

Memorandum



DATE October 16, 2015

TO Housing Committee Members: Scott Griggs, Chair, Carolyn King Arnold, Vice-Chair, Mayor Pro Tem Monica R. Alonzo, Tiffinni A. Young, Mark Clayton, and Casey Thomas, II

SUBJECT **Accessory Dwelling Units**

On October 19, 2015, you will be briefed on accessory dwelling units. The purpose of this briefing is to receive direction from the committee as to possible code amendments. A copy of the briefing material is attached for your review.

Please let me know if you have any questions.



Ryan S. Evans
First Assistant City Manager

c: The Honorable Mayor and Members of the City Council
A. C. Gonzalez, City Manager
Rosa A. Rios, City Secretary
Warren M.S. Ernst, City Attorney
Craig Kinton, City Auditor
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P. E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

Accessory Dwelling Units

Housing Committee

October 19, 2015



Purpose of Briefing

- Update the Committee on Accessory Dwelling Units
- To get direction from the Committee on possible code amendments

Background

Forward Dallas - Quality of Life envisions diverse housing choices to meet diverse population.

- Protect and preserve existing neighborhood character
- Improve opportunities for owner-occupied housing
- Provide housing choices for people at all income levels
- Create opportunities for housing in a landlocked city where most property is devoted to single-family dwellings
- Encourage housing policies promoting mixed-income residential development



Background

Neighborhood Plus – Housing Choice in Dallas:

- Gaps in affordability
 - Thirty-one percent (31%) of owners are living in homes unaffordable to them; and
 - Forty-eight percent (48%) of renters are living in housing that is considered unaffordable.
- Affordability for Renters
 - Need for housing choices for those with income below \$50,000 per year



Current Code

Residential Uses

- **Single Family Districts**
 - One dwelling unit per lot
- **Duplex Districts**
 - Two dwelling units per lot
- **Multifamily Districts**
 - Three or more dwelling units per lot

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.



Current Code

Additional dwelling units

- Additional dwelling units are not allowed by right in single family districts
- Board of Adjustment (BDA) 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 to be used as rental accommodations; and
 - Required to be deed restricted as such

Current Code

Accessory Structures

- Accessory Structure Regulations (51A-4.209(6) (E))*:
 - Cannot exceed height of the main building
 - Floor area of the accessory structure (excluding parking area), less than 25% of the main building
 - Floor area of all accessory structures (excluding parking area), not to exceed 50 percent of the main building's floor area
 - Similar in exterior siding, roofing, roof pitch, foundation fascia (color, material, pattern, etc.,) of the main building

* Revised on 5/11/2005 by Ordinance No: 25977

Options

1. Establish another Board of Adjustment (BDA) special exception to authorize an additional dwelling unit as a rental accommodation.
2. Create regulations for an overlay
3. Allow by right in all single family residential districts
4. No change

Issues to address

- *Owner occupancy of main structure?*
- *Parking?*
- *Limit square footage?*
- *Attached or detached?*
- *Number of Accessory Dwelling Units allowed on a lot?*

Next Steps

- Receive direction for the Committee on accessory dwelling units

Appendix

Index Cities

	Austin	Baltimore	Boston	Columbus	El Paso	Fort Worth	Philadelphia	Phoenix	San Antonio	San Jose	San Diego	*Vancouver, Canada
Additional Dwelling Unit allowed in Single Family District	√	X	X	X	√	√	√	√	√	√	√	√
Rental Allowed	√	X	X	X	√	X	√	X	√	√	√	√
Owner Occupancy on same lot	X	X	X	X	√	X	√		√	√	√	X
ADU size regulations	√	X	X	X	√	X	√	X	√	√	√	√
Lot size, set back requirements	√	X	X	X	√	X	√	X	√	√	√	√
Additional or separate utility and sewer connections allowed		X	X	X		X		X				√
parking requirements	√	X	X	X	X		X	X		√	√	√
Design requirements	X**	X	X	X	√	X		X	√	√	√	√
ADU - Accessory Dwelling Unit												
* Not an Index Cities												
** Austin City Council is reviewing changes to the Accessory Dwelling Units regulations, includes design guidelines.												

Surrounding Cities

	Allen	Arlington	Cedar Hill	Duncanville	Fort Worth	Garland	Grand Prairie	Irving	Mesquite	McKinney	Plano	Richardson
Additional Dwelling Unit allowed in Single Family District	X	√	√	√	√	√	√	√	√	√	√	√
Rental Allowed	X	X	X	X	X	X	X	X	X	X	X	X
Owner Occupancy on same lot		X		X		X						
ADU size regulations	X	X	X	X	X	X	X	X	X	X	X	X
Lot size, set back requirements	X	X	X	X	X	X	X	X	X	X	X	X
Additional or separate utility and sewer connections allowed				X					X			
parking requirements				X		X						
Design requirements		X	X	X	X	X	X	X	X	X	X	X
Note:												
ADU- Accessory Dwelling Unit												

