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Jessica Lee King
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**The Report Committee for Jessica Lee King
Certifies that this is the approved version of the following report:**

Accessory Dwelling Units: An Infill Opportunity for Denton, Texas

**APPROVED BY
SUPERVISING COMMITTEE:**

Supervisor:

Elizabeth Mueller

Terry Kahn

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by

Jessica Lee King, B.F.A.

Report

Presented to the Faculty of the Graduate School of
The University of Texas at Austin
in Partial Fulfillment
of the Requirements
for the Degree of

Master of Science in Community and Regional Planning

The University of Texas at Austin

August 2012

Dedication

For my hometown, Denton, Texas and all those that love living in this city and enjoy what it offers.

Acknowledgements

Many thanks go to my family and friends who have supported me through this research and graduate school. This research would not have been possible without the support and assistance I received from the City of Denton staff in multiple departments. Special city thanks goes to City of Denton planner Ron Mengueta, and city council member Kevin Roden. Their time and input on this research was imperative to the analysis. Additionally, I would like to my faculty committee, Dr. Elizabeth Mueller and Dr. Terry Kahn for their guidance through this research, writing process and my graduate studies.

Foremost, I would like to thank my parents, for their continued support in all my interests. Incorporating some unknown influences into my childhood that carried into adulthood: from home remodels to planning and zoning meetings, construction sites and development. Thank you.

Abstract

Accessory Dwelling Units: An Infill Opportunity for Denton, Texas

Jessica Lee King, M.S.C.R.P

The University of Texas at Austin, 2012

Supervisor: Elizabeth Mueller

This study explores the potential to increase housing options in the core of Denton, Texas by way of an accessory dwelling unit (ADU) housing type. Literature on ADU development, including state and local laws that enable their development, were reviewed to explore the potential for an ADU initiative in Denton. Case study cities with ADU ordinances, Santa Cruz, CA and El Paso, TX, were reviewed to gather insight on their purpose, process and ordinance. Local multi-family development in downtown Denton was reviewed to document an increase in multi-family development in the core of the city since 2003. City of Denton planning and development policies were reviewed to understand the extent to which ADUs are currently permitted. Finally, based on the literature, case study findings and existing conditions in Denton, this report suggests methods to permit ADUs at a more comprehensive scale. This study concludes with a recommendation to designate the existing *infill special purpose district* as a boundary to promote comprehensive accessory dwelling unit development within the City of Denton.

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CHAPTER 1 – INTRODUCTION

PURPOSE OF THE STUDY

This research aims to create further support for smart growth initiatives, within the City of Denton, Texas, by exploring the use of Accessory Dwelling Units as a tool for infill development. In 2002 the City of Denton adopted a Downtown Master Plan to develop guidelines and policies specific to the downtown core. Eight years later, the city approved a follow-up document, the Downtown Implementation Plan (DTIP), which acted as the successor to the 2002 Downtown Master Plan document. A large focus of the DTIP is identifying the major opportunities for economic development in the downtown core, as well as threats to the area. The City of Denton's Downtown Implementation Plan advocates sustainable growth principals for the continued growth of the downtown core.

Through assessment of both, the Downtown Master Plan and the Implementation Plan, I have found that although smart growth housing principals are in place, the implementation of residential development is not largely addressed in the DTIP report. This assessment will explore the creation of an Accessory Dwelling Unit policy framework, which would provide housing options that rely on the existing infrastructure of downtown Denton, including areas surrounding the designated plan area. This would benefit city residents that desire to live the urban life downtown Denton offers and create a development pattern for the city that utilizes existing infrastructure of neighborhood grids in the core of the city. This study will propose next steps toward implementation of an ADU initiative in the city of Denton. A city initiative to increase the housing stock in

the core of Denton¹ would further support the citywide goal to have a vibrant and diverse downtown area.

RESEARCH GOALS

This study will assess the potential to increase housing options in the core of Denton by way of an accessory dwelling unit housing type. This study will be achieved by assessing the following:

1. Review supporting literature and policies on ADU development in other U.S. cities.
2. Gain a solid understanding of the current policies and ordinances in the city that support or constrain ADU land use.
3. Identify core neighborhoods that provide adequate elements for the development of Accessory Dwelling Units.
4. Identify recent demographic and housing trends in Denton, Texas
5. Create a policy brief, with recommended next steps for Denton.

The diagram on the following page illustrates the research design used for this study. The diagram links each research goal to the information source used to explore the goal. Further explanation of the research method is given at the beginning of chapter five.

¹ The *core of Denton* refers to the boundary map in Appendix A. The map is a City of Denton established boundary, the *special purpose infill district*. For this study, the boundary area will be used to illustrate the core of the city that encompasses the central district of the city.

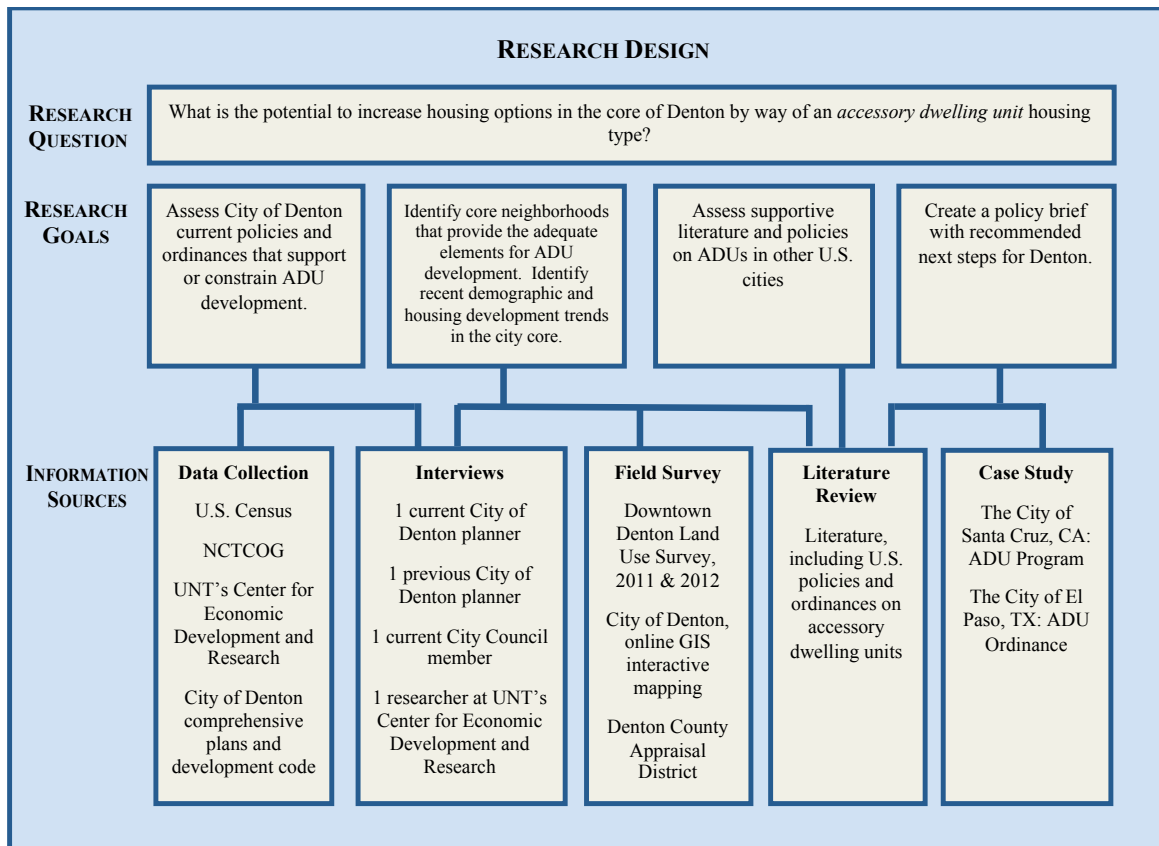


Figure 1 – Research Design Diagram

Exploring Denton development policy and housing and development characteristics will help determine the context for development in Denton and the current housing trends in the core of the city. This information will be applied to the information gathered by the literature review including state and municipal ADU policies and the case study cities to help identify the lessons learned and successful steps taken by cities to implement ADU development. Permitting ADUs in the core would integrate housing options into existing neighborhoods, thus reducing the need for greenfield development. ADUs have been used by other cities as a strategy to diversify housing options within the developed grid of the city, while supporting the market demand.

