
**ZONING ORDINANCE ADVISORY COMMITTEE
DALLAS DEVELOPMENT CODE AMENDMENT
FILE NO. DCA 156-006**

Thursday, April 6, 2017

Accessory Dwelling Units

Planner: Vasavi Pilla

REQUEST:

Consideration of amending the Dallas Development Code to create regulations to allow accessory dwelling units.

BACKGROUND:

On October 19, 2015, the City Council Housing Committee was briefed on Accessory Dwelling Units. The Housing Committee directed staff to conduct a meeting to gather input from Dallas residents on allowing accessory dwelling units and their potential impact on neighbors and neighborhoods.

On December 15, 2015, staff held a meeting to receive initial thoughts and concerns from residents regarding this topic.

On February 16, 2016, the City Council Housing Committee was again briefed and updated on the input received from the public meeting.

On January 19, 2017, the concept of Accessory Dwelling Units (ADU) was briefly introduced to the Zoning Ordinance Advisory Committee.

On February 16, 2017, general overview of potential regulations to the Accessory Dwelling Units (ADU) were presented to the Zoning Ordinance Advisory Committee.

On March 16, 2017, proposed regulations for Accessory Dwelling Units (ADU) were presented to the Zoning Ordinance Advisory Committee.

During the committee meeting, ZOAC members asked several questions and the responses are below:

1. What input was received during the public meeting?

A public meeting was held on December 15, 2015, from 6:30 p.m. to 7:30 p.m. in the L1FN Auditorium on Level L1 at Dallas City Hall, 1500 Marilla Street, to gather input from the Dallas residents on accessory dwelling units. The meeting invitations were emailed to Strategic Customer Service e-mail list (329 neighborhood homeowner associations), Early Notification list (over 500 neighborhood groups and individuals), Zoning Ordinance Committee notification list (42), Dallas Homeowners League Representatives, Dallas Builders Association Representatives and City Council offices. Twenty-four people attended and provided written and verbal comments. Following is a brief description of their input.

Views in opposition of Accessory Dwelling Units:

- Code enforcement is already overwhelmed and has difficulty enforcing Accessory Dwelling Units being rented now
- Accessory Dwelling Units create additional burden on existing infrastructure (water, sewer, sanitation, schools, road capacity, etc.)
- Excess on-street parking will reduce access for emergency vehicles and increase congestion
- Some neighborhoods have worked hard to remove multifamily properties. Allowing Accessory Dwelling Units in single family neighborhoods will un-do this work
- Accessory Dwelling Units will decrease property values
- Too many illegal garage/shed conversions already
- Construction quality for Accessory Dwelling Units may be poor

Views in favor of Accessory Dwelling Units:

- Accessory Dwelling Units can help slow down gentrification, increase density, and optimize existing infrastructure utilization
- Accessory Dwelling Units can provide additional income to seniors and help them to remain in their homes (age in place)
- Accessory Dwelling Units should be allowed with restrictions, such as number of people allowed in Accessory Dwelling Units, parking, lot size, etc.

3. In the past five years, how many accessory dwelling unit requests did BDA receive and what was the outcome?

Since 2012, BDA has reviewed 13 requests for a special exception to allow an additional dwelling unit. Among them, 11 were approved and two were denied. Following is the list of the BDA cases along with the status of their application.

- 6127 Yorkshire Drive (3-23-16) (Denied)
- 710 N. Bishop Avenue (11-18-15) (Granted)
- 6503 Belmead Drive (11-17-15) (Granted)
- 10545 Lennox Lane (11-15-15) (Granted)
- 4021 Dalgreen Drive (8-26-15) (Granted)
- 414 N. Windomere Avenue (11-19-14) (Granted)
- 4915 Wedgewood Lane (8-19-14) (Granted)
- 7015 Tokalon Drive (10-22-13) (Granted)
- 7107 Brookshire Circle (2-19-13) (Granted)
- 4516 Bluffview Boulevard (1-15-13) (Granted)
- 4651 Chapel Hill Road (11-13-12) (Granted)
- 3803 Meredith Avenue (9-17-12) (Denied)
- 8605 Preston Road (8-15-12) (Granted)

4. Parking for the ADUs?

Every other dwelling unit is required to provide at least one parking space therefore an additional dwelling unit would need an allocated space as well.

