

# Memorandum



CITY OF DALLAS

DATE May 7, 2018

Honorable Members of the Economic Development and Housing Committee:  
TO Tennell Atkins (Chair), Rickey D. Callahan (Vice Chair), Lee M. Kleinman, Scott Griggs, Casey Thomas, II, B. Adam McGough, Mark Clayton, Kevin Felder, Omar Narvaez

SUBJECT **Accessory Dwelling Units**

On Monday, May 7, 2018 the Economic Development and Housing Committee will be briefed on proposed amendments to the Development Code to allow for Accessory Dwelling Units. The City Plan Commission recommended no change to the Development Code on June 22, 2017. The briefing material is attached for your review.

Please feel free to contact either myself or David Cossum if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Majed A. Al-Ghafry'.

**Majed A. Al-Ghafry**  
Assistant City Manager

c: Honorable Mayor and Members of City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Billerae Johnson, City Secretary  
Daniel F. Solis, Administrative Judge  
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager  
Jo M. (Jody) Puckett, Assistant City Manager (Interim)

Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Nadia Chandler Hardy, Chief of Community Services  
Raquel Favela, Chief of Economic Development & Neighborhood Services  
Theresa O'Donnell, Chief of Resilience  
Directors and Assistant Directors

# Accessory Dwelling Units

**Economic Development and  
Housing Committee**

**May 7, 2018**

**David Cossum, Director  
Sustainable Development  
and Construction**



**City of Dallas**

# Presentation Overview

- Purpose
- Background
- Proposal
- Next Steps
- Appendix



# Purpose

- Brief Committee on proposed amendments to the Dallas Development Code to allow accessory dwelling units.
- Seek Committee approval to forward amendments to City Council for consideration.



# Background

- On October 19, 2015, the City Council Housing Committee was briefed on accessory dwelling units in single family neighborhoods and how accessory structures are currently addressed in the City code.
- On December 15, 2015, staff held a public meeting with Dallas residents to receive comments.
  - 900 plus email invitations sent that included City Council member offices, homeowner associations, neighborhood groups and individuals, Dallas Homeowners League representatives, and Dallas Builder Association Representatives;
  - 24 people attended with comments both in support of and in opposition to accessory dwelling units.

# Background

- On February 16, 2016, the City Council Housing Committee was again briefed.
  - Reviewed comments received at the public meeting from Dallas residents.
  - Reviewed Neighborhood Plus recommendations
    - **Policy 5.1** Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.
    - **Policy 6.2** Expand affordable housing options and encourage its distribution throughout the city and region.
  - Options presented to the Housing Committee
  - Sent the item to the Zoning Ordinance Advisory Committee (ZOAC)



# Background

- ZOAC considered this issue at five meetings: January 19, 2017; February 16, 2017; March 16, 2017; April 6, 2017 and on April 27, 2017 recommended “no change.”
  - At each of the meetings; other cities (index cities, surrounding cities) were reviewed, staff proposal was discussed, and public comments were taken;
  - Public comments (both in support and opposition) were similar to the comments received during the public meeting;
  - Formulated proposal based on best practices and input
  - Recommendation of “no change”:
    - ZOAC members expressed concerns that they were unsure of the Council Committee’s policy objectives in considering accessory dwelling units.
    - No consensus among neighborhood representatives that spoke, as to whether the proposal was desirable.

# Background

- On June 22, 2017, City Plan Commission (CPC) considered this item and recommended “no change.”
  - Proposal was briefed, other cities (index cities, surrounding cities) were reviewed, and public comments were taken;
  - Comments from the public were both in support and opposition;
  - Recommendation of “no change.”
    - Some of the CPC members expressed concerns similar to those expressed by ZOAC members, that they were unsure of the Council Committee’s policy objectives in considering accessory dwelling units.
    - Concern that the process proposed, similar to a Neighborhood Stabilization Overlay (NSO), would divide the neighborhood trying to implement.



# Background

- ZOAC and staff worked through several options and the final proposal was developed based on public input and ZOAC comments; these were presented at ZOAC and CPC.
- Existing regulations and restrictions on accessory buildings (not specifically dwelling units) were used as a base to develop proposal from. Those regulations are identified in the following proposal.

# Proposal

- Recommend a two-pronged approach:
  1. Amend the existing Board of Adjustment (BDA) special exception process to authorize an additional dwelling unit to allow the option of a rental accommodation.
  2. Create an Accessory Dwelling Unit Overlay whereby accessory dwelling units could be allowed by right within a specific geographical area.