WHY DENTON?

The City of Denton's historic square and adjacent blocks make up an economically stable downtown urban district. Due in part to recent city initiatives for economic re-investment and the recent arrival of the Denton County Transit Authority's A-Train, land speculation for mixed-use/residential has increased and development has arrived (Clower & Hendershot, 2011). The City of Denton has a strong student population that continues to grow. With this research I hope to find that there is growing demand to live in the downtown core and students are not alone; young professionals and retirees are joining the market demand. These factors create a valid setting to explore the options of densification with in the city core. Economists at the University of North Texas have noted the unique cultural scene Denton offers as a catalyst for development (The North Texan, 2011).

National trends show a growing preference for small urban living, apartments and converted spaces. Publications that discuss the recent trends in housing preference and demand will be reviewed to further support these assumptions. This study aims to support current downtown planning initiatives by assessing the potential use for accessory dwelling unit housing options with in the core of the City of Denton.

RESEARCH CONTEXT

The City of Denton has succeeded in ambitious planning and economic development efforts to re-generate and sustain the downtown of Denton. This study aims to complement the existing downtown plan by investigating the potential for diversified housing options in the form of accessory dwelling units. Literature review will identify

recent discourse on housing preference and demand, elderly housing options, and infill development, including state and local laws that enable ADUs. These topics will be reviewed to provide supportive reasoning for this study, which will assess the potential for accessory dwelling units to assist the City of Denton in achieving its goals for downtown and for housing.

Case study research from two cities that have adopted ADU policies will be used to clearly define the term *accessory dwelling unit*, identify the physical characteristics that promote ADU development, and explore the varied techniques that have proved successful in advocating policy for ADU development. Following this and building on the framework used in the literature review, U.S. census data will be analyzed to illustrate recent growth trends and demographics in the City of Denton. Interviews with current and previous City of Denton staff, a current council member, a local urban researcher and a local developer will identify housing trends based on local development patterns, residential knowledge and culture trends. The city's existing *infill special purpose district* will be proposed as the boundary for an ADU initiative². The remainder of this report will use the findings from the literature, case studies and the Denton analysis to create a policy brief highlighting the use and benefits of ADUs and propose how Denton might implement an ADU policy.

² Appendix A – City of Denton Infill Special Purpose District (boundary map)

CHAPTER 2 – RISING INTEREST IN THE ACCESSORY DWELLING UNIT

Accessory Dwelling Units (ADUs) in practice are a long-standing housing type that provides an opportunity for infill development and affordable housing. Due in part to the small-scale impact of this housing type, formal research on the topic is limited to the past thirty years. Research began surfacing on ADUs in the early 1980s, led by organizations in support of the elderly, and separately, architects interested in utilizing the unused spaces in single-family homes. The west coast states, namely the State of California, have been leaders in the advancement of ADU legislation and ordinances since the early 1980s. This chapter will review literature on the topic of ADUs, define the accessory dwelling unit for the context of this study, and provide a supportive context for the use of accessory dwelling units. In addition to literature, state and municipal acts that have led to advancements in the implementation and support of ADUs will also be included in this review.

The latest interest and research on ADUs is attributed to the recent U.S. housing crisis. The increased demand for rental housing has led planners, academics and strapped homeowners to delve into the study of ADUs as a way to utilize the existing built environment, appease demand, and supplement growing mortgage payments. This review will be framed within three planning-related topics: the Changes in Housing Demand and Family Structure, the Aging Population, and Infill Development. Additionally, State and local initiatives will be reviewed in order to assess the strengths and struggles of ADU initiatives in implementation and practice.

EARLY RESEARCH ON ADUS

In the 1980s the adaptation of additional space in the single family home or the addition of a separate living unit began receiving research interest by advocacy organizations and professionals. The main focus of this early research was to maximize the built space within the current single-family house (Gellen, 1985; Hare, 1989; Rudel, 1984; Varady, 1988). Planners pointed to the wasteful use of collective resources including land, transportation and housing-related infrastructure, including utility and energy use by the common low-density single-family neighborhood. Many began to identify the opportunity for separate living quarters within the main house (Wegmann & Nemirow, 2011). Most noted is the work by Martin Gellen and Patrick Hare. Although their research methods differed, they separately performed the first formal research on the trends in housing alterations, household preferences as related to accessory units and ADU implementation. Both considered low-density single-family homes as an easy subject for adaptation.

Gellen's research relied heavily on U.S. Census data to explore the trends in construction, home alterations, and family structure. Gellen's 1985 publication, *Accessory Apartments in Single-Family Housing* utilized census data including construction data from the Components of Inventory Change [CINCH] report to illustrate building trends as related to space standards for single-family homes, and separately, the conversions [additions] to single family homes. He then compared space standards data to the shrinking size of the American family and discussed the divergent trends in family size and home size. He estimated the total amount of excess space in American homes

and further the amount of this excess space that could be utilized for accessory apartments. It is important to note that Gellen's main point was to explore the viability of adding a separate living unit *within* that of the main house. He proposed that with an over abundance of interior space homeowners could convert the excess to a small and separate unit.

The most impressive data gathered by Gellen are his numbers on the rate in which ADUs were being created at the time. Gellen's research estimated that, "the annual average gross volume of accessory apartment conversions produced during the past decade [1973-1985] was probably on the order of 100,000 units per year, with between 50,000 and 60,000 representing 'permanent' net additions to the inventory"(Gellen, 1985). Gellen states his findings were conservative and references Patrick Hare's and other professional interviews with much higher estimates of 200,000 to 300,000 per year in apartment conversions(Gellen, 1985). Since this work no other research has attempted to update the nationwide estimates on accessory apartments.

Patrick Hare researched ADUs through case studies on cities or towns that supported the growth of accessory dwellings. From 1989 – 1991 his planning firm published a four-volume set, entitled, *Accessory Units: the state of the art*. This set was a resource guide, reporting on the activity of ADUs in the U.S. and Canada, highlighting model ordinances, and implementation practices.

Maurizio Antoninetti concludes in his article, *The Difficult History of Ancillary Units*, though there was "an initial promising interest [from public and private entities],

the new wave of political support [which funded early ADU research] did not last long. Few local administrations took a clear position on the matter whereas the vast majority remained idle” (Antoninetti, 2008). As with any study, good data is imperative to clearly understanding the demands and opportunities of a subject. The research performed by early ADU advocates proves that housing studies at national and local level are invaluable to understanding the trends associated with housing and opportunities available.

