

First Reading: May 24, 2022
Second Reading: May 31, 2022

ORDINANCE NO. 13839

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, BY ADDING
ARTICLE XVII, ACCESSORY DWELLING UNITS,
SECTIONS 38-764 THROUGH 38-771.

WHEREAS, the Comprehensive Plan prioritizes the need for a greater variety of housing types, including both rental and homeownership opportunities; and

WHEREAS, the Hamilton County-Chattanooga Area Real Estate Market Trends Analysis lists 40% of the next decade's market-rate demand is for rental housing and accessory dwelling units are an appropriate rental housing type; and

WHEREAS, many adopted land use plans, including the MLK Community Plan, South Broad Final Plan, Area 3, and St. Elmo Community Plan, recommend changes to the Zoning Ordinance to allow accessory dwelling units or garage apartments; and

WHEREAS, there has been a request from the community during a public process for more infill housing choices like accessory dwelling units; and

WHEREAS, accessory dwelling units can provide new housing units without changing the character of established neighborhoods and allow more efficient use of existing housing stock and infrastructure; and

WHEREAS, Chapter 38 Zoning Regulations currently do not provide a permitted land use for accessory dwelling units except in the Form Based Code boundary; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 38, be amended by adding Article XVII, Accessory Dwelling Units, Sections 38-764 through 38-771 as follows:

ARTICLE XVII. - ACCESSORY DWELLING UNITS

Sec. 38-764. - Intent.

- 1) It is the intent of this section to provide regulations for development of accessory dwelling units (also called ADUs) in a manner which provides for efficient use of land and small-scale infill development in residential areas.
- 2) It is further intended that these regulations provide for standards which will foster compatibility with surrounding development and minimize impacts of new accessory dwelling units on neighboring properties.
- 3) ADUs are intended to increase overall supply and range of housing options in Chattanooga while maintaining the residential character of neighborhoods.
- 4) ADUs are intended as accessory uses to single-family detached dwellings.

Sec. 38-765. - Applicability.

- 1) The provisions of this Article shall apply to detached and attached ADUs located in any zone district where single-family detached dwellings are a permitted use.
- 2) ADUs are only permitted as an accessory to a single-family detached dwelling when constructed on the same lot as the single-family detached dwelling.
- 3) The provisions of this Article do not apply to properties located within the Form Based Code Boundary as described in Article XVI - Downtown Form Based Code.
- 4) This Ordinance does not supersede homeowner association rules or Local Historic District guidelines regarding ADUs or additional accessory structures. The City of Chattanooga is not responsible for enforcing deed restrictions or homeowner association covenants.

Sec. 38-766. - Review

The Regional Planning Agency will conduct an annual review of the standards and review processes. Any recommendations to changes to the standards will be presented to the Planning Commission and City Council for consideration and action. The annual review will only be required for the first year of the ordinance adoption.

Sec. 38-767. - Permitted Uses

Accessory dwelling units shall be a permitted use in any zone that allows single-family detached dwellings. ADUs may occupy conforming existing accessory structures or lawfully created non-conforming primary residential detached structures. No more than one ADU shall be permitted in conjunction with a principal dwelling unit. ADUs cannot be permitted in association with a townhouse, duplex, or condominium unit.

Sec. 38-768. - Ownership

- 1) The ADU shall be owned by the same property owner(s) as the principal dwelling unit and cannot be subdivided or otherwise separated in ownership such that the ADU is located on a different lot than the principal dwelling unit. Under no circumstances shall the ADU be converted to a horizontal ownership regime or a fee simple condo.

Sec. 38-769. - Height and area regulations

- 1) Height:
 - (a) Height for Detached ADU when the height of the principal dwelling unit is more than one-story: Twenty-four (24') feet or two (2) stories maximum. Height for Detached ADU when the principal dwelling unit is one-story: the maximum height of the detached ADU shall be no more than twenty-four (24') feet when measured to the peak of the roof for all roof types.
 - (b) Attached ADU: Shall not exceed the maximum height of the zone district and cannot exceed the height of the principal dwelling unit.
- 2) Number of units: One (1) ADU is permitted per single-family detached dwelling per lot.
- 3) Location:
 - a) ADUs must be located on the same lot as the principal dwelling unit.
 - b) Detached: Detached ADUs shall be located in the rear or side yard only. Detached ADUs are not permitted in the front yard setback.
 - c) Attached: Attached ADUs must meet the minimum setback requirements as required for the principal structure in the zoning district.
- 4) Size/Massing:
 - a) Detached: The maximum size of an ADU shall not exceed a gross square footage of seven hundred (700') square feet. This is measured by the exterior dimensions of the building. Sleeping lofts and interior stairwells that are conditioned are also added into this square footage.

