



APPLICATION & INSTRUCTIONS FOR **ACCESSORY DWELLING UNITS (ADU)**

Below are the steps you complete to submit your application:

1. Please fill in all areas of the application. We will require that the applicant provide certain information to prove that the proposed ADU meets Rutherford County standards. Please reference the ADU information sheet for more information. Application fees must be paid prior to application being reviewed.

ADU Fees:

Zoning Compliance - \$250.00

Land Disturbance - \$600.00

Address (if ADU is detached) - \$5.00

2. Once your application is complete, please submit it to the Planning & Engineering Department. You will then receive a Declaration of Covenant from a Planner that is specific to the property in question which states that the property owner agrees to adhere to the ADU standards established in the Rutherford County Zoning Ordinance. This must be notarized.

3. Next, you will take your notarized Declaration of Covenant to the Register of Deeds to be recorded.

Rutherford County Register of Deeds

#319 N. Maple Street Room 133

Murfreesboro, TN 37130

Phone: (615) 898-7870

Fax: (615) 898-7987

4. Once this is recorded and you receive the recorded copy from the Register of Deeds, please forward to zoningcompliance@rutherfordcountyttn.gov for our staff to review or call our office at 615-898-7734 to confirm that it has been recorded.
5. After this is received by our department, we will review and process your ADU application. This can take up to three days but may exceed that timeframe if any issues may arise.
6. Once your application is approved, we will email you the approval.
7. Contact the Rutherford County Building Codes Department to complete your building permit for your ADU. Below is their contact information:

Rutherford County Building Codes

1 South Public Square

Room 101

Murfreesboro, Tennessee 37130

Phone: (615) 898-7734

Fax: (615) 898-7941

buildingcodes@rutherfordcountyttn.gov



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:

Principal Dwelling Address: (Indicate if Mailing Address)	City	State Tennessee	Zip
--	------	--------------------	-----

ADU Address:	City	State Tennessee	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 1101 Q of the Rutherford County Zoning Ordinance (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:

Tax Map	Group	Parcel	Subdivision Name (if applicable)
---------	-------	--------	----------------------------------

1. 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? YES 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 Ordinance
▪ 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:
--------------	-------

Section 1101 Q Accessory Dwelling Units (ADUs)

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 Special Exception Permits.

1. General Provisions for ADUs

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 Appendix D, 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 Appendix A of this ordinance, 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 be compatible with 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. Alternative exterior architectural characteristics may be approved by the Planning Director.
- 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.

3. Particular Standards for By-right ADUs

- a. Attached
 - i. ADUs attached to the single-family dwelling are limited to an area totaling less than fifty (50) percent of the gross floor area of the principal structure or 300 square feet, whichever is greater.
 - ii. Must maintain the setback requirements of the underlying zoning district for principal structures.

iii. A minimum of one (1) acre of land area is required.

b. Detached

i. 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.

ii. 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.

iii. The size of the dwelling unit will be subject to the square footage limitations for accessory structures listed in the table found in Subsection 1101 D of this ordinance 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.

iv. A minimum of one (1) acre of land area is required.

c. Agricultural employee housing shall only be required to comply with those standards contained in Subsection 1101 Q.1 and Q.2. deemed applicable by the Planning Director. 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, whichever is greater. The agricultural housing unit must be built according to the adopted building code for Rutherford County.

4. ADUs Requiring a Special Exception.

a. Special Exception Required.

Applications for an ADU requiring a Special Exception from the Board of Zoning Appeals are listed as follows:

i. The criteria set forth in Subsection 1101 Q.2 and Q.3 above cannot be met.

ii. Applications for an ADU involving a mobile home.

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

5. 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.

6. 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 Department of Building and Codes 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 Ordinance;

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 Ordinance, Section 1101 Q;

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 Ordinance Section 1101 Q, 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 Ordinance, 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 Ordinance Section 1101 Q, 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 Ordinance Section 1101 Q).

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 _____, 20____.

My Commission Expires: _____

Notary Public



Rutherford County Government
Stormwater Department
Land Disturbance Application

Payment must be paid after approval of the Land Disturbance application. A member of our administrative staff will email you once it is approved with a request for payment. **No refunds** will be given for any reason.

