



# Hamilton County Board of Commissioners

## RESOLUTION

No. 924-23

**A RESOLUTION TO AMEND THE HAMILTON COUNTY  
ZONING REGULATIONS TO AMEND ARTICLE V.  
GENERAL PROVISIONS BY ADDING STANDARDS  
FOR ACCESSORY DWELLING UNITS**

**WHEREAS**, there is a proposal to amend the Hamilton County Zoning Regulations to amend Article V. General Provisions by adding standards for accessory dwelling units, and said Planning Commission after hearing recommended that this petition be approved; and

**WHEREAS**, notice has been published in a newspaper in general circulation in Hamilton County that the County Commission will hold a public hearing on September 18, 2024, concerning the passage of this Resolution as required by law, and such hearing having been held.

**NOW, THEREFORE, BE IT RESOLVED, BY THIS COUNTY LEGISLATIVE BODY IN SESSION ASSEMBLED:** That the zoning regulations of Hamilton County be amended as follows:

**Amend Article V. GENERAL PROVISIONS by the inserting the following as a new section:**

**300. - Accessory Dwelling Units**

**301 - 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 unincorporated Hamilton County while maintaining the residential character of neighborhoods.
- 4) ADUs are required to be as accessory use to single-family detached dwellings when the property owner(s) live in either the principal structure or the accessory structure.

**302 - 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. ADU's are not permitted in the A-1 Agricultural District.
- 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. In those instances where the secondary detached unit located on one (1) lot is larger than 800 square feet then the structure is not considered to be ADU and is considered to be a secondary dwelling unit on one lot subject to the provisions of Article V. General Provisions, Section 104 Multiple Residential Structures on the Same Lot.

- 3) ADU's shall not be permitted for lots served by individual septic tanks. ADU's will only be permitted for residential lots served by public sanitary sewer.
- 4) This Resolution does not supersede homeowner association rules or deed restrictions regarding ADUs or additional accessory structures. Hamilton County is not responsible for enforcing deed restrictions or homeowner association covenants.

### **303 - Permitted Uses**

Accessory dwelling units shall be permitted in any zoning district that permits single-family detached dwellings with the exception of the A-1 Agricultural District. ADU's are not permitted in the A-1 Agricultural District.

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.

### **304 - Ownership**

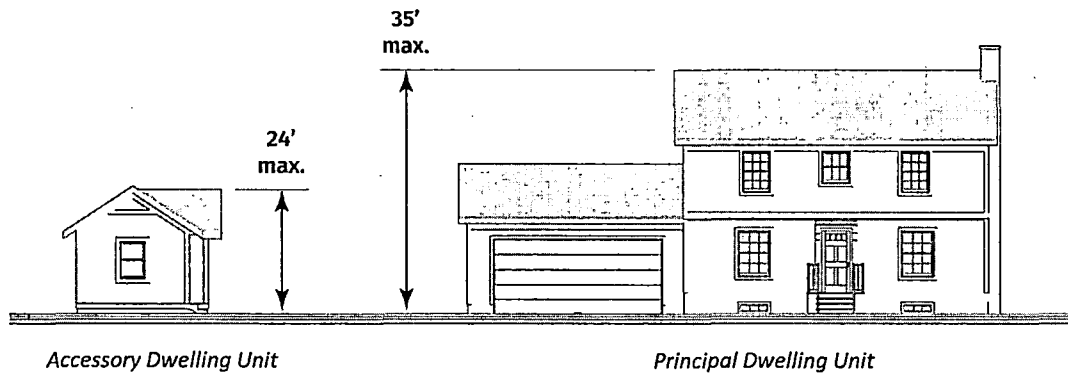
- 1) The ADU shall be owned by the same property owner(s) as the principal dwelling unit and cannot be subdivided or otherwise separated in ownership such that the ADU is located on a different lot than the principal dwelling unit. Under no circumstances shall the ADU be converted to a horizontal ownership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