Austin, Texas

Permit requirement	Yes
Attached and Detached	Attached and Detached ADUs
Owner occupancy	not required
Number of occupants	unknown
Lot size	Attached ADU min. lot area 3,000 sq. ft; Detached ADU min. lot area 7,000 sq. ft
ADU Size	Detached ADU: 30 feet, maximum two stories
ADU Height	Compliance with the required setbacks of the primary structure required by the underlying zoning district.
Setback requirements	at least 15 feet to the rear of the PDU
Utility and sewer connections	unknown
Parking	Dwelling unit less than 6 bedroom, min. of one parking, Dwelling unit with more than 6 bedrooms, one parking per each bedroom.
Design	unknown
Additional requirements	City Council is considering changes to the ADU to: (1)reduce minimum lot size; (2)increase gross floor area for 2nd story ADU; create design standards; etc.,

ADU – Accessory Dwelling Unit; PDU- Primary Dwelling Unit; ROW- Right-of-Way; Sq. ft – Square feet; ft – feet; gfa – gross floor area

El Paso, Texas

Attached and Detached	Attached and Detached
Owner occupancy	Property owner must occupy either the PDU or ADU. One year of temporary absence period is allowed.
Number of occupants	unknown
Lot Size	minimum lot area is 5,500 sq.ft
ADU Size	lot area between 5,500 sq. ft to 8,000 sq. ft - max ADU 800 sq.ft of gfa lot area above 8,000 sq. ft - max ADU 1,200 sq.ft of gfa Only one bedroom per ADU. Only one ADU in a lot with SF Attached ADU is NOT allowed in a lot with Duplex or Multifamily
ADU Height	only one story or 15 feet in height
Setback requirements	attached ADU shall be located a minimum of 10 ft from any property line except that when the rear property line abuts an alley with a minimum ROW of 20 ft, the rear setback for an ADU can be reduced to 0 ft, when the rear property line abuts an alley with ROW less than 20 ft, or reduction is approved by the Traffic Engineer.
Utility and sewer connections	unknown
Parking	one parking per residential use - no specifications for the ADU
Design	Consistent with PDU in scale, material, color, roof pitch, siding, and window proportions.
Additional requirements	Windows are not permitted on the walls of an ADU that is within 10 ft of property line abutting a residential use

ADU – Accessory Dwelling Unit; PDU- Primary Dwelling Unit; ROW- Right-of-Way; gfa – gross floor area; Sq.ft – Square feet; ft – feet;

Philadelphia, PA

Building Permit requirement	Yes
Attached and Detached	Allows attached and detached ADU.
Owner occupancy	<ul style="list-style-type: none"> • PDU or ADU must be occupied by the owner. • Before the CO of the ADU, the property owner shall record an affidavit and deed restriction, stating that the property owner will reside on the property (either in PDU or ADU)
Lot size	One ADU per lot - ADU is permitted on lots occupied by single detached and semi-detached houses.
ADU Size	Floor area of an ADU shall not exceed 800 sq. ft
ADU Height	ADU shall not exceed 15 feet in height
Setback requirements	ADU are subject to all applicable regulations of the zoning district in which they are located
Parking	no additional parking is required
<p>Additional information:</p> <ul style="list-style-type: none"> • ADU located in a historic district or located on a lot that is listed on the Philadelphia Register of Historic Places is subject to review by the Historical Commission. • Only one entrance to a detached or attached ADU may be located on the front façade that faces a street, unless the house contained an additional street- facing entrance before the ADU was created. • Total area of trash and recycling storage areas may not exceed 25% of the gross floor area in the PDU. 	

ADU – Accessory Dwelling Unit; PDU- Primary Dwelling Unit; ROW- Right-of-Way; Sq.ft – Square feet; ft – feet;

San Antonio, Texas

Building Permit requirement	Yes
Attached and Detached	Attached and Detached
Owner Occupancy	<ul style="list-style-type: none"> Property owner must occupy either the principal unit or the accessory dwelling as their permanent residence Property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling Existence of the accessory dwelling unit shall be recorded with the county recorder and additional covenants as required
Lot Size	only one ADU per lot.
ADU Size	Minimum of 300 sq. ft and maximum of 800 sq.ft. Attached ADU shall not exceed forty (40) percent of the building footprint of the PDU. Only one bedroom is allowed in an ADU
Setback Requirements	shall be in compliance with the required setbacks of the primary structure required by the underlying zoning district. Additionally, the detached ADU shall require a minimum setback from the rear and side property lines of five (5) feet
Utility and sewer connections	ADU shall be connected to the central electrical, water and sewer system of the PDU. This provision does not apply to the electrical service if the distance between the PDU and ADU is greater than one hundred (100) lineal feet.
Parking	Parking areas shall be located behind the front yard
Design	Consistent architectural design, style, appearance and character of the PDU including roof pitch, siding and window proportions.
Additional information:	
<ul style="list-style-type: none"> Total number of occupants in an detached an ADU is 3; in an attached ADU - its 1 person per 200 sq.ft of gfa. 	