CHANGES IN HOUSING DEMAND AND FAMILY STRUCTURE

Much of the supportive research on ADUs is based in the changes to housing demand due to the shift in family structure. Just as Gellen studied the U.S. family structure and housing trends in the 1980s, families were still decreasing in size and house size continued to increase into the early 2000s. Only with the recent recession have construction trends for single-family home size began to decrease. Top associations report increased interest and demand in smaller, adaptable house plans (Rice, 2010). And, as with any recession, there is an evident increase in the amount of households seeking rental housing as opposed to starter homes. The 2011 State of the Nation’s Housing report, states that “fewer younger renters are now moving to homeownership, and more older homeowners are becoming renters. This is particularly true among 45-54 year-olds, where the number of owner-to-renter moves climbed 42 percent from 2005 to 2009” (Joint Center for Housing Studies of Harvard University, 2011).

The trends in U.S. housing demographics, preference and demand are the very pieces that create the housing market and it is important to understand how they will shape future housing demand. In particular, the aging baby-boom generation and the declining amount of married-coupled households with and without children will make a major impact on the housing market (Myers & Pitkin, 2009). The recent economic downturn has played a major role in housing preference, shifting demand away from large, low-density residential development. Though some note the trend for smaller, more compact living demanded by consumers, there are others that warn of the potential for disinvestment in the suburbs (Florida, 2009; Kiviat, 2010). As reported by demographers, as the baby-boomers reach retirement and their children enter the 20s – 30s cohort and delay forming families, their preferences may lead to an increased demand in the higher density living associated with infill housing options (Masnick, 2002; Myers & Pitkin, 2009)

The trend to build smaller more efficient homes is growing. According to the National Apartment Association, the 25 – 32 age cohorts are sizing down their living standards and shifting preferences to smaller adaptable living spaces (Boston, 2012). Apartment building trends for this cohort have begun to focus less on the bedroom size and more on the bathroom and closet. The literature suggests that the downsizing trend is not specific to only the recent graduate/ young professional cohort, but the aging population as well.

The demographic housing data discussed in this section is important to the study of ADUs because, coupled with ADU implementation survey data, it helps identify the target cohorts that are most likely to create ADUs and reside in them. Survey data from the 1980s and 1990s shows that the typical age of homeowners that built ADUs was in the 50 to 60 ranges and at that time the majority of users were elderly (Gellen, 1985; Hare, 1989). This coincides with more recent research that suggests elderly are less likely to build an ADU but are more likely to utilize an ADU if it is already in place on their property (Antoninetti, 2008).

THE AGING POPULATION

The majority of formal research on the topic of ADUs has been led by advocacy organizations representing the elderly population.³ The main purpose of the numerous reports and studies are to advocate for housing options for the aging population that are not the typical care facility. These arguments are framed using some of the primary justifications for SMART growth initiatives. A common goal for both is that people should be able to age in place, with the option to utilize their home to its fullest extent. The studies of housing effects on the aging are framed by looking at three shifting factors: Demographics, Economics and Community Development (Cobb & Dvorak, 2000). This section of the chapter will review the supportive arguments and struggles for accessory dwelling units that are presented throughout the literature for the elderly.

³ In the context of this paper, the term **aging population** will be interchanged with the term **elderly**.

The AARP (American Association of Retired Persons) is an advocacy group for people over 50 and frequently performs research on their household living trends, preferences and outlook. In 2000 the AARP produced a public policy review entitled, *Accessory Dwelling Units: Model State Act and Local Ordinances* (Cobb & Dvorak, 2000). This was produced in partnership with the APA (American Planning Association) and focuses on housing policy and example ordinances across the country. The report reviewed communities that allowed ADUs and then designed model state and local ordinances that would encourage the development of ADUs. To date this document is the most comprehensive review and presentation of model ADU ordinances performed by a non-profit, nonpartisan organization.

Housing patterns from the 1950s to the present, coupled with the creation of zoning regulations, slowly phased out adaptable living arrangements for aging individuals and shifting families. A common theory presented in literature is that the housing we produce and demand is designed for those that never age. “Most aging Americans live, and will be living in, environments built and selected according to goals, values, interests, and possibilities related more to their former, younger age and experience than their current and future necessities” (Antoninetti, 2008). The suburban growth patterns that pull families out from the center are the very reason they must find housing elsewhere once average family size begins to decline and household needs shift. This is most true for the elderly.

Unfortunately the data on ADU production for and by the elderly is conflicting. Early reports of low interest influenced the AARP to open up their policy review to address ADU potential for all age segments, not just elderly. A 2001 study by Chapman & Howe reviewed ADU homeowner and user data in various cities and found that while the elderly created or resided in ADUs, they were not the majority. Their data further suggests that the age group most likely to live in ADUs is related to the demographic composition of a specific place (Chapman & Howe, 2001)

Research data gathered by Retsinas & Retsinas (1991) revealed low participation in early pilot ADU programs. Programs were reviewed from six different state level efforts to encourage the development of ADUs by and for the elderly. State housing agencies offered financing in collaboration with programs. Researchers found little enrollment in the various programs and argued that the complexity of the financing terms along with the uncertainty of general contracting were to elderly homeowners (Retsinas & Retsinas, 1991).

The primary rationale for producing ADUs for the elderly is to allow people to age in place. Planning theory suggests that current American housing patterns, since the suburban boom [post WWII], have encouraged housing developments that appeal to only one part of our life cycle. Antoninetti describes this development as,

...Peter Pan neighborhoods built to serve residents who will ever age, will never face unexpected disabilities or economic fallouts, will always be able to count on substantial affluence and valid drivers licenses, and will

always act according to standardized and frozen-in-time lifestyles(Antoninetti, 2008).

This statement, does not account for a new development wave that targets the active senior segment, typically 55+. These master planned communities cater to the 55+ age group and offer the same suburban setting but with more accommodating living spaces, smaller lot options, and maintenance included homeowner associations. In fact house builders for these communities have began marketing adaptable plans, which include offering a separate section of the house as guest quarters. The idea is this could be a private space for the 55+ owners parent to live with some independence from the main home. These optional spaces include a large bedroom, private bath and side entry door to make access independent(Cook, 2012). “The design adaptability allows it to be a separate space but also offers direct access to the main house, convenient for multi-generational or dual adult living situations”(Lennar Communities, 2012). This idea is not too different from an ADU and also speaks to a new development interest and demand for housing adaptability.

INFILL DEVELOPMENT

Infill development is a tool used by developers and encouraged by most cities as a positive way to fill a void within the existing fabric of a place. Whether an empty lot, brownfield or greenfield, infill can be used as a way to stimulate an area by creating new residential, workplace, recreation, or public services. In the case of an accessory dwelling

unit, this housing type utilizes the rear yard of a home and weaves more members into the fabric of a community. The major advantage of infill development is that utilities and infrastructure are already in place and the land being used is within a developed region, not enticing outward growth.

Regulations on development vary dependent on a place and in many cases, the development community does not always desire infill development because it can bring more uncertainty and restrictions than the clean slate that greenfield development provides. Infill development is generally defined as development that occurs within a previously developed region, which has an existing network of utilities, streets and services provided. If a neighborhood or central business district has a lot that sits empty or underutilized, than developing on that site, as opposed to a green piece of land on the edge of the city, is referred to as infill development(Municipal Research and Services Center of Washington, 2012). Based on this definition accessory dwelling units are a definite type of infill development and the success of their implementation is often reliant on the local and state laws. In the City of Santa Cruz their ADU program states that one of the purposes is to “promote infill development to help preserve the surrounding natural greenbelt”(The City of Santa Cruz, 2009) Such laws have been pivotal in encouraging and increasing the ability for infill development. The smart growth movement, which encourages sustainable growth for communities, promotes infill development as a way for places to grow inward and capitalize on their existing built environment. The second

half of this section will review the many reasons why infill development is viewed as a viable option for sustainable development.