# Board of Adjustment (BDA) Special Exception

## Proposed Regulations

- Special exception to allow an additional dwelling unit as a rental accommodation.
  - Require owner occupancy on the premises;
  - Board may determine if additional parking is required; and
  - Remove the current requirement for a restriction that prohibits rental.

# Accessory Dwelling Unit Overlay

## Initiation

- Neighborhood driven petition process
  - Similar to a neighborhood stabilization overlay and Conservation District process
- City Council or City Plan Commission authorized hearing to initiate.

# Accessory Dwelling Unit Overlay

## Proposed Regulations (in general)

- Accessory Dwelling Unit (ADU) means an additional dwelling unit, subordinate to the main unit, located on a building site with a single family use.
- May be attached or detached;
- Allowed in:
  - Residential “R” single family districts and Agricultural districts;
  - Conservation district, historic overlay, neighborhood stabilization overlay, and single family planned development district.
- Not allowed on a lot with a non-single family use.

12

# Accessory Dwelling Unit Overlay

## Proposed Regulations (in general)

- Unit cannot be sold separately (by metes and bounds);
- Allow additional water, sewer and electrical utility service on a lot.
  - **Current Restriction**: Board of Adjustment must approve additional electrical service.

# Accessory Dwelling Unit Overlay

## Proposed Regulations (in general)

- Owner occupancy on the premises:
  - Property must be the homestead and owner shall reside on the lot, occupying either the primary dwelling unit or the ADU
- 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 if rented.



# Accessory Dwelling Unit Overlay

## Proposed Regulations (in general)

### Parking:

- At least one off-street parking space is required; except
- No additional parking is required if ADU is located within 1200 feet of a DART bus or transit stop.





# Accessory Dwelling Unit Overlay

## Proposed Regulations

If detached:

- Cannot be located in front of the main structure;
- Minimum of 200 square feet;
- Floor area of the structure containing ADU cannot exceed 700 sq. ft. or 25 percent of the floor area of the main building, whichever is greater;
  - **Current restriction:** Accessory buildings may not exceed 25% of the floor area of the main building, unless parking area

# Accessory Dwelling Unit Overlay

## Proposed Regulations

- Options for height relative to main building
  - If ADU is located above the garage, the height of the structure containing ADU cannot exceed the zoning district height
  - **Current restriction**: Accessory buildings may not exceed the height of the main building
- Height of the ADU
  - If over 15 feet, setbacks of the zoning district;
  - If less than 15 feet and located in rear 30%, 3 foot side yard setback;
  - If less than 15 feet, 3 foot rear yard setback.

17

# Accessory Dwelling Unit Overlay

## Proposed Regulations

- Compatible with the main building: similar in color, materials, exterior siding, roofing, roof pitch, foundation fascia, and fenestration (mirrors current restrictions for accessory structure);
- If an attached unit, same floor area restrictions apply, ADU cannot exceed 700 sq. ft. or 25 percent of the floor area of the main building, whichever is greater

# Benefits of Accessory Dwelling Unit

- ADU's can assist in addressing existing gaps in affordable housing in Dallas
- Owner's can "age in place" by choosing to stay in the neighborhood and renting either the ADU or their main dwelling unit

# Recommendation

- ZOAC – no change
- CPC – no change
- Staff – approval of staff proposal

# Next Steps

Staff recommends Committee approval to advance the amendments for City Council consideration.

# Accessory Dwelling Units

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# Appendix





# Appendix-1

## Research – 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
<p>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.</p> <p>ADU- Accessory Dwelling Unit</p> <p>√ - Yes</p> <p>X - No</p> <p>Empty - Unknown</p>													

# Appendix-2

## Research – Index Cities

	Austin	Baltimore	Boston	Columbus	El Paso	Fort Worth <sup>2</sup>	Philadelphia	Phoenix <sup>1</sup>	San Antonio	San Jose	San Diego	*Vancouver, Canada	* Atlanta	* Birmingham
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
If allowed:														
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.														
2. Accessory Dwelling Unit cannot be rented in a one family district. In Urban Residential District (UR), a transition zone between low density single-family neighborhoods and high-density commercial area, a range of housing options are allowed.														

# Appendix-3

## December 15, 2015 public meeting comments

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

# Appendix-3

## December 15, 2015 public meeting comments (cont.)

- Comments opposing included:
  - Code enforcement is already overwhelmed and has difficulty enforcing ADUs being rented now
  - ADUs 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 ADUs in single family neighborhoods will un-do this work
  - ADUs will decrease property values
  - Too many illegal garage/shed conversions already
  - Construction quality for ADUs may be poor

27

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