### **305 - Short Term Vacation Rentals**

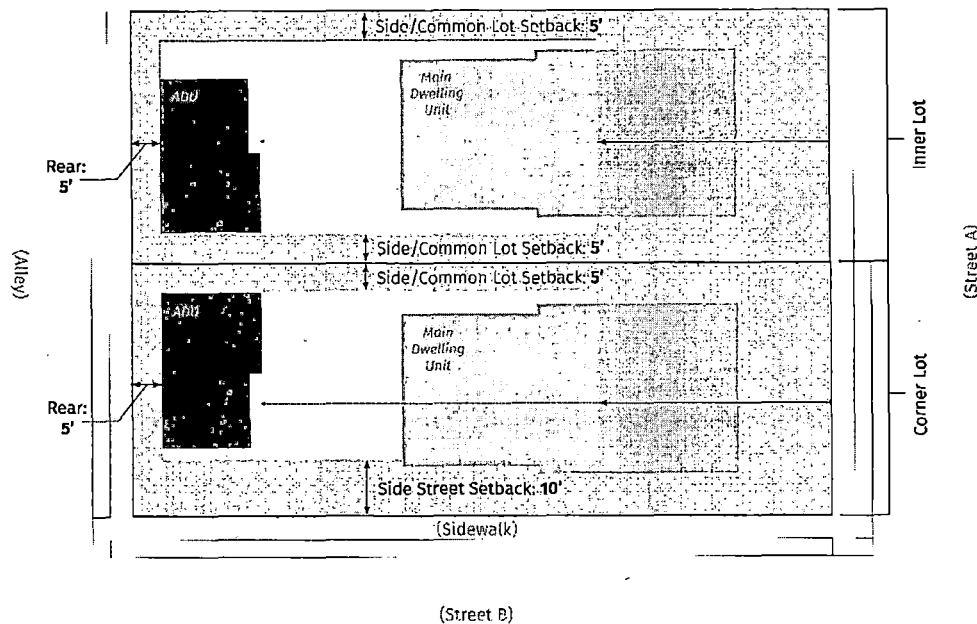
- 1) The detached or attached ADU cannot be used or rented for the use of a Short-Term Vacation Rental.

### **306 - Height and Area Regulations**

- 1) Height:
  - (a) Detached ADU: Twenty-four (24) feet or two (2) stories maximum and cannot exceed height of the principal dwelling unit if it is lower than twenty-four feet.
  - (b) Attached ADU: Must meet 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.
  - 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 eight hundred (800) 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 eight hundred (800) 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 800 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:** The principal use of the property (single-family detached dwelling) must meet the minimum lot area required per the zoning district the property is located.
- 6) **Setbacks:**
  - a) **Detached ADU:**
    1. Primary Street/Front: 40' min
    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) **Percentage of Lot Occupancy:** Maximum building occupancy shall be in accordance with the maximum building occupancy of the lot based on the zoning district standard.
  - 9) **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 Hamilton County Building Inspections or their designee.
  - 10) **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.
  - 11) **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.
  - 12) **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) For attached ADUs, an exterior staircase used to access an ADU shall not be located on the front facade of the structure.

- d) 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.

**307 - Non-Conforming/Historic Accessory Dwelling Units**

Non-conforming or historic 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 other life and safety codes as required by the Hamilton County Building Inspections Office.

**308 - 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.

**BE IT FURTHER RESOLVED, THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.**

**DEFERRED**

**CERTIFICATION OF ACTION**

Approved:

Rejected:



County Clerk

Approved:

Vetoed:

County Mayor

September 18, 2024

Date



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**A RESOLUTION TO AMEND THE HAMILTON COUNTY  
ZONING REGULATIONS TO AMEND ARTICLE V.  
GENERAL PROVISIONS BY ADDING STANDARDS  
FOR ACCESSORY DWELLING UNITS**

**WHEREAS**, the adopted 2030 Comprehensive Plan prioritizes the need for a greater variety of housing types including both rental and homeownership opportunities; and,

**WHEREAS**, RPA is currently undertaking comprehensive planning updates for areas located in unincorporated Hamilton County; and,

**WHEREAS**, the current planning process is utilizing place types to describe the future land use of areas located in unincorporated Hamilton County and within these place type categories accessory dwelling units are listed as a limited use; 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**, the Hamilton County Zoning Regulations currently do not provide a permitted land use for accessory dwelling units.