State and Local Laws that Enable ADUs

In the past sixty years the use of accessory dwelling units was discretely phased-out with zoning and deed restrictions. As is typical in the evolution of United States housing patterns, the use of ADUs was identified as a risky housing type to allow in single-family neighborhoods. Once an accepted housing type for various types of people, accessory dwelling units became a less desired housing option. Associated with sub-standard living conditions, density and renters that were lower income, minority and college students. As the nation grew to become a home owning society, renters were placed in a separate class and the appeal of ADUs lessened. College towns and land-constrained cities saw the continued use of this housing type, though they typically did not conform to zoning restrictions. In most places regulatory barriers are still present and create a challenge for households that wish to adapt their current house to their specific shifting needs (Antoninetti, 2008). Alterations to an existing house require a permit and can sometimes trigger zoning changes or public hearings. Something as small as an additional entry door, stoop or room can require a great deal of time to produce under local rules. The same is true for the addition of an attached or separate dwelling, subordinate to the main house.

The State of California passed legislation in 1982, entitled the “Second Unit Law” which encouraged the development of ADUs throughout the state. The ultimate goal was

to alleviate rising housing prices due to growing demand. The law enabled local governments to authorize ADUs by enacting a local ordinance. Local governments were required to approve all proposed ADU development unless they adopted their own local ordinance. The communities that chose to adopt their own ordinance were given freedom in creating their own guidelines for the second-unit applications as well as determining the approval process (Antoninetti, 2008).

Unfortunately, because the regulatory process in each community did not change and ADUs were still subject to discretionary approval, the legislation did not produce a sufficient amount of units (Cobb & Dvorak, 2000). In response to this barrier, the State of California passed additional legislation, in 2003, that stated ADUs should “be allowed ‘by right’ throughout the state, so long as they conform to pre-defined objective standards set out in the local zoning code”(Antoninetti, 2008). This second legislation resulted in the creation of supportive municipal programs and ADU development.

This legislation and the need for housing affordability drove many coastal and urban cities to adopt streamlined ADU development programs. Notable efforts are scattered throughout the country and appear in cities that share land development constraints thus amplifying the need for housing and concerns about affordability. These communities are limited by urban growth boundaries, rapid population growth, and geographic and environmental constraints.

The City of Santa Cruz, CA has the most publicized ADU program in the country(City of Santa Cruz, CA, 2003). A major advantage of the program is the ample

public information available on the city website. An interested resident is guided through the process in an extremely user-friendly fashion. Downloadable documents offer a step-by-step guide to the regulatory process, fee schedule and design of an ADU. There are even standard ADU plans that are pre-approved by the planning department. The program is also coupled with incentives that reduce or eliminate impact fees to the ADU homeowner if they agree to rent their ADU at an affordable rate. The city requires the homeowner to sign a contract with affordability restrictions. The program also offers financing options from local institutions to help fund the construction of an ADU(City of Santa Cruz, CA, 2003).

Leading communities on ADU development have set the path for mitigating the regulatory barriers that stand in the way of ADU production. Even when a community supports the integration of accessory dwelling units into single-family communities, the first step is amending zoning constraints. The examples set by Santa Cruz and other cities (Portland, Oregon; Denver, Colorado; Sedona, Arizona; Miami, Florida) offer hope that the modification of ordinances could become a comprehensible task for municipalities.

Neighborhood Opposition

The second major barrier for the creation of ADUs is the Not In My Backyard [NIMBY] stigma. Residents are notorious for not supporting a housing type that is different from their own housing type(Wegmann & Nemirow, 2011). Because ADUs are meant to be located in the rear of a single-family home this is a huge conflict. People are continuously convinced their property values will decrease as the “undesirable” renter

resides in their neighbor's backyard. The reality is that ADU homeowners will likely rent to someone they *want* to share their backyard with and in some fashion will *approve* of the person (Liebig, Koenig, & Pynoos, 2006). Additionally, as the improvements on a property increase, the appraisal increases, thus increasing property values. The only way that ADUs would likely contribute to lowered property values is if they are prohibited. This could encourage the creation of illegal units, which may, or may not, be of sub-standard condition and if sub-standard, yes, property values could decrease. Therefore, when demand for ADUs exists, a supportive structure and ordinance for ADUs is the best way to ensure compliance with building codes and secure property values.

Cities that are urban and/or historically have a large renter base typically have a long-standing ADU housing type and these are same cities that have been first to ease the regulatory barriers and create programs. In cities not as dense, the societal notion of renters in the backyard is new and thus not widely accepted. The understanding of ADUs as an affordable housing type that fits into the existing fabric of city, and can serve many types of people, is a notion that may only come with time. Online informational material is an easy way to interest and educate homeowners. Additionally, changing household types, due to financial constraints or changing family structure, may create an understanding of the benefits of ADU housing types.

ADUs and Smart Growth

Accessory dwelling units have the advantage of being supported *and included* in the Smart growth movement, which is the current practice for planning and development.

Smart growth principals are becoming a large focus for cities that are creating or updating comprehensive plans, master planned communities and development in general. The ultimate aim of the Smart growth initiative is to limit and offset sprawl. The policies [of Smart growth] include limiting outward expansion, encouraging higher densities and mixed-use zoning, reducing commuter travel, revitalizing, existing areas, cultivating open space, and often promoting varied housing types and affordability(Downs, 2005).

According to HUD, the affordability of housing is measured by the percentage of income that a household spends on housing cost. Housing is typically considered *affordable* when housing costs do not exceed 30 percent of a households' median income. In the case of accessory dwelling units certain places [that allow ADUs] have restrictions where homeowners must rent their ADUs at a specified percentage of regional median family income [MFI]. Dependent on the specific housing needs of a locality, the income group targeted will vary.

Regulations that address residential development and include smart growth principals include permitting ADUs, streamlining the permit review process, allowing different types of housing at varied costs , encouraging small-scale infill development, and allowing increased density for development zones near mass transit and urban centers(Meck, 2000).

The reality of the economic recession is what brings the ADU housing type to the general public. Mortgage payments are high, affordable housing is hard to come by for the working class, and though people are having less children, households are expanding.

College grads are living with their parents and there are parents living with their grown children. There are even higher counts of relatives living in multigenerational households in the recent census (Lofquist, Lagaila, Feliz, & O'Connell, 2012; Morin, 2010).

The inclusion of ADUs as a tool for infill and affordability is consistent with the goals of the Smart growth movement. Smart Growth encourages urban infill development as a method to mitigate the negative effects of suburban sprawl and utilize the existing built environment. Accessory dwellings are a low impact solution to housing that increase housing choice, affordability and are extremely adaptable for the changing needs of homeowners. This is true regardless of the size of a city and therefore is a cost savings to the municipality as opposed to greenfield development of apartments or starter homes [which typically house a similar demographic to ADUs].

THE ACCESSORY DWELLING UNIT

Accessory dwelling units are most commonly defined as independent living quarters created within or detached from the primary single-family dwelling. “Many ordinances highlight the existence of separate cooking, sleeping, and sanitation facilities as distinguishing ADU features”(Municipal Research and Services Center of Washington (MRSC), 1995). City codes define the specific use for an accessory structure and further describes the constraints for building, layout, and design. In many cases, ordinances state that the accessory structure can, or cannot, be used as an office, shop, or a stand-alone rental. Additional lot regulations, such as deed restrictions, parking requirements and unrelated persons restrictions, inhibit the creation of ADUs.