5. How are 311 calls regarding illegal ADUs handled?

The 311 calls are recorded under the “no building permit” category, there is no way to distinguish an ADU from other construction. Annually, they receive approximately 2,000 call related to commercial and residential buildings.

6. What are the regulations for the rental signs in a single family residential district?

Sign Regulations (51A-7.403)(b):

A single family or duplex residential premise may display detached signs subject to the following restrictions:

- **Type of Signs:** A sign permitted by this subsection must:
 - refer to the sale or lease of the premises;
 - refer to an occasional sale authorized in Section 51A-4.217(b)(5) of this code; or
 - convey a noncommercial message.
- **Number of Signs:** Each premise may have one detached sign for each 600 feet, or fraction thereof, of frontage along a public way, other than an alley.
- **Setback:** A sign permitted by this subsection must comply with the following setback requirements:
 - A minimum setback of five feet is required for all detached signs unless the premise has a yard that is less than five feet, in which case the sign must be set back the maximum possible distance.
 - A minimum setback of 10 feet is required for signs exceeding 10 square feet in effective area.
 - A minimum setback of 15 feet is required if any part of the effective area of the sign occupies the space above two feet above grade.
- **Effective Area and Height:** A detached sign may not exceed 20 square feet in effective area or eight feet in height.

7. What would regulations look like if we allow ADUs by right in single family districts?

- Would apply the same conditions as proposed for the overlay and allow in Single Family

STAFF PROPOSAL:

Staff is recommending a two-pronged approach to allow additional dwelling units within Dallas: 1) establish an additional Board of Adjustment (BDA) special exception to authorize an additional dwelling unit as a rental accommodation; and 2) create regulations for a neighborhood overlay. Together, these two options will allow property owners to choose the option that works best for their neighborhood and their circumstances.

1) Establish an additional Board of Adjustment (BDA) special exception to authorize an additional dwelling unit as a rental accommodation

The board of adjustment may grant a special exception to authorize an additional dwelling unit as a rental accommodation in certain single family districts when:

- The additional dwelling unit will not adversely affect neighboring properties.
- The additional dwelling unit will not create traffic hazard or increase traffic congestion on adjacent or nearby streets. BDA may require additional parking to offset traffic issues.

-
-
- The applicant must:
 - a) deed restrict the subject property to require owner occupancy on the premises;
 - b) register the rental property with the Single Family Non-Owner Occupied Rental Program of the City annually; and
 - c) obtain all necessary building permits.

2) Accessory Dwelling Units (ADU) Overlay District:

Accessory Dwelling Unit (ADU) means an additional dwelling unit, subordinate to the main unit, located on building site with a single family use.

Process:

- ADU Overlay is allowed in a neighborhood by neighborhood petition/application process
- ADU Overlay is allowed in a single family residential district: (A(A), R-1(A), R-1/2(A), R- 5(A), R- 7.5 (A), R-10(A), R-16 (A), and R-13(A))
- ADU overlay may also be placed on:
 - historic overly district and conservation district: design standards, significant architectural and cultural attributes of the respective district's will apply
 - neighborhood stabilization overlay district: yard, lot and space regulations of the district will apply
 - a planned development district that permits single family uses
- ADU overlay should include at a minimum 50 single family lots. A district must contain at least 50 single family lots in a compact, contiguous area, or be an entire original subdivision if the subdivision contains fewer than 50 single family lots
- The boundary lines should be drawn to include blockfaces on both sides of a street and defined by street intersection or natural boundary as the edges of the district. Mid-blockface breaks are not acceptable
- ADU overlay process:
 - A neighborhood committee consisting of at least 10 property owners within the proposed overlay area must be formed
 - Staff schedules an initial meeting to explain the process
 - Neighborhood committee must provide:
 - a) committee list
 - b) proposed boundary map and plat
 - c) city staff generates the petitions and holds a neighborhood meeting
 - d) neighborhood committee is responsible for the petition process: gathering the signatures, submitting the petitions to the city and other information the director determines is necessary
- The application fee (\$2,400).
 - If a petition is signed by more than 50 percent but less than 75 percent of the lots within the proposed district, the application fee must be paid
 - If a petition is signed by 75 percent or more of the lots within the proposed district, the application fee is waived
- A public hearing to create a district is initiated by submission of a complete petition

Regulations:

- If Detached:
 - a) cannot be located in front of the main structure
 - b) minimum of 200 square feet
 - c) floor area of the structure containing ADU cannot exceed 25 percent of the floor area of the main building
 - d) height of the structure containing ADU cannot exceed the height of the primary dwelling unit
 - e) If the height of the structure containing ADU is less than 15 feet and located in the rear 30 percent of the lot, a minimum three foot side yard setback must be provided
 - f) If the height of the structure containing ADU is less than 15 feet, a minimum three foot rear yard setback must be provided
 - g) If the height of the structure containing ADU is over 15 feet, setbacks of the zoning district shall be maintained
 - h) compatible with the main building: similar in color, materials, exterior siding, roofing, roof pitch, foundation fascia, and fenestration
 - i) Board of Adjustment may grant a variance to allow: (location (side yard, rear yard and front yard) and height
- If Attached:
 - floor area of the structure containing ADU cannot exceed 25 percent of the floor area of the main building (26 percent or greater would be considered a duplex)
- Owner occupancy on the premises
 - Property owner shall reside on the lot occupying either the primary dwelling unit or the accessory dwelling unit (ADU). The residency is evidenced by voter registration, vehicle registration, homestead exemption or other similar acceptable means by the City Attorney's Office.
 - Temporary absence of up to 9 months is allowed, anytime over this can lead to the violation of this regulation
- Parking Space for ADU
 - At least one off-street parking space shall be designated for the ADU. This parking is in addition to the minimum required off-street parking for the single family residence
 - Off-street parking is not required for the ADU if 75% of the property owners approve such parking reduction
 - On-street parking cannot be counted towards this requirement. If the garage is converted to an ADU, parking for the single family and the ADU should be shown and approved before getting the building permit
 - Access to the required parking shall be maintained at all the time
- Maximum stories
 - ADU may be no more than one floor/ story (one and a half story is not allowed)

-
-
- Register with Single Family Non-Owner Occupied Rental Program of the City:
 - Non-owner occupied unit on the lot (ADU or primary dwelling unit) must be registered under the single family Non-Owner Occupied Rental Program of the City annually

ADUs must meet:

- Meet Building Code and Fire Code
- Maintain setbacks of the zoning district: specifically yard, lot and space regulations
- Allowed only in single family zoning districts: A(A), R-1(A), R-1/2(A), R- 5(A), R-7.5 (A), R-10(A), R-16 (A), R-13(A), conservation district, historic overlay, neighborhood stabilization overlay, and planned development district
- Not allowed in zoning districts: D (A), TH-1 (A), TH-2 (A), TH-3 (A), CH, MF-1 (A), MF-2 (SAH), MF-2 (A), MF-3 (A), MF-4 (A), and MH (A)
- Not allowed on a lot with a non-single family use
- Cannot be a main use
- Cannot be sold separately (by metes and bounds)
- Only one water, sewer and electrical utility service is allowed per lot (Board of Adjustment may grant a special exception to authorize more than one electrical utility service or more than one electric meter)
- One ADU Per Lot
 - Only one ADU (attached or detached) is allowed per lot
 - If a property has an additional dwelling unit approved by the BDA (non-rental unit), another additional dwelling unit for a rental purpose is not allowed
- Short term rentals are not allowed. Short term rental as defined by the Section 156.001 (B) of Texas Tax Code

APPENDIX:

Meeting Record from Housing Committee Meeting on October 19, 2015

Housing Committee

**Meeting Record
October 19, 2015**

The Housing Committee meetings are recorded. Agenda materials and audiotapes may be reviewed/copied by contacting the Housing Department, Staff Coordinator at 214-670-3906.

Meeting Date: October 19, 2015

Meeting Start time: 11:06 A.M.

