

Accessory Dwelling Units

DCA190-007

Zoning Ordinance Advisory
Committee (ZOAC)

Thursday, July 23, 2020

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City of Dallas

Background

- On June 27, 2018, City Council approved two code amendments to allow accessory dwelling units via (1) Board of Adjustment (BDA) granting a special exception to authorize an additional dwelling unit as a rental accommodation and (2) Accessory Dwelling Unit (ADU) Overlay process and regulations
- On February 24, 2020, the Housing & Homelessness Solutions (HHS) Committee discussed accessory dwelling units.
 - Some committee members asked staff to research a “by-right” and “opt-out” process for accessory dwelling units
 - Others members expressed a desire to maintain the current regulations
 - Staff was asked to discuss options with ZOAC and CPC



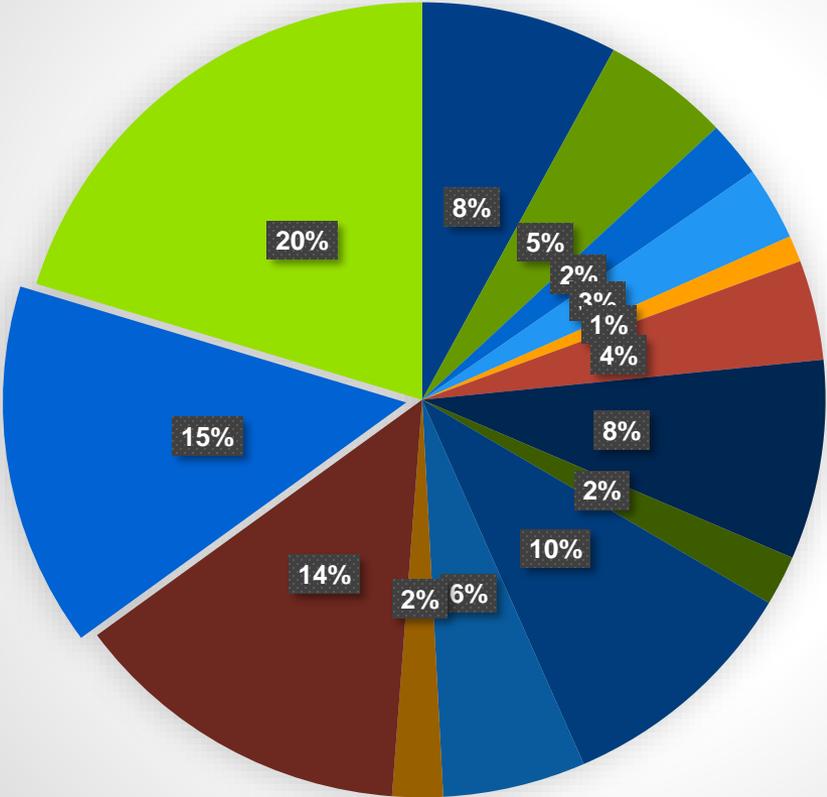
ADU Survey

- Staff solicited input from residents on their thoughts on accessory dwelling units via an online survey from June 25, 2020 to July 10, 2020. The survey received 2,314 responses to the following questions:
 - In which council district do you live?
 - Are there any accessory dwelling units in your neighborhood?
 - Do you think accessory dwelling units should be allowed in all Dallas neighborhoods?
 - List three things you like about accessory dwelling units.
 - List three things you dislike about accessory dwelling units.



ADU Survey

Percentage of Repspondents



- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- District 9
- District 10
- District 11
- District 12
- District 13
- District 14



Current Code

Accessory Dwelling Unit Overlay

- Neighborhood driven petition process
- Allowed only in an area that allows single family uses and does not expressly prohibit accessory dwelling units

Board of Adjustment (BDA)

- BDA special exception to allow an accessory dwelling unit as a rental accommodation
- BDA grants special exception if accessory dwelling unit will not adversely affect neighboring properties
- If granted:
 - Subject property must be deed restricted to require owner occupancy on the premises
 - Board may determine if an additional parking space is required
 - Must register the rental property with the Single Family Rental Registration Program of the City annually