It is important to note that every place has different names and definitions for their ADUs. Some places are restrictive on the use and therefore use terms associated with elderly such as ECHO housing, Granny flats, mother in-law suites and in-law suites. For the purpose of this study I will use the term Accessory Dwelling Unit [ADU]. This term will be interchanged at times with accessory unit or accessory structure and abbreviated. Other less commonly used terms include alley flats, garage apartments, back houses, rear cottage, garage conversion, ancillary units, secondary units, and accessory apartments. Each term derives from its specific location on the parent property. For the purposes of this paper Accessory Dwelling Unit will encompass all the terms listed above.

ADU Application

Municipalities that allow ADUs have specific guidelines within the development code that detail the set-backs, placement and style of an ADU. Units can be set-up in three different ways: within a primary dwelling, attached or detached from it. An example of an ADU *within* the primary house would be the conversion of an attic or basement in to a separate functioning unit. Detached garages are often used as the base for an apartment unit above or the garage itself can be converted into an apartment. Lastly, a unit can be constructed new if appropriate space exists. New construction allows for more control over the entire design but can also add cost since utilities are not already present. Typically, the ADU cannot exceed the square footage of the primary dwelling nor can the combination of the two structures exceed maximum coverage requirements for the specific lot (Massachusetts Executive Office of Energy and Environmental Affairs, 2007).

The largest hurdle to building an ADU is typically the planning and zoning process. In cities that have successful ADU initiatives much effort has been made to revise existing ordinances and/or develop new ordinances, in order to make the development of this housing type less prohibitive. The ADU housing type became a non-conforming use as cities turned to lower density, suburban housing patterns. Therefore, in city development codes, many use terms like accessory buildings with ambiguous definition for the use.

What are the Benefits of an ADU?

Many cities combine the use of ADUs to promote affordable housing within the urban core, offering development incentives that encourage the rental at set affordable rates. Building an accessory dwelling unit can provide additional income for the homeowner, which reduces the burden of a mortgage and makes home-ownership more obtainable. Additionally, it provides for an alternative living space for elderly, grown children, single-parent families, students or young professionals. Overall accessory units provide a housing type that benefits the owner, tenant, and community.

Community Benefits

Accessory dwelling units offer a low-impact solution to “help minimize the impact of population growth on the community by providing more rental housing in the developed core of the city”(City of Santa Cruz, CA, 2003). ADU development encourages infill development, which provides for sustainable land-use patterns and further promotes transportation patterns that reduce pollution.

Accessory units help increase the supply of affordable housing without the necessity of local government expenditures or subsidies. ADUs encourage efficient use of the existing housing stock and infrastructure and encourage better housing maintenance and neighborhood stability. When accessory dwellings are permitted, the housing type helps communities’ meet smart growth and affordable housing objectives by increasing density in existing neighborhoods without changing the character or requiring additional infrastructure. The community benefits from the addition of affordable housing within the existing housing stock for little or no public expense.

ADUs increase property values. An additional structure (or improvement) on a property increases the overall property value, which increases property taxes to help support city costs. Further, having a diversity of housing choice in a typical single-family detached area can further stabilize a neighborhood when economic constraints lead households to change. If a household decides to rent instead of own, or vice versa, they can stay in the same neighborhood keeping the community populated.

Homeowner Benefits

ADUs make it possible for adult children to provide care and support to a parent in a semi-independent living arrangement or it can also provide a living arrangement for a grown child that decides to live at home. The accessory unit can enable homeownership because the rental income from the ADU can supplement the rising costs of purchasing a home. Homeowners benefit from the additional rental income that they can use to pay part of their mortgage payment or help with the upkeep of their home. Increased property value benefits the homeowner when they decide to sell their home or refinance. Homeowners can choose to rent to an individual that provides yard service, home maintenance or homecare in lieu of charging full rent. That option provides advantages to both the owner and renter.

Most ADU ordinances require the homeowner to live onsite, either in the main house or ADU. This requirement encourages the ongoing maintenance of the property and sustains the single-family status of the neighborhood.

Tenant Benefits

Accessory dwelling units offer small-scale living in a neighborhood setting, which provides the renter the advantages of a supportive community and connectivity to

everyday services. ADUs often rent for less than the average market rate levels because of two main reasons: ADUs do not require the development of new land and are consequently cheaper to build than conventional units, and second, because the homeowner is typically the landlord and generally not a licensed real estate professional the rental price is typically less than the market rate. Many existing ADUs were built sharing the same utilities as the main house; this creates further cost saving to the renter, as the bills are included in the rent. These factors allow ADUs to provide an affordable rental rate in single-family neighborhood if permitted. Accessory units can also increase housing opportunities for people with disabilities who can live independently in their home, but remain in close proximity to others who can provide them assistance.

Overall, the creation of accessory dwelling units means further investment in an existing neighborhood, which results in an increased property value for the homeowner and increased tax revenue for a city. Home values aside, neighborhoods become more stable when there is a healthy mix of housing options, which ADUs provide.

The ADU Target Market

ADUs are built at the will of a homeowner. Owners can either rent the unit or live in the unit themselves and rent out the main house. This flexibility is another benefit of ADUs as a housing type; ADUs are adaptable to the changing needs of the owner. The user of an ADU is typically a renter, but it is not uncommon for a homeowner to live in the ADU and rent out the main home. Homebuilders can market the construction of an accessory dwelling unit toward existing homeowners or new builds. The reasons for creating an ADU are vast: mitigate the impact of high housing costs on household

budgets, better meet the needs of aging households, accommodate multi-generational households, and provide additional income, and extra-space (Better Cities & Towns, 2001).

The marketability of ADUs as a housing type is far reaching, attracting many segments of the real estate market. The small-scale attributes of an ADU appeal to all types of people. Living in an ADU housing type appeals to young professionals, college students, single parents, elderly, extended family members, and disabled, small families, singles, couples, and even empty nesters. That list may include every household type. Even a large family could utilize an ADU in their own backyard. ADUs vary in size, but most are between 300 and 1000 sq ft. Most municipal ordinances have maximum size restrictions that require the unit fall within a specified ratio to the main house.

Planning Considerations for ADU development

ADUs make use of the existing infrastructure. Impact fees for ADU development are required by almost all cities and are meant to fund the impact of ADUs on existing infrastructure and systems. Planning should help mitigate the negative impacts of increased density. Many ADU advocates claim that, in less urban settings, existing housing stock is currently under populated compared to its built size and thus the infrastructure systems are underutilized and can afford an increase in capacity (Transform California, 2003). This article considers that, in some cases, it may be beneficial for the measurement of an ADU impact fee to be on a more specific basis. Most city ADU impact fees correspond with the size of the unit. They do not typically take into consideration the location (within the city) of the ADU. The strain on existing utility

systems may differ greatly dependent on the characteristics of the neighborhood where the ADU is developed. One major caveat to this method is the mere time (at city expense) it would take to determine the specific ADU development impact fee for each ADU created.

Local parking requirements can also restrict ADU development. Cities have begun to lessen these requirements in order to reach realistic ground for the implementation of accessory dwellings (Liebig, Koenig, & Pynoos, 2006). Allowing tandem parking is a way for cities to suffice the parking requirements while not increasing the impervious coverage of a lot. Tandem parking refers to two parked cars on a designated driveway, where one car is parked behind the other. In many cases the lot coverage requirements and parking mandates directly inhibit the creation of an ADU. If an ADU requires one additional parking space (not allowing tandem) that can sometimes exceed the lot coverage maximum due to the creation of an impervious surface for the parking space. In order to have a supportive ADU ordinance, cities must look at their existing development code to identify the requirements that may further discourage the creation of accessory dwelling units.