Fees: \$600 for an individual lot / \$1,000 base fee + \$250 per acre for commercial sites

Site Name:			Lot Range:		
<input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <input type="checkbox"/> Clearing of Vacant Land <input type="checkbox"/> Utility/Road Project <input type="checkbox"/> Ag <input type="checkbox"/> SFD <input type="checkbox"/> Other					
Street Address/ Location:			Tax Map:		
City:	ST:	Zip:	Parcel:		
Site Description:			Acres of Site:		
			Acres Disturbed:		
			NPDES Permit #		

Site Owner / Developer:			
Contact Name:		Title:	
Address:		City:	ST: Zip:
Phone :		Email:	

Owner/Developer Certification		
<p>I hereby certify that I have read and examined this application and know that the same to be true and correct. All provision of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local ordinance regulating the performance of land disturbance.</p>		
_____	_____	_____
Print Name	Signature	Date

Contractor:			
Contact Name:		Title:	
Address:		City:	ST: Zip:
Phone :		Email:	

Contractor Certification		
<p>I hereby certify that I have read and examined this application and know that the same to be true and correct. All provision of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local ordinance regulating the performance of land disturbance.</p>		
_____	_____	_____
Print Name	Signature	Date

Office Use Only				
Permit Fee:	Received By:	Permit #	Receipt #	Date:

The Land Disturbance permit is valid for 18 months after the date of issuance.
A new Land Disturbance fee will be required after the expiration date.

EROSION PREVENTION & SEDIMENT CONTROL (EPSC) PLAN FOR SMALL LOTS DISTURBING <1 ACRE

Land Disturbance #. _____ A building permit WILL NOT BE ISSUED until this form is filled out completely.




- The builder is the single responsible party for the proper implementation of an EPSC associated with a lot. This includes the responsibility for the actions/inactions of employees, subcontractors, and/or suppliers
- The builder is responsible for preventing mud, sediment, debris, dirt, rock and other matter from entering the street. In the event that these materials enter the street, they should be removed immediately to prevent tracking by vehicles and/or washing by rain.
- The temporary construction exit should be maintained as necessary to provide a clean stable area off the street for access, parking, storage, delivery, etc.
- From time to time, EPSC measures may need to be removed temporarily to allow completion of construction activities. (i.e. removal of silt control barrier to allow the completion of water and sewer connections or finished grading of the lot for seeding or sodding.) In these instances, the measures may be removed temporarily but must be replaced at the end of the construction activity or at the end of each workday if more than one day is needed.
- A builder or homeowner cannot modify the County's storm water management system including the pipes, inlets, area drains, ditches and related elements typically within the street or within a drainage easement without the prior written approval of the County Engineer or designee.
- Drainage easements and ditches should remain free of stockpiled soil, sediment, mud, construction materials/waste, etc. at all times.
- Utilize downspout extenders as soon as gutters and downspouts are installed to divert roof drainage away from exposed soils and to stable areas such as street driveway, sidewalk, or vegetated area.
- Sediment, mud, paints, chemicals, debris, concrete wastes/exposed aggregate washdown, construction wastes and similar materials should not be "washed down" to the street or county storm water management system. This includes final cleanup of the lot. The use of pressure washers and other types of wet cleaning are strongly discouraged and are illicit discharges if the activity produces a discharge to the stormwater management system.
- Temporarily or permanently stabilize bare soil areas and soil stockpiles as soon as practical when the area is inactive or has reached finished grade.
- Preserve vegetated areas as long as practical or permanently if possible. Limit clearing to the minimum necessary to accomplish construction.
- Restrict vehicle (construction and street) access to lots to the construction exit area. Access restriction can be enhanced by the use of temporary construction fencing or other barriers.
- Discourage vehicles traveling across lot areas to allow only those absolutely necessary to complete construction. Temporary barriers such as berms or temporary fences may be effective in discouraging these types of activities.
- Correct deficiencies within 72-hour period. Failure to correct EPSC deficiencies may result in delayed inspections, notices of violation, citations, fines, penalties, and/or stop work orders.
- Install additional EPSC measures if sediment is leaving your site. Failure to contain sediment to your site may result in delayed inspections, notices of violation, citations, fines, penalties, and/or stop work orders.