Accessory Dwelling Unit Regulations

- Unit cannot be sold separately from main dwelling unit
- Additional electrical utility service allowed on a lot with an ADU
- Owner occupancy required; either the primary dwelling unit or the ADU
- Non-owner-occupied unit on the lot must be registered with the Single Family Rental Registration Program of the City annually if rented



Potential Amendments

ADUs By-Right

- “By-Right” option would allow accessory dwelling units in any area that allows single family uses unless expressly prohibited. A property owner would need to obtain building permits for the ADU.
- Current regulations for accessory dwelling units would remain for the “by-right” option.
- This by-right option would require property owner notification prior to the public hearings for consideration at City Plan Commission and City Council for the areas that it would affect.



Potential Amendments

Opt-Out Process:

- An “opt-out” process would allow for a neighborhood-driven process to create an overlay that would exclude accessory dwelling units in that neighborhood.
- The “opt-out” overlay process might look similar to a Neighborhood Stabilization Overlay (NSO) process that we currently have in place. For example:
 - Must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures.



Potential Amendments

Opt-Out Process:

- Neighborhood Committee formed
 - Owners of at least 10 properties within the proposed overlay
- Neighborhood Committee requests petition form from the department
- Department staff holds neighborhood meeting
 - Notices are sent to all property owners within the proposed overlay at least 10 days prior to the meeting
- Staff provides petitions to the neighborhood committee at the neighborhood meeting
 - Petition includes: map of overlay area, name and address of property owner, and statement that by signing the petition the signers are indicating their support of the district



Potential Amendments

Opt-Out Process:

- Neighborhood Committee collects petition signatures
 - 30 days from neighborhood meeting
 - 75% or more signatures required
- Neighborhood Committee submits petition to department
- Staff verifies and determines complete petition and application
- **CPC**
 - Application is heard by CPC for their input and recommendation



Potential Amendments

Opt-Out Process:

- **City Council**

- Application is heard by City Council for final decision
- If approved, the “by-right” option to allow accessory dwelling units will go into effect seven months from the approval date of the ordinance.
 - However, City Council could make this time frame less/more than what is referenced.
 - During that time, no building permit application can be processed for ADUs during this time
- If a neighborhood wants to proceed with the “opt-out” process after the effective date, the permits for ADUs will not be restricted, and a property owner can apply for building permits for an ADU throughout the process



ADU “Opt-Out” after the Effective Date of the “By-Right” Ordinance

Opt-Out Overlay: A neighborhood could go through the process to exclude the right to allow accessory dwelling units in that neighborhood.

However, a neighborhood with existing legal ADUs could not pursue an “opt-out” process as it would make existing ADUs nonconforming.



ADU “Opt-In” after the Effective Date of the “By-Right” Ordinance

If a neighborhood had an “opt-out” overlay in place and later decides they do not want the ADU “opt-out” overlay, they would go through the petition process to remove the overlay.

Opt-In By Right: The process to reverse an “opt-out” overlay would be a neighborhood driven process and require 75% of signatures from the neighborhood just as the “opt-out” process had.



ADUs: Overview in Other Cities



ADUs: Overview in Other Cities

	California		Illinois		Tennessee		Texas		Washington
	Los Angeles	San Francisco	Chicago	Evanston	Memphis	Nashville	Austin	San Antonio	Seattle
Year Established	2017*	2017	2020	2020	2010	2011	2015	2001	2010*
Unit Size (max)	800sf	800sf	700sf	1000sf	700sf	200sf	1200sf	800sf	1000sf
Setback Requirements	Yes								
Zoning Districts	Single Family								
Ability to Rent	Yes	Yes	Yes**	Yes	Yes	Yes	Yes	Yes	Yes
Owner Occupancy on Lot	No	No	Yes	Yes	Yes	Yes	No	Yes	No
Attached/ Detached	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Parking Regulations	Yes***	Yes***	No	Yes***	Yes	Yes	Yes	Yes	No
*revised 2019									
** rentable but not for AirB&B									
***if within distance of transit station or if it meets city-specified affordability requirements									



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