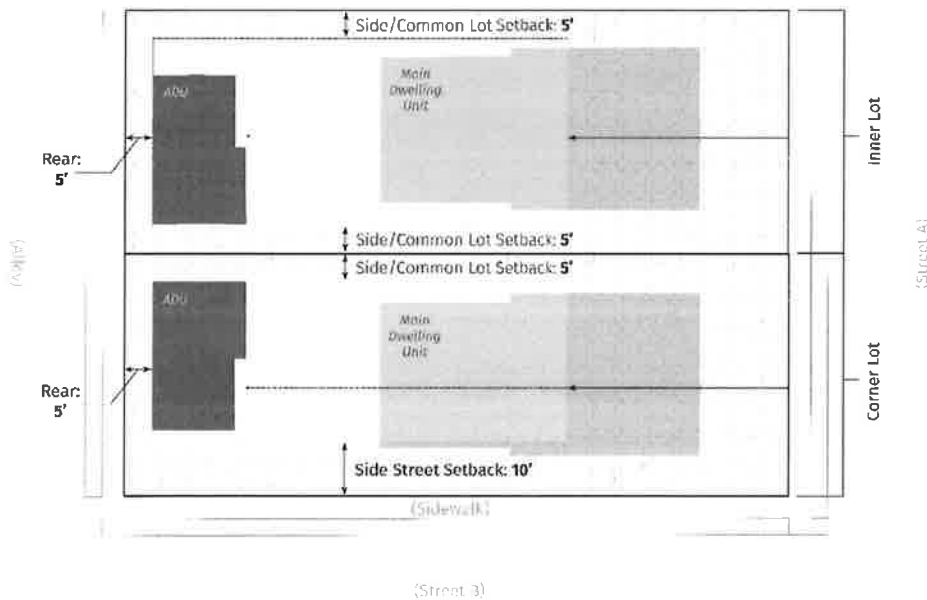
- b) Attached New Construction: The maximum size of an ADU shall not exceed a gross square footage of seven hundred (700') square feet. This is measured by the exterior dimensions of the building. Sleeping lofts and interior stairwells that are air conditioned are also added into this square footage.
- c) ADU Conversion: The ADU must meet the minimum standards, including seven hundred (700') square feet in size, if an existing portion of a single-family dwelling or detached accessory structure is to be converted to an ADU.

5) Minimum Lot Area: None.

6) Setbacks:

a) Detached ADU:

1. Primary Street/Front: Not permitted in the front setback of the principal dwelling unit.
2. Side Street: 10' min
3. Side: common lot line/alley: 5' min
4. Rear Street: 10' min
5. Rear: common lot line/alley: 5' min



b) Attached ADU: Must maintain the setback requirements of the underlying zoning district for principal structures.

- 7) Density: ADUs shall not be considered a dwelling unit for the purpose of determining maximum density when there is a density requirement in a zone or Planned Unit Development.
- 8) Pedestrian Access: ADUs shall have a safe, direct, and convenient pedestrian access connecting the street to the ADU building entrance when required by the Director of Land Development Office or their designee.
- 9) Parking: There is no minimum on-site parking requirement for ADU's. Existing required parking for the principal dwelling unit must be maintained or replaced on-site if parking is lost due to the creation of the ADU.
- 10) Home Occupation: Home occupations shall be allowed in the ADU or the principal dwelling unit but only one (1) home occupation is permitted per lot.
- 11) Design:
 - a) Shipping containers and recreational vehicles shall not be permitted as an ADU.
 - b) The ADU must have a permanent foundation either through digging and pouring a footer or being attached to an existing permanent structure.
 - c) ADUs must follow all design standards applicable to single-family detached houses.
 - d) For attached ADUs, an exterior staircase used to access an ADU shall not be located on the front facade of the structure.
 - e) The ADU must have a separate entrance located on the side yard or rear yard. An entrance at the front of the principal dwelling is allowable if it is a single entrance door for both the principal dwelling and the accessory unit. A front entrance solely for the ADU is allowed if the entrance door existed before adoption of the ordinance. A separate entrance must lead directly to the outside and cannot be through a garage.

Sec. 38-770. - Non-Conforming/Historic Accessory Dwelling Units

Non-conforming or existing ADUs that that were constructed prior to the adoption of these regulations, may continue to exist and will be considered legal units if they are brought up to all applicable building, fire and municipal codes as required by the Land Development Office.

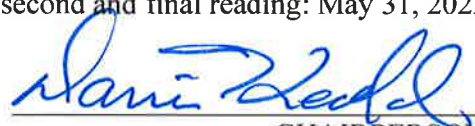
Sec. 38-771. – Definitions

- 1) Attached Accessory Dwelling Unit: An additional subordinate dwelling unit located on the same lot as a principal dwelling unit which is joined to another dwelling at one (1) or more sides by a wall and contained entirely within the footprint of the principal dwelling unit. Examples include converted living space, attached garages, basements, or attics; additions; or a combination thereof.


- 2) Detached Accessory Dwelling Unit: An additional subordinate dwelling unit located on the same lot as a principal dwelling unit and is a stand-alone, separate structure. This can include an existing garage or other accessory structure detached from the principal dwelling unit that is legally converted (fully or partially) to an accessory dwelling unit.
- 3) Principal Dwelling Unit: The larger of the two dwellings on the property as measured by the building footprint.

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: May 31, 2022


CHAIRPERSON

APPROVED: DISAPPROVED:


MAYOR

/mem/v3