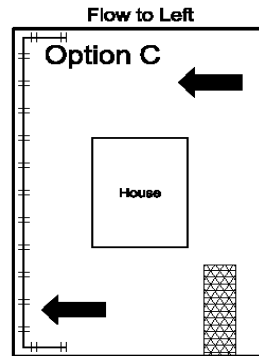
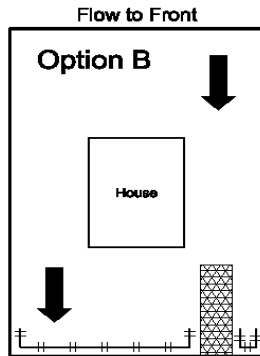
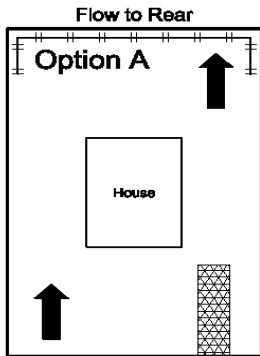
EROSION PREVENTION & SEDIMENTATION CONTROL (EPSC) PLAN OPTIONS FOR BUILDING PERMITS

INSTRUCTIONS: Identify one or any combination of letters for the EPSC schematic that best describes the measures that will be used on this property during construction. If Options A-F do not adequately reflect site conditions, add flow lines and EPSC measures to Option G, as appropriate.

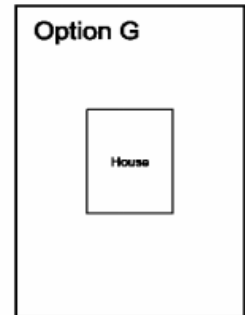
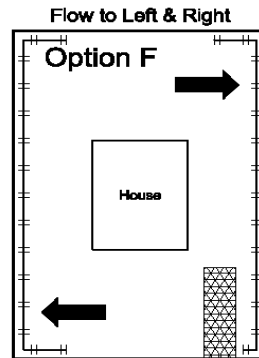
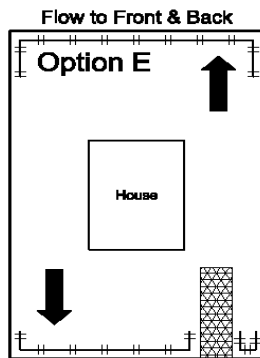
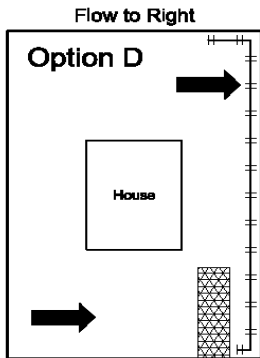
* Front barrier required on all lots to encourage use of construction entrance (silt fence, snow fence, etc.)*

Legend

-  Sediment barrier, such as silt fence or straw wattles.
-  Stabilized construction entrance
-  Direction of Flow (points downhill)



If Options A-F do not adequately reflect site conditions, add flow lines and EPSC measures to Option G, as appropriate.



Please choose the most appropriate answer. For single-family residential sites affecting <1 acre
The most appropriate EPSC plan, is option ___ or a combination of options ___ & ___.

Rutherford County requires **water quality buffers** along all streams, wetlands, ponds and other water bodies within the County's jurisdiction.

Are water quality buffers required on this site? Yes No If yes, locate the water feature and the associated buffer on the option chosen.

Failure to contain sediment to your site may result in delayed inspections, notices of violation, citations, fines, penalties, and/or stop work orders.

Inspectors may require more EPSC measures on site during construction.

The undersigned hereby certifies that he/she has read this form in its entirety and is aware of the stated requirements of the Rutherford County Stormwater Management Ordinance. The owner must comply with all regulations and policies provided in these documents.

Applicant's Signature _____

Applicant's Printed Name _____

Date _____