event

the vehicle is registered at an address other than the local residence, the applicant shall provide other sufficient proof acceptable to the city traffic engineer showing residency within the restricted on-street parking area. Residents of fraternity and sorority houses, as defined in the Chattanooga Zoning Ordinance, shall provide proof of residency to be eligible for a decal.

Decals will not be issued to non-resident members of such organizations.

- Identify if adequate parking exists for properties in the R-4 Special Zone proposed to be used as offices or other businesses particularly if the existing code is enforced more stringently. This can be done through the existing permitting process.
- The Regional Planning Agency and the City of Chattanooga Land Development Office review “triggers” for enforcing required parking the Fort Wood area. Most likely, this would include reviewing an application for a building permit in the area to identify if off-street parking requirements are being met. In reviewing building permits from 2001-2006 that could cause the need for an off-street parking requirement review, this accounts for fewer than 10 a year.
- Review the parking district requirements to determine if the parking restrictions meet the needs for continued growth in the neighborhood. This should be a partnership between the Regional Planning Agency and Fort Wood residents and property owners with the City of Chattanooga Traffic Engineering Office.
 - *The City Traffic Engineering Office will more stringently enforce the requirements of the district parking permits per City Code.*
 - *The Land Development Office has agreed to review building permits for Fort Wood to determine if off-street parking requirements are being met.*

Synopsis

A comprehensive review of Fort Wood shows that the existing zoning requirements with the minimum lot size and off-street parking standards, along with permit requirements under the Fort Wood parking district, appear to adequately restrict the proliferation of higher-density uses in the neighborhood. The recommendations stated above can provide a compromise between the concerns of residents and maintaining the rights of property owners.