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San Diego, CA

Building Permit requirement	Yes
Attached and Detached	allows attached and detached ADU.
Owner occupancy	Record property owner enter an agreement with the City (agreement acceptable to the City Attorney Office): <ul style="list-style-type: none"> • ADU and PDU cannot be sold separately • record owner shall reside in the PDU or ADU • this agreement is recoded with the deed.
Lot size	One ADU per premises
ADU Size	the gfa of the ADU shall not exceed 700 sq feet
ADU Height	Attached ADU (above the garage): max height for flat-roofed structure is 21 feet and the max structure height is 30 feet for sloped roofed structure
Setback requirements	unknown
Utility and sewer connections	unknown
Parking	one standard off street parking is required per bedroom. Off street parking shall not be located into eh area between the street wall and the front property line.
Design	ADU entrance shall not be located on the building street wall or within the front 50% of the street.
Additional information:	
<ul style="list-style-type: none"> • gfa of the ADU shall be included in the floor area ration calculation of the premises. • One tree (24 inch) shall be planted in the front yard of the premises/ in the abutting parkway -existing tree of 15 ft height and 15ft width can satisfy the requirement 	

ADU – Accessory Dwelling Unit; PDU- Primary Dwelling Unit; gfa – gross floor area; sq.ft – Square feet; ft – feet;

San Jose, CA

Building Permit requirement	Yes
Attached and Detached	Allows attached and detached ADU for rental and additional income purpose; allowed in R1 and PD
Owner occupancy	Owner occupancy is required in the PDU or ADU. Evidence and declaration of owner occupancy before the permit is issued for the ADU
Lot size	Minimum lot sizes <ul style="list-style-type: none"> • Attached unit – 6,000 sq. ft. • Detached unit – 8,000 sq. ft.
ADU Size	<ul style="list-style-type: none"> • lot with 9,000 sq.ft or less - Max ADU size 600 sq.ft • lot between 9,001 sq.ft - 10,000 sq.ft s - Max ADU size 650 sq.ft • lot above 10,001 sq.ft - Max ADU size 700 sq.ft
ADU Height	Detached ADU shall be limited to a maximum of one (1) story and eighteen (18) feet in height, with an average roof height of no greater than fourteen (14) feet
Setback requirements	follow the setback requirements of the zoning district in which the ADU is located. ADU shall have a minimum rear setback of fifteen (15) feet, provided that such ADU shall not occupy more than fifty (50) percent of the area between the rear setback otherwise required and said fifteen-foot rear setback
Parking	One (1) additional on-site parking space, in addition to the two (2) required on-site parking spaces for the single-family dwelling, is required for a secondary dwelling.
Design	Constructed with facade materials identical in color, and similar in texture and appearance to the PDU, including: roofing, siding, and windows and doors. ADU should match roof pitch and roof form of the PDU. Front door of any attached ADU shall not be located on the same facade as the front door of the PDU if that facade fronts onto a street.
Additional requirements	<ul style="list-style-type: none"> • Full kitchen (sink, food storage, permanent cooking facilities) and full bathroom is required. Only one bedroom and one bathroom is allowed. Maximum size of the bedroom is 400 sq. ft • cumulative total of the rear yard covered by the secondary dwelling, accessory buildings, and accessory structures, except pools, cannot exceed forty (40) percent of the rear yard.

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Vancouver, Canada

Building Permit requirement	Yes
Attached and Detached	Attached and Detached
Owner occupancy	It can be managed by a management company. However requires a submission of "owner undertaking letter" by the owner or the management company.
Lot size	Minimum lot size of o 33 ft. X 122 ft. (4,026 sq. feet) - minimum ADU size of 280 sq.ft
ADU Size	efficiency/one bedroom to maximum two bedroom ADU
ADU Height	<ul style="list-style-type: none"> • one story and partial second story ADU are allowed. • height of a one story ADU must not exceed 3.7 meters (12.1 foot) height, measured to the highest point of the roof. • no portion of one story ADU shall exceed 4.6 m (15 ft) in height.
Utility and sewer connections	<ul style="list-style-type: none"> • before issuing a permit for the ADU, utility inspection will be conducted to meet the future capacity • additional flat fees for water, sewer, garbage and recycling for the ADU (will be part of the annual property tax).
Parking	<ul style="list-style-type: none"> • houses built before April 20, 2014 - one onsite parking; • houses built after April 20, 2004 - two onsite parking (one for the PDU and one for the ADU)
Design	<ul style="list-style-type: none"> • Specific guidelines are provided focusing on the access and overlook of the ADU, specifically from the upper lever. • Required to follow guidelines related to the window placement, scale and massing. • ADU on short lots, the roof form, building orientation and widow size and placement should be sensitive the to the relative proximity of neighboring residences.

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