Committee Members Present: Councilmember Scott Griggs (Chair) Councilmember Carolyn King Arnold-Vice-Chair Mayor Pro Tem Monica R. Alonzo Councilmember Mark Clayton Councilmember Casey Thomas, II Councilmember Tiffinni A. Young	Staff Present: Alan E. Sims-Chief of Neighborhood Plus Bernadette Mitchell-Director/H/CS Karl Zavitkovsky-Director/ECO David Cossum-Assistant Director/DEV Charles Brideau-Assistant Director-H/CS Patrick Inyabri-Interim Assistant Director-H/CS Beverly Davis-Assistant Director/FHO Neva Dean-Interim Assistant Director/DEV Cynthia Rogers-Ellickson-HOU Robin Bentley CAO Cassandra Luster-H/CS Doris Edmond-H/CS Alida Allen-H/CS
Other Council Members Present: Councilmember Adam McGough	

2. Accessory Dwelling Units-All Districts

Presenter(s): Alan E. Sims Chief of Neighborhood Plus /Bernadette Mitchell, Director/Don Babers, HOU/David Cossum, Sustainable Development & Construction, Director

Information Only:

Action Taken/Committee Recommendation(s) Motion to come back to Committee for approval

Motion made by: MPT Monica Alonzo	Motion seconded by: CM Mark Clayton
Item passed unanimously: <u>X</u>	Item passed on a divided vote: <u> </u>
Item failed unanimously: <u> </u>	Item failed on a divided vote: <u> </u>

Follow-up (if necessary):

Housing Committee

Meeting Record February 16, 2016

The Economic Development Committee meetings are recorded. Agenda materials and audiotapes may be reviewed/copied by contacting the Office of Economic Development, Staff Coordinator at 214-670-1686.

Meeting Date: February 16, 2016 Meeting Start time: 11:03 A.M.

Committee Members Present: Scott Griggs (Chair) Carolyn King Arnold (Vice Chair) Tiffinni A. Young Monica R. Alonzo Mark Clayton Casey Thomas, II	Staff Present: Alan E. Sims, Chief of Neighborhood Bernadette Mitchell, Director/H/CS David Cossum, Director/SDC Neva Dean, SDC Robin Bentley, CAO
Other Council Members Present: Philip Kingston B. Adam McGough	Other Presenters: Linda McMahan, Texas Real Estate Council Susan Mead, Jackson Walker Matt Enzler, Trammell Crow Residential

4. Accessory Dwelling Units-All Districts

Presenter(s): Alan E. Sims, Chief of Neighborhood Plus/Bernadette Mitchell, Director/Don Babers, HOU/David Cossum, Director of Sustainable Development & Construction

Information Only: X

Action Taken/Committee Recommendation(s):

Motion made by:	Motion seconded by:
Item passed unanimously: _____	Item passed on a divided vote: _____
Item failed unanimously: _____	Item failed on a divided vote: _____

Follow-up (if necessary):

Current City Code:

Additional Dwelling Unit Regulations (51A-4.209(b)(6)(E))

(i) The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

- (aa) be used as rental accommodations; or
- (bb) adversely affect neighboring properties

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

(iii) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(iv) In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

- (aa) not be contrary to the public interests;
- (bb) not adversely affect neighboring properties; and
- (cc) not be used to conduct a use not permitted in the district where the building site is located.

Accessory Structure Regulations (51A-4.209(b)(6)(E)(vii))

(aa) No person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) No person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(cc) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(dd) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less.

Sign Regulations (51A-7.403)(b):

A single family or duplex residential premise may display detached signs subject to the following restrictions:

(1) Type of Signs: A sign permitted by this subsection must:

- A. refer to the sale or lease of the premises;
- B. refer to an occasional sale authorized in Section 51A-4.217(b)(5) of this code; or
- C. convey a noncommercial message.

(2) Number of Signs: Each premise may have one detached sign for each 600 feet, or fraction thereof, of frontage along a public way, other than an alley.

-
-
- (3) Setback: A sign permitted by this subsection must comply with the following setback requirements:
 - A. A minimum setback of five feet is required for all detached signs unless the premise has a yard that is less than five feet, in which case the sign must be set back the maximum possible distance.
 - B. A minimum setback of 10 feet is required for signs exceeding 10 square feet in effective area.
 - C. A minimum setback of 15 feet is required if any part of the effective area of the sign occupies the space above two feet above grade.
 - (4) Effective Area and Height: A detached sign may not exceed 20 square feet in effective area or eight feet in height.

Attic, Habitable, As per IRC 2015, an habitable attic means a finished or unfinished area, not considered a story, complying with all of the following requirements:

1. occupiable floor area is not less than 70 sq. ft.
2. occupiable floor area has a ceiling height
3. occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly.

Accessory Structure means a structure located on the same lot as the main building that is subordinate in floor area, location, and purpose to the main building and used for a permitted accessory use.

