



RUTHERFORD COUNTY REGIONAL PLANNING COMMISSION
 One South Public Square, Room 200, Murfreesboro, Tennessee 37130
 OFFICE 615.898.7730 FAX 615.898.7823

ACCESSORY DWELLING UNIT (ADU) APPLICATION

Property Owner:

Property Address:

City

State
Tennessee

Zip

Mailing Address (if different)

City

State

Zip

Phone Number (day)

Phone Number (mobile)

Fax Number

Email:

NOTE: The development standards that must be met to establish an Accessory Dwelling Unit (ADU) are found in Section 13.10 of the Rutherford County Zoning Resolution (attached). Before completing this application, we recommend that you review these sections and discuss your proposal with the Planning Department. This Application is intended to be submitted prior to the issuance of a zoning compliance certificate.

PLEASE COMPLETE THE FOLLOWING PROPERTY INFORMATION:

1.	Tax Map	Group	Parcel	Subdivision Name (if applicable)
	Lot Size:	Size of proposed ADU (square feet):	Size of principal residence (excluding garage and utility space) :	
	Are there existing detached accessory structures on the property? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, please indicate the total square footage of existing detached accessory structures:			

2. Which method do you plan to use to create the ADU?

- An internal conversion/remodel within an existing, detached single-family dwelling.
- Add new square footage to an existing single-family dwelling.
- Include an ADU within a single-family, detached dwelling at the time of its construction.
- Convert an existing, detached accessory structure.
- Construct a separate, detached ADU on the same lot as the primary dwelling unit.

3. Which of the two units will be the designated "owner occupied" unit? Principal Dwelling Accessory Dwelling Unit

4. If the ADU is a new addition or detached building, please provide elevations of the ADU with the primary dwelling unit to demonstrate how the ADU matches the design of the existing/principal dwelling with regards to materials, colors, window styles, and roof styles.

ADDITIONAL REQUIRED INFORMATION:

5. A dimensioned site plan showing the following features must be provided:

▪ Lot lines	▪ Fields line and septic areas
▪ Building footprints of all existing and proposed structures	▪ Location of off-street parking in accordance with the Rutherford County Zoning Resolution
▪ Distances of structures to lot lines	▪ Proposed ADU entrance locations
▪ Driveways	

A dimensioned floor plan showing cooking, bath and living areas.

CERTIFICATION: Compliance with all applicable requirements must be accomplished and maintained in order to construct/establish and occupy an accessory dwelling unit. By pursuing the authorization for an accessory dwelling unit, you are committing to do such.

I hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature	Applicant's Name (Printed)	Date
-----------------------	----------------------------	------

STAFF USE ONLY

Approved By:	Date:
--------------	-------

Rutherford County Regional Planning Commission
One South Public Square, Room 200
Murfreesboro, Tennessee 37130
615.898.7730 Office
615.898.7823 Fax

ACCESSORY DWELLING UNITS (ADUs)

INFORMATION AND APPLICATION

Accessory Dwelling Units are habitable living units added to, created within, or detached from a single-family dwelling. These units contain facilities for living, sleeping, eating, cooking and sanitation.

Rutherford County allows ADUs in its residential zones as long as they meet the criteria of the Rutherford County Zoning Resolution, Article 13.10. A copy of these regulations are attached. Please refer carefully to the Rutherford County ADU criteria and permitting requirements when planning your project.

If the proposed ADU fails to meet the criteria outlined in Article 13.10, Section B. 2. or Article 13.10, Section C of the Zoning Resolution, the proposed ADU cannot be established unless approved by the Board of Zoning Appeals.

APPLICATION PROCESS

ADU application and affidavit forms are attached. We will require that the applicant provide certain information to prove that the proposed ADU meets Rutherford County standards. This will include a notarized and recorded affidavit by which the property owner agrees to adhere to the ADU standards established in the Rutherford County Zoning Resolution. The property owner must submit the signed and recorded *Declaration of Covenant for Accessory Dwelling Unit* to the Planning Department prior to making application for a Building Permit for the ADU from Building Codes.

