

First Reading: February 13, 2024
Second Reading: February 20, 2024

ORDINANCE NO. 14087

AN ORDINANCE TO AMEND CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II, DEFINITIONS, ARTICLE VI, HEIGHT AND AREA REGULATIONS, SECTION 38-504, PROJECTIONS OVER YARDS; ARTICLE XVII, ACCESSORY DWELLING UNITS; AND ARTICLE XVI, DOWNTOWN FORM BASED CODE.

WHEREAS, the Accessory Dwelling Unit (ADU) Ordinance was adopted May 31, 2022, and requires the Regional Planning Agency to conduct an annual review of the standards and review processes. Any recommendations to change the standards will be presented to the Planning Commission and City Council for consideration and action; and

WHEREAS, the Regional Planning Agency conducted the annual review by reviewing the Accessory Dwelling Unit building permits, sending a survey to building permit property owners and applicants, and gathering input from City of Chattanooga staff; and

WHEREAS, based upon the analysis of the annual review; the Regional Planning Agency prepared an Executive Summary with the findings and staff recommendations, and sent the summary to the Planning Commission and City Council; and

WHEREAS, the staff recommendations include increasing the Accessory Dwelling Unit maximum building square footage from 700 square feet to 800 square feet in the Form Based Code and ADU Ordinance to make the dwelling more livable for two occupants; revising the design standards language for entrances to make it clearer for permitting and enforcement; removing the annual review section since it is only required for the first year of adoption; and revising the accessory structure projections over yards standard to make it clearer for permitting and enforcement;

SECTION 1. NOW, THEREFORE, BE IT ORDAINED, that the City of Chattanooga Chapter 38, Zoning Ordinance, be hereby amended as follows:

Amend Article VI. Height and Area Regulations, Section 38-504 Projections over yards (1) by deleting and replacing with the following:

Detached small storage building, private automobile storage garages, pools, private shops for woodworking, metal working, ceramics, etc. and other similar accessory building or structures may be located inside and rear yards provided that the following requirements are met. Accessory Dwelling Units are exempt from subsections (a), (b), (c), and (d) and must meet the requirements listed in Article XVII, Sec. 38-769. Areas zoned C-3 are exempt from subsections (a), (b), (c) and (f) below:

Article XVI. – Downtown Form Based Code, Section 38-738. Use Categories (6) Accessory Uses (C) Dwelling unit, Accessory (2) by deleting and replacing with the following:

2. The accessory dwelling unit 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.

Amend Article XVI. Accessory Dwelling Units, Section 38-769. Height and Area Regulations (4) Size/Massing by removing and replacing with the following:

- a) Detached and 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 conditioned are also added into this square footage.
- b) ADU Conversion: The ADU must meet the standards, including a maximum of eight hundred (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.

Amend Article XVI. Accessory Dwelling Units, Section 38-769. Height and Area Regulations (11) Design (e) by deleting and replacing with the following:

- e) The ADU must have a separate entrance located on the side yard or rear yard, if the ADU is attached to the primary dwelling. 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.

Amend Article XVI. Accessory Dwelling Units, Section 38-771. (1-3) – Definitions by removing from Article XVI and adding them to Article II. – Definitions

Amend Article XVI. Accessory Dwelling Units, Section 38-766. Review by deleting and renumbering the following:

Sec. 38-766. – Permitted uses.

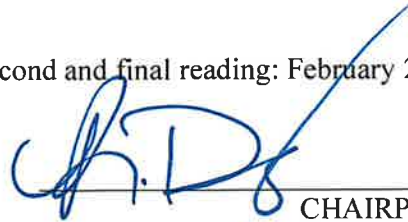
Sec. 38-767. – Ownership.

Sec. 38-768. – Height and area regulations.

Sec. 38-769. – Non-conforming/historic accessory dwelling units.

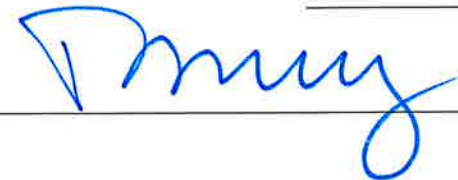
SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: February 20, 2024



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem/v2