CHAPTER 3 – CASE STUDIES

RESEARCH METHOD AND APPROACH

The creation of a framework for Accessory Dwelling Unit policy is a practical application for a city to adopt, therefore it is useful to explore the existing policies that currently implement and advocate this type of housing for infill development. Case study review will identify the current methods that show positive results and those that present struggles. The previous literature review provides supportive reasoning for the land use and housing type of Accessory Dwelling Units. The following approach was used to structure the research and analysis needed to assess the potential for an ADU initiative in the City of Denton. Case Study research on two cities with ADU initiatives will assess the purpose and goals, the process to develop the ADU ordinance, the ordinance, and the ongoing implementation and management. This information will then be applied to the current planning initiatives and conditions in the City of Denton. The city has led a successful effort to revitalize the downtown, bringing additional economic stability and new housing to the area. An ADU initiative for the city could increase housing options in the core of the city by allowing more comprehensive development of ADUs.

The case studies will review different methods and techniques that have been successful at developing Accessory Dwelling Unit programs. The cities reviewed in this report are Santa Cruz, CA and El Paso, TX. The City of Santa Cruz was selected for this study because of its highly developed Accessory Dwelling Unit policy and user program. The City of El Paso has an ADU ordinance that was recently enacted to advocate the use

of ADUs. Both cities have a strong student population, with major universities; this makes a good comparison to Denton as it has two universities and a large student renter base. The City of El Paso was selected based on the following factors: El Paso has just completed comprehensive planning process that was focused on smart growth principals. This ties into the City of Denton, which will be starting its citywide comprehensive plan this fall, and its plan will also include smart growth principals. El Paso's ADU ordinance offers a comparison that is in the state of Texas, and although Denton's conditions are not exact, this is the most comprehensive ADU ordinance recently passed. Other Texas cities such as, Austin and Fort Worth, permit ADUs but not comprehensively [throughout all residential zones] as El Paso does. In the State of California, state legislature mandates the permitting of ADUs residential zones. There is no such legislation in the State of Texas and therefore the adoption of an ordinance could prove greater challenge if highly opposed. Therefore, guidance from an instate ADU ordinance such as El Paso may be helpful for the City of Denton.

The City of Santa Cruz's ADU ordinance is very detailed and straightforward, making it easy to interpret. In contrast, El Paso's ordinance is less detailed, which is likely due to its recent adoption. Each city had different motivation to develop their ADU ordinance. Santa Cruz's ADU ordinance is part of their ADU program. The ADU program is a package of support services, available online, offering a step-by-step guide for homeowners interested in developing an ADU.

This review will assess the structure, strengths and weaknesses of each ordinance. These findings will be used to identify the application of an ADU initiative in the context

of Denton, design a policy brief with suggested next steps for Denton and explain the potential for benefits and struggle for the City of Denton.

THE CITY OF SANTA CRUZ, CALIFORNIA

In 2003, the City Santa Cruz, California adopted an ADU program to offset the increased pressure of housing demand and affordability. The success of the local government's ADU program was reliant on the state initiative to encourage the ADU housing type. The city's economic drivers are the University of California Santa Cruz, tourism, technology and agriculture. Silicon Valley is also a large employer for Santa Cruz residents(Andrews, 2005). In 2004 the Santa Cruz median home price was \$670,000, this cost had jumped 24 percent from the previous year. At that time, only 6.9 percent of the residents could afford a median priced home (Case Calder Smith Architecture, 2004).

Due to Santa Cruz's extreme housing conditions, prior to the ADU program, ADUs were being created illegally. Though illegal, this housing type provided an affordable solution to the increasing housing demand. The Santa Cruz housing director, Carol Berg noted the public awareness on the issue "People realize there is a housing shortage, Accessory dwellings are a way to increase density without destroying the neighborhood" (Andrews, 2005). In order to begin drafting the ADU program, the city first had a housing study completed. This study identified the best housing options for the city based on three questions: What options are most cost effective to develop? What options can be implemented with relative ease? And, what options might provide the greatest number of units?(City of Santa Cruz, 2002). The housing study identified

Accessory Dwelling units as a positive alternative housing option for seniors and students, and for first-time homebuyers, the rent revenue of an ADU made homeownership more obtainable. With supportive evidence from the housing study, Santa Cruz adopted its ADU ordinance and ADU program in 2003. This program encouraged the development of ADUs on existing single-family lots(Case Calder Smith Architecture, 2004).

Santa Cruz's ADU Program

A Sustainable Communities Grant, funded by the California Pollutions Control Financing Authority, helped fund the ADU program with \$350,000 for a three-year period(The City of Santa Cruz, 2009). The city partnered with the Santa Cruz Community Credit Union for a program tailored specifically to financing the development of an ADU. The city also offered homeowners financial assistance with development fee waivers, construction training and a waiver subsidy program to secure affordable rental rates(American Planning Association, 2005). An hour of technical assistance with an architect or engineer was given to interested homeowners for a \$100 fee. These program incentives were funded through the grant, which ended after the three-year period(Case Calder Smith Architecture, 2004).

The current development impact fees for building a 500 sq ft ADU are \$11,100, this is roughly two thirds the cost to develop a single family home in Santa Cruz, CA(The City of Santa Cruz, CA, 2010). This includes the permitting and planning process, utility hook-up, water, wastewater, fire, and park fees(The City of Santa Cruz, CA, 2010). There

are fee waivers if the homeowner commits to renting their ADU at an affordable rate, 60% MFI or lower. The waiver system is structured to incentivize homeowners to target low to very-low income renters. According to the current waiver application on the City of Santa Cruz website, low-income is considered 51-60 percent MFI whereas very low-income is considered 0 – 50 percent MFI⁴. Reserving an ADU for a low-income tenant enables the homeowner to waive a little less than half of the development fee. Reserving an ADU for a very-low-income tenant allows a homeowner to waive all the development fees. The goal of the ADU program is to generate more housing units, especially affordable units by easing the building and renting process, by making ADU creation more profitable than moving outside the city.

THE CITY OF EL PASO, TEXAS

In 2010 the City of El Paso began the process of updating its comprehensive plan for the city of 649,000 residents. The city is home to three major economic drivers, the Fort Bliss U.S. Army installation, The University of Texas at El Paso, and the Medical Center of the Americas(City of El Paso, 2012). The new plan incorporated smart growth principals in order to manage population growth and increased housing demand. The previous 1999 comprehensive plan incorporated smart growth principals but the new plan integrated the principals to a much greater extent(Forsyth, 2012). The city staff began to research ADUs as way to incorporate smart growth housing goals into the new comprehensive plan. Over an 18-month period, dozens of public meetings were held to

⁴ Appendix B - Santa Cruz 2012 ADU Fee waiver information and application form, which includes development charges.

educate residents on the principals and benefits of smart growth. These sessions included the topic of ADUs as a way to integrate more housing options in the city, providing a sustainable growth pattern. An accessory dwelling unit ordinance was purposed during the comprehensive planning process in order to create a formal system to permit and structure the development of ADUs.

Previous to the 2010 comprehensive plan, the City of El Paso allowed accessory dwellings, which were labeled “mother-in-law” units but were restricted to not allow a rental charge and the main home and accessory unit were required to have the same utility meter. Kimberly Forsyth, a lead planner with the city, stated that though this was a restricted housing type there were “hundreds of these throughout the city and many were operating illegally”(Forsyth, 2012). Many units were created without building permits as garage or shed conversions to residential units and others that were originally for the use of a relative had converted to rentals(Forsyth, 2012). Prior to the ADU ordinance, there were a large amount of undocumented ADUs operating under the radar of city record, adopting the ADU ordinance gave the city a way to permit the housing type and regulate their continued development.