BUILDING PERMIT

Once the ADU permit is approved, the applicant may then apply for a Building Permit. (For more information on the Building Permit process and fees please contact the Building Codes Department at 615-898-7734.)

QUESTIONS?

Please contact the Rutherford County Regional Planning Commission at 615-898-7730.

Accessory Dwelling Unit (ADU) Standards

Section 13.10 Accessory Dwelling Units (ADUs)

A. Authorization

ADUs are permitted in any residential zoning district in connection with any lawfully existing single family dwelling. There are two (2) categories of ADUs: By-right and ADU's requiring Conditional Use Permits.

B. General Provisions for ADUs

1. Applications for an ADU must meet certain conditions. In no case, shall an Application for an ADU request an amendment to the following requirements:
 - a) The property owner must reside in either the principal structure or the ADU.
 - b) Only one ADU is allowed per lot in conjunction with a single family house. ADUs are not allowed in conjunction with duplex or multi-family dwelling units.
 - c) An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
 - d) Development Tax fees will be required for the ADU.
 - e) Off-street parking, in addition to the off-street parking required for the single-family residence as required in Chart 3, shall be required for the ADU.
 - f) Prior to the issuance of a permit, a floor plan and/or architectural renderings must be submitted showing the proposed interior and exterior of the ADU.
 - g) Verification from the state of Tennessee Department of Environment/Division of Ground Water Protection that the individual on-site wastewater treatment or septic system has the capacity to serve the ADU. Also, verification that the ADU can adequately be served by water and electric service providers must be provided.
 - h) Only one minor or major home based business may be conducted on a lot that contains an ADU. The business may be located in either the principal structure or the ADU.
2. Design and Occupancy Standards.
 - a) The second unit must be occupied by family members, as defined in Article II of this Resolution, or their invited guests.
 - b) Any new separate outside entrance serving the ADU shall not be visible from the right-of-way.
 - c) An ADU shall be designed to maintain the architectural design, style, appearance and character of the principal residence. The ADU must be consistent with or visually match the existing façade, roof pitch, siding and windows of the primary residence.
 - d) A separate driveway providing exclusive access to the ADU from a road shall not be allowed unless problematic lot-specific circumstances (e.g. topography, significant existing structures or improvements) necessitate separate driveway access as determined by the Planning Director or their designee.

C. Particular Standards for By-right ADUs.

1. Attached

- a) ADUs attached to the single-family dwelling are limited to an area totaling less than twenty-five (25) percent of the gross floor area, excluding garage and utility space, of the principal structure or 300 square feet, whichever is greater.
- b) Must maintain the setback requirements of the underlying zoning district for principal structures.
- c) A minimum of one (1) acre of land area is required.

2. Detached

- a) Detached ADUs shall be considered attached for the purposes of setbacks if the accessory structure is within three feet (3') of the principal structure.

Otherwise, detached ADUs may be located in the side or rear yard of a lot and provide a five feet (5') minimum setback from the side and rear property lines.

- b) Detached ADUs may be established within an existing, legally established accessory structure which meets the current adopted building code for residential structures in Rutherford County.
- c) The size of the dwelling unit will be subject to the square footage limitations for accessory structures listed in the table found in Section 13.04.B.1. of this Resolution and such unit shall in no case exceed the size of the principal structure. An ADU must however, provide the minimum area requirement of 300 square feet as required by the building codes currently in effect for Rutherford County for a dwelling unit.
- d) A minimum of one (1) acre of land area is required.

- 3. Agricultural employee housing shall only be required to comply with those standards contained in subsection B. deemed applicable by the Planning Director or their designee. An agricultural employee housing unit located within an agriculture building is limited to an area totaling less than twenty-five (25) percent of such building or 300 square feet, which ever is greater. The agricultural housing unit must be built according to the adopted building code for Rutherford County.

