

Accessory Dwelling Units

DCA190-007

Zoning Ordinance Advisory
Committee (ZOAC)

Thursday, October 1, 2020

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City of Dallas

Background

- February 24, 2020 the Housing & Homelessness Solutions (HHS) Council Committee
 - Staff was asked to discuss options for an ADU by-right and opt-out process with ZOAC and CPC
 - Some HHS members asked to see an ADU by-right ordinance and opt out process for
 - Half of the HHS members expressed the desire to maintain existing regulations
- A citywide accessory dwelling unit survey was online in July
- July 23rd and August 20th ZOAC was briefed on accessory dwelling units



Goal

- Develop an option which would allow accessory dwelling units “by-right” and form regulations for an “opt-out” process should City Council approve the “by-right” regulations



Intent

- Glean from ZOAC, advice to be forwarded to CPC who will then provide an opinion to the HHS
 - Is the way ADUs are currently allowed appropriate? or
 - Do amendments need to be made to the current regulations? Or
 - Should ADUs be allowed by right and if so, should there be an opt-out process?
- Provide input on the development of amendments to allow ADUs “by-right” and an “opt-out” process for discussion at CPC
- CPC discusses input and forwards to HHS
- HHS determines whether a Code Amendment should be crafted



Property Owner Notification

If HHS determines a Code Amendment should be crafted

- ZOAC will craft an amendment and make a recommendation
- If the proposed Code Amendment warrants property notifications, it would happen at that time



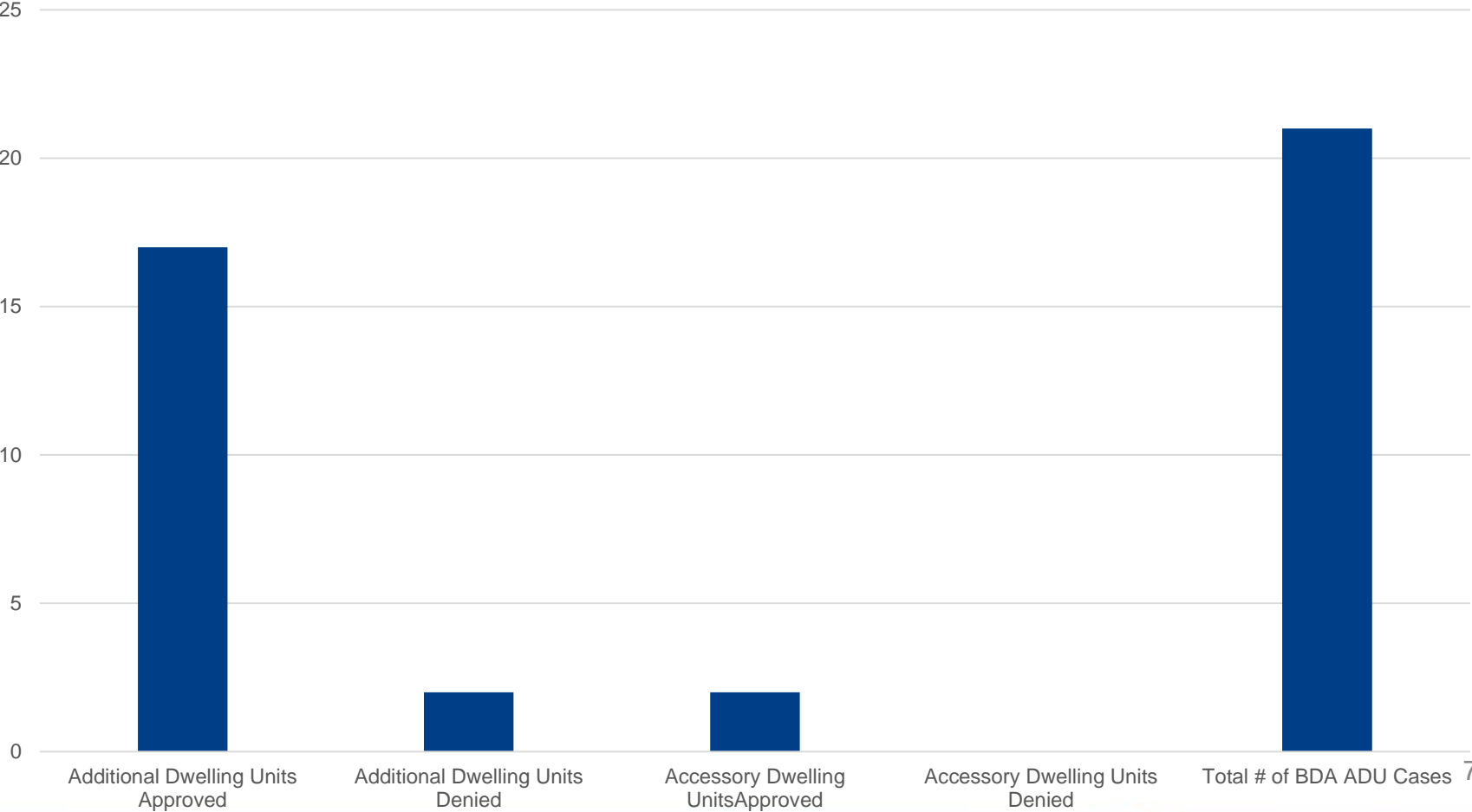
ADUs In Dallas

- In January 2019, Conservation District No. 12 amended the density requirements to allow accessory dwelling units
 - One ADU has been built
- Board of Adjustment approved two ADUs in January 2020
- Likely there are other existing ADUs but no way to know where or count because no building permits were issued
 - Staff had discussions with Code Compliance who manage both the Single Family Rental Registration and Short Term Rental Registration program
 - Neither program collects data on whether the rental is an ADU or the 311 call is for an ADU

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Board of Adjustment Cases



Short Term Rentals

- The Quality of Life, Arts, and Culture (QLAC) Council Committee, during their meeting in February, requested a Short Term Rental (STR) task force be created to look into all aspects of short term rentals
- STR Task Force anticipates recommendations to QLAC at their December meeting



Community Engagement

Two virtual community meetings will be held via videoconference:

October 6, 2020 - 6pm to 7:30pm

and

October 7, 2020 - 12pm to 1:30pm



Property Owner Notification

Property owner notification prior to public hearings at CPC and City Council would be required to zoning districts that allow single family use.

- A(A), R-1 ac(A), R-½ ac(A), R-5(A) R-7.5(A), R-10(A), R-13(A), R-16(A)
- Planned Development Districts that allow single family but not duplex

This change is fundamentally altering the classification of the zoning district from single family to, essentially what is, a duplex district.

At a minimum 239,655 lots would require notification, plus all properties within 500 feet of the affected property

- 200 feet as required by state
- 500 feet per Dallas Development Code



Accessory Dwelling Units Option Discussion



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.



Website

Throughout the process, updates will be on the City's website:

https://dallascityhall.com/departments/sustainabledevelopment/planning/Pages/Accessory_Dwelling_Units.aspx



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Additional questions:

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