The new comprehensive plan gave the city a platform to explore the use of ADUs, which served two purposes. Utilizing smart growth methods allowed the city to increase its affordable housing options and stabilize neighborhoods by adding a mix of housing options to low density areas. Second, including an ADU ordinance in the new plan legalized the building type and gave the city authority to regulate the development of these units. Prior to beginning the planning process, the city was experiencing a shortage

of affordable housing. There was a direct need for additional housing options for students and military—both groups need affordable rental housing. ADUs brought a greater diversity of residential uses to the homogeneous single-family neighborhoods that are a common development pattern for the city(Forsyth, 2012).

Opposition to the ordinance came from residents who expressed concern that their property values would decrease, and parking and traffic would increase. The city tried to mitigate these concerns by holding public sessions with neighborhood groups to devise an ordinance that would address all the concerns presented. City staff also performed case study research on other Texas and national cities that have ADU programs and/or ordinances(Forsyth, 2012). Additional concerns were expressed by the building permit and code enforcement staff that were worried about the increased workload the new ordinance would generate. To date, no additional staff has been hired as result of the ADU ordinance approval(Forsyth, 2012).

Support and guidance for the ordinance came from city council, the city plan commission, and the comprehensive planning consultants, Dover Kohl and Partners(Forsyth, 2012). During the ordinance approval process The Greater El Paso Chamber of Commerce wrote a letter of support to the mayor and city council encouraging the approval of the ordinance. The Chamber stated that they were in “full support of the proposed zoning amendment to allow for accessory dwelling units... as they clearly promote better neighborhoods and smarter development”(The Greater El Paso Chamber of Commerce, 2011).

ADU ORDINANCE COMPARISON: SANTA CRUZ AND EL PASO

Both the City of Santa Cruz, CA and El Paso, TX define an accessory dwelling unit as a self-contained housing unit that is secondary to the main residence. There is no specific differentiation between the different types of ADUs, the units can be attached or detached, over the garage, stand alone, or within the house itself. The main requirement is that the unit has a kitchen, bath, and sleeping quarters separate from the main house.

The ADU ordinances for Santa Cruz and El Paso include specific guidelines for the development and use of accessory dwelling units. The Santa Cruz ADU ordinance⁵ was created to coincide with the 2003 adopted ADU program. El Paso's ADU ordinance⁶ was adopted in 2011 from efforts emanating from the city's 2010 comprehensive planning process. Both ordinances outline the specific zoning areas of the city that permit accessory dwellings. Certain aspects of the each ADU Ordinance are highlighted in the following table.

⁵ Appendix C – ADU Zoning Regulations: Title 24 Zoning Ordinance of the City of Santa Cruz Chapter 24.16 Part 2

⁶ Appendix D – ADU Ordinance: City of El Paso, TX Title 20.10.035

ADU Ordinance Highlights

	Santa Cruz, CA	El Paso, TX
Lot Size Restrictions	Minimum 5000 sq ft lot	Minimum 5,500 sq ft lot
ADU Gross Floor Area (GFA)	5,000+ sq ft Lot = 500 sq ft. max 7,500+ sq ft Lot = 640 sq ft max 10,000+ sq ft Lot = 800 sq ft max	May not exceed 800 sq ft
Lot Coverage may not exceed	May not exceed 30% of the required rear yard minimum	May not exceed 50% of the GFA of the main house -OR- 40% of the rear yard
Height	1-Story: 13' max 1.5 and 2-Story: 22' max at roof peak	1-Story -OR- 15' in Height
Set Backs	1-Story ADU 3' Min for Side/Rear-yard lot line 10' between bldgs on same lot 1.5 or 2-Story ADU 5' Min for side-yard lot line 10' min for rear-yard lot line No variances for set-backs	10' from any property line Reduced setbacks between 0' and 5' for Alley abutting properties
Front Yard Requirements	Encroachment to front-yard permitted for attached ADUs. Those ADUs must conform to main building setbacks.	Not Permitted
Design	Must relate to the primary residence design. Similar material use for exterior material elements.	ADU should resemble principal unit in scale and material; roof pitch, siding, and color; windows similar in type, trim, and proportions
Ownership	Homeowner must live in either the main house or accessory structure. (deed restrictions)	Homeowner must live in either the main house or accessory structure. (deed restrictions)
Parking (req'd in addition to main dwelling parking)	1 space per studio or 1-bedrm 2 spaces per 2-bedrm Tandem parking can suffice for no more than 3 required spaces.	1 on-site parking space if accessed from alley; access from an alley is permitted if alley is paved
ADU per lot	1 ADU per Lot	1 ADU per Lot
Landscaping	Open space and landscaping should benefit the ADU and primary dwelling, while also providing privacy and screening to adjacent properties.	Must comply with yard requirements for zoning district
Table compiled by: Jessica King Information Source: City of Santa Cruz, CA Ordinance 24.16; City of El Paso, TX Ordinance 20.02		

Figure 2 – ADU Ordinance Comparison Chart

Under Santa Cruz' zoning ordinance, there are thirteen different residential zones of which eleven permit accessory dwelling units. These eleven zones encompass the majority of the city's residential zones, which enable accessory dwelling units to be created on a large scale. The three zones that do not permit ADUs are medium and high density multiple residence zones. The City of El Paso permits accessory dwelling units in all fifteen of its residential zones. The different residential zones vary from single family low-density to multi-family apartments. This also enables ADUs to be implemented throughout the entire city.

Eligibility to build an ADU requires a slightly smaller lot size in Santa Cruz compared to El Paso, with a nominal difference of 500 sq ft. The 5,000 to 5,500 sq ft range is conducive to an eighth acre lot, which was the traditional minimum lot size in the typical planned subdivision of the first half of the 20th century. Due to its growth boundaries, the City of Santa Cruz was predominately subdivided and developed by the 1960s, and most of its residential lots are at least this size. Despite El Paso's growth boundaries, set by the Mexico border and the state of New Mexico, the city has appeased housing demand by sprawling outward. In both cities, allowing ADUs on lots as small as 5,000 sq ft generate an added housing option within the majority of the built residential zones.

The City of Santa Cruz's ADU ordinance is more detailed in its requirements and therefore its interpretation is more straightforward. El Paso's shorter ADU ordinance is not easy to interpret. It is likely that the City of Santa Cruz has a refined ADU ordinance due to its learning curve on the subject. Of additional importance to the development

process is residential support and available resources. The City of Santa Cruz has an ADU program in addition to its ordinance, which was initially funded with grants to produce educational material for residents and neighboring cities. The material includes an online set of user-friendly documents, which walk a homeowner through the process of building an ADU. This system is what sets Santa Cruz apart from any other city with an ADU ordinance and/or initiative.

The City of Santa Cruz created their ADU program due to extreme housing cost and demand. The city had major up front grant funding, which allowed them to create many of the helpful resident resources that the top are the star items assessed. The motivation to start the ADU ordinance was different in El Paso, which had a large number of non-conforming units, a growing need for increased rental options and a desire to incorporate smart growth principals into the future development of their city. El Paso used their comprehensive planning process, which was centered on smart growth, as a platform to discuss the potential benefits of ADUs in their city, which succeeded with the adoption of their current ADU ordinance. This ordinance is the most comprehensive for a city in Texas because it allows ADU development in nearly every residential zone; this is similar to the Santa Cruz ordinance. Gaining approval of an ADU ordinance that over reaches all residential zones could be a large feat for a city such as Denton that is not faced with similar housing constraints and has more suburban qualities in its outer ring. Like El Paso, the City of Denton could utilize its upcoming comprehensive planning process to discuss the potential for an ADU ordinance in the city as a method to achieve

smart growth principals. The following chapter will consider the creation of an ADU initiative in the City of Denton, TX.