**WHEREAS**, the Regional Planning Agency will conduct an initial annual review of the standards and review processes. The initial annual review will only be required for the first year of the Resolution adoption. Any recommendations for changes to the standards will be presented to the Planning Commission and Hamilton County for consideration and action.

**NOW, THEREFORE IT BE RESOLVED**, that the Chattanooga-Hamilton County Regional Planning Commission on August 12, 2024 does hereby recommend to the Hamilton County Commission that the Hamilton County Zoning Regulations be amended as follows:

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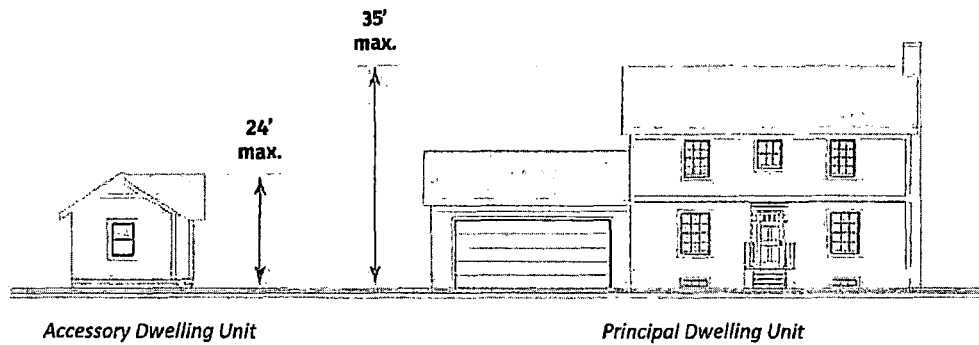
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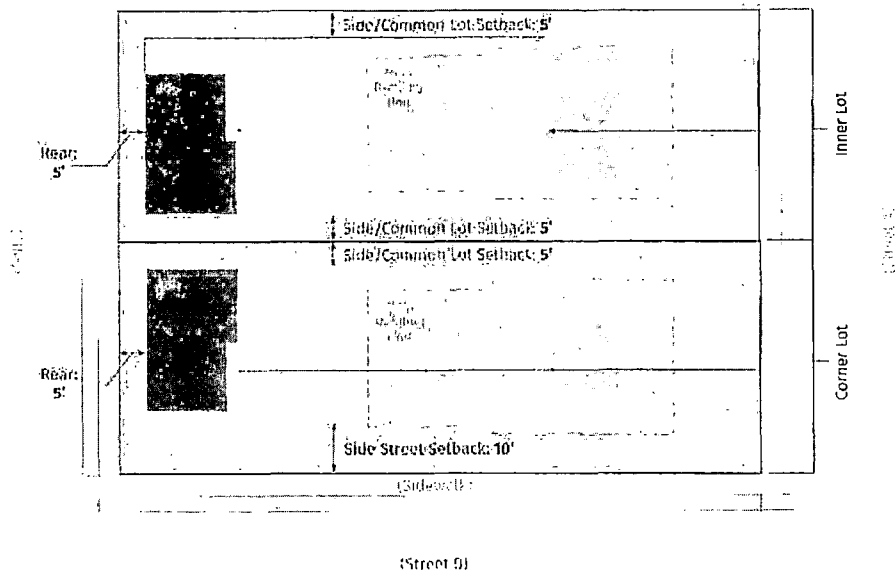
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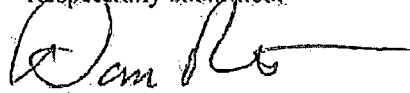
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Respectfully submitted,



Dan Reuter, Secretary

Date of Adoption: August 12, 2024  
Accessory Dwelling Unit Resolution