D. ADUs Requiring Conditional Use Permit.

1. Type II Conditional Use Required.

Applications for an ADU requiring a Type II Conditional Use Permit from the Board of Zoning Appeals are listed as follows:

- a) The criteria set forth in Subsection B.2. and C. above cannot be met.
- b) Applications for an ADU involving a Type B mobile home.

- 2. The Board of Zoning Appeals may impose additional standards or use conditions beyond those enumerated above if deemed necessary by the Board.

E. Existing ADUs.

Legally created accessory dwellings units established prior to the enactment of these regulations may continue to exist and will be regulated by the conditions under which it was approved.

F. Abandonment of an ADU.

A property owner may choose to abandon an ADU by meeting the following criteria:

- a. If attached to the principal residence, then access must be established between the housekeeping units without going outdoors.
- b. The kitchen facility must be removed from the ADU so that it is no longer a self-sufficient unit.
- c. Inspections from the Building Codes Department will be required to ensure that all regulations are followed.
- d. An instrument is recorded in the register's office stating that the ADU no longer exists.

After recording, please return to:
Rutherford County Regional Planning Commission
One South Public Square, Room 200
Murfreesboro, Tennessee 37130

DECLARATION OF COVENANT FOR ACCESSORY DWELLING UNIT

We, the undersigned, hereby certify that we are the owners of real property located in Rutherford County, Tennessee, legally described as follows:

{INSERT LEGAL DESCRIPTION OF PROPERTY }

This existing residence on said property is identified by the following address:
{INSERT PROPERTY ADDRESS}

WHEREAS, the Owner(s) desire to construct and maintain an Accessory Dwelling Unit (ADU) on the subject property and the County desires to ensure that the Accessory Dwelling Unit is built and maintained in accordance with the requirements of the Rutherford County Zoning Resolution;

WHEREAS, the Owner(s), have read and agree to abide by the Accessory Dwelling Unit standards and criteria set forth in the Rutherford County Zoning Resolution, Section 13.10;

NOW, THEREFORE, the Owner(s) agree as follows:

In consideration of the issuance by the County of Rutherford of an Accessory Dwelling Unit (ADU) zoning compliance certificate for the creation or construction of one ADU, we, the Owner(s) do covenant and agree to and with Rutherford County, pursuant to the Rutherford County Zoning Resolution Section 13.10, that:

- 1) One of the two dwelling units (either the principal dwelling or ADU) shall be occupied by the owner of the property, as the property owner's principal and permanent residence, for at least six (6) months out of the year;
- 2) The accessory dwelling unit (ADU) shall maintain its architectural compatibility with the primary residence; and,
- 3) The second unit will be occupied by a family member, as defined in Article II of the Rutherford County Zoning Resolution, or their invited guest.

The Owner(s) further covenant and agree that in the event there is a violation of any of the above conditions, or the standards contained in the Rutherford County Zoning Resolution Section 13.10, the ADU approval shall be revoked, occupancy of the ADU shall immediately cease, and the Owner(s) shall provide for the removal or legal reuse of all improvements added to create the ADU.

In the event that the ownership of this property is to be transferred, the Owner(s) further agree to inform any prospective purchasers of the existence of this agreement and of the need to maintain compliance with the County's ADU requirements (currently Rutherford County Zoning Resolution Section 13.10).

This covenant and agreement shall run with the land and shall be binding upon the Owner(s), their successors, and assignees in interest, and shall continue in effect so long as said Accessory Dwelling Unit shall remain, unless otherwise released or revoked by authority of the Rutherford County Planning Director.

Dated this _____ day of _____, 20__.

Owner

Owner(s) Signature

STATE OF TENNESSEE
COUNTY OF RUTHERFORD

Witness my hand and official seal at Murfreesboro, Tennessee, this _____ day of _____, 200__.

My Commission Expires: _____

Notary Public