Family means individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

Single Family District means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called "R(A)" districts).

Dwelling Unit means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

Blockface means the linear distance of lot along both sides of a street between the two nearest intersecting street or dead-end street or natural boundaries (lake, creek etc.). If a street dead ends, the terminus of the dead end will be treated as an interesting street.

Property owners means the title holders as per Dallas County Appraisal District (DCAD) or legal heir of the property with property documents approved by the

Primary Yard means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

Section 156.001 (B) of Texas Tax Code. This chapter does not impose a tax on a person who has the right to use or possess a room in a hotel for at least 30 consecutive days, so long as there is no interruption of payment for the period.

Other Cities Research:

City of Austin:

Austin allowed Accessory Dwelling Units (DUs) since 2001. The ADU amendment in 2015 was a Council-initiated amendment that aimed to make secondary units more widely available across the city. The goal was to add needed additional housing units that could be more affordable and provide an income stream for the property owner. There is also the notion that ADUs built in central locations make sense because they utilize existing infrastructure and have minimal impact to neighborhood “character”. Some demographic information that prompted City Council to approve the resolution to amend the code included 34% of households in Austin were single person households, the need for more relatively affordable units, the need to provide options for multi-generational families and seniors, among others.

From 2007-June 2014, there were 230 ADU/secondary dwelling units built. Since the new amendments to the ADUs, more permits have been approved.

Original ADU Regulations	2015 ADU Amendments
For SF-3, the minimum lot area is 7,000	For SF-3, the minimum lot area is equal to standard lot (5,750)
May not have an entrance within 10 feet of a lot line	removed
Maximum size allowed is 850 square feet	Maximum size allowed is 1,100 square feet or a floor-to-area ratio of 0.15, whichever is smaller
Building separation to 15 feet (front to back and side to side).	Reduced the building separation to 10 feet (front to back and side to side).
unless the ADU has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide	removed
	If located greater than .25 miles from an activity corridor that is served by a bus or transit line, 1 space; if located less than or equal to 0.25 miles from an activity corridor that is served by a bus or transit line - 0 spaces.
	Limit use as short-term rental to a maximum of 30 days per year for ADUs constructed after October 1, 2015.
	Prohibit use as a Type 2 short term rental (Type 2 rental is non-owner occupied single family or duplex).

Accessory Dwelling Units in index cities:

	Austin	Baltimore	Boston	Columbus	El Paso	Fort Worth ²	Philadelphia	Phoenix ¹	San Antonio	San Jose	San Diego	*Vancouver, Canada	*Atlanta	*Birmingham	*Dacutar
Additional Dwelling Unit allowed in Single Family District by right	√	X	X	√	√	√	√	√	√	√	√	√	√	√	√
ADU in Rental Allowed in Single Family District	√	X	X	√	√	X	√	X	√	√	√	X	X	X	X
If allowed:															
Attached and Detached	√			√	√		√		√	√	√				√
Owner Occupancy on same lot	X			√	√		√		√	√	X				√
ADU size regulations	√			√	√		√		√	√	√				√
Lot size, set back requirements	√			√	√		√		√	√	√				√
Additional or separate utility and sewer connections allowed				X			X		X						
Parking requirements	√			√	√		X		√	√	√				√
Design requirements	X			X	√				√	√	√				
ADU - Accessory Dwelling Unit															
* Not an Index City															
Empty - Unknown															
√ - Yes															
X - No															
1. Phoenix City Code states that a guest room may not contain any cooking facility.															
zone between low density single-family neighborhoods and high-density commercial area, a range of housing options are allowed.															

Accessory Dwelling Unit regulations in surrounding cities:

	Allen	Arlington	Cedar Hill	Duncanville	Garland	Grand Prairie	Irving	Mesquite	McKinney	Plano	Richardson	University Park	Highland Park
Additional Dwelling Unit allowed in Single Family District by right	X	√	√	√	√	√	√	√	√	√	√	√	√
Rental Allowed in Single Family District by right	X	X	X	X	X	X	X	X	X	X	X	X	X
Note: Surrounding cities except Allen, allow an additional dwelling unit. Per the respective City Codes, the additional dwelling unit can be used for family or as a servant quarter, not for income/rental purpose.													
ADU- Accessory Dwelling Unit													
√ - Yes													
X - No													
Empty - Unknown													