CHAPTER 4 – ADUs for DENTON, TEXAS

RESEARCH METHOD FOR DENTON RESEARCH

This section will identify how an ADU ordinance might benefit the City of Denton by addressing the main research question of this study: What is the potential to increase housing options in the core of Denton by way of an accessory dwelling unit housing type? The research goals were created to help address the research question and each was explored through the various information sources.

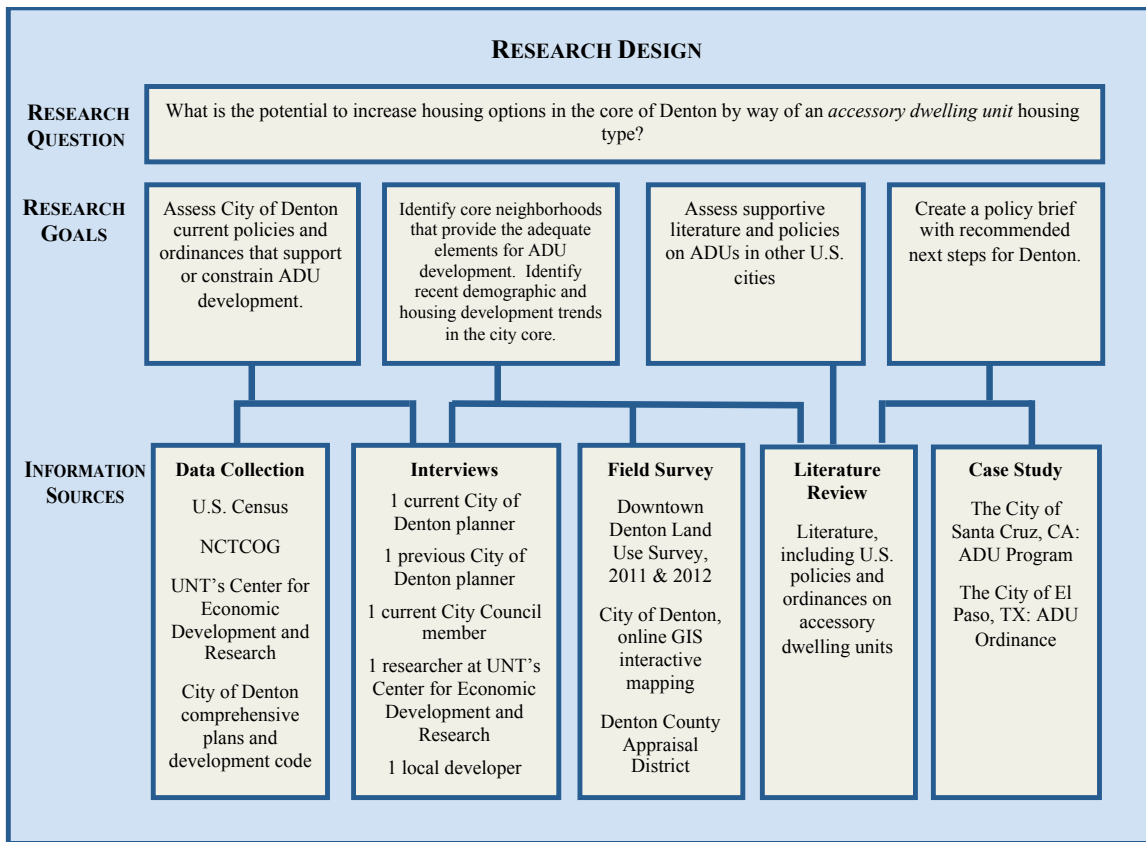


Figure 3 – Research Design Diagram

Current City of Denton policies and ordinances that support or constrain ADU development were assessed through *data collection* and *interviews*. The current development code was reviewed to document the existence of ADUs as a permitted housing type and their development restrictions. Additionally, the development code was used to understand the purpose and intent of the infill special purpose district. The interactive GIS zoning map was utilized to determine the various residential zones that did and did not permitted ADUs, and further understand the zoning within the infill special purpose district. *Interviews* with one current and one former City of Denton planner helped determine accurate understanding of the development code and ordinances and Denton's past and present planning trends.

Identify core neighborhoods that provide the adequate elements for ADU development.

The existing infill special purpose district⁷ was determined as the boundary for an ADU ordinance due to its placement and purpose. GIS interactive mapping illustrated the characteristics of existing neighborhood lots and built structures within the infill district. The neighborhoods (within the district) are ideal because of their proximity to the downtown core and typical narrow and deep lots, which allows space for an accessory structure. The Denton County Appraisal District website was used to determine the age and further characteristics of certain properties within the infill district. Homes in the within this area were built before 1960 and as early as the 1890s. These neighborhoods are connected to the activity of the downtown area and therefore are attractive for

⁷ Appendix A – City of Denton Infill Special Purpose District (boundary map)

dwellers that want to live downtown. Information gathered from the literature review will be applied to this to determine the typical elements present that enable ADU development. Interactive mapping was also used to determine the existing FEMA floodplain that runs through the center of the city. This is a definite constraint on future development in the city core. The floodplain inhibits potential development in certain parts of the downtown core. In recent years, the city has taken action to mitigate the floodplain by investing in new water management infrastructure, followed by a renewed FEMA flood plain assessment. Lastly, interviews helped determine the relevance of an ADU ordinance for the infill district and the potential resident perceptions of certain areas within the district.

Identify recent demographic and housing development trends in the city core.

U.S. Census data was assessed to determine the general components of the housing market in the City of Denton. The University of North Texas's (UNT) Center for Economic Development and Research produces an annual report, *Economic and Demographic Projections for the City of Denton*. The UNT publication was used to research city growth. Additional data was retrieved through the North Central Texas Council of Governments, the City of Denton, regional publications and field survey. Compiled data was used to quantify the 2000 – 2010 growth of housing tenure and population.

Field survey documented the multi-family development that has occurred within downtown from 2003 to current. Only multi-family that has been developed on lots

previously undeveloped, parking lots, repurposed uses, and additions to increase the number of housing units were recorded. The ability to quantify the multi-family development in downtown will allow this study to document the strong demand for rental housing in the city's urban core and its relationship to the economic development that has occurred due to city efforts in downtown. This data was gathered to illustrate how housing has changed downtown since 2003, when the city adopted its downtown master plan. The downtown master plan and downtown implementation plan were studied to determine both documents planning focus. Data, forecasts and recommendations on residential development were noted to determine what the planning consultants and city expected to occur in the immediate downtown area. Interviews with one city council member, one UNT researcher at the Center for Economic Development and Research, and one local developer helped identify recent housing preference and development trends within the city core.

Create a policy brief with recommended next steps for Denton.

Information from the literature review and the case study cities will be applied to create a policy brief. Based on the literature review, items that often create barriers for ADU development will be addressed. The strengths and weaknesses from both case study city ADU ordinances will be applied to a City of Denton ADU policy.

The information gathered through data, interview, field survey, literature review and case studies allows this study to explore the research goals to determine the potential to increase housing options in the core of Denton by way of an accessory dwelling unit housing type. This chapter will assess the potential for an ADU policy in Denton by

building on the local information gathered, lessons from the literature review and the two case study cities the potential for an ADU policy in Denton will be assessed.

THE CONTEXT FOR DENTON: DOWNTOWN, DEVELOPMENT, AND CULTURE

In 2003 the City of Denton adopted its Downtown Master Plan; the area included the historic square and immediate areas of commercial, industrial and some residential development. The plan identified the strengths and weakness of the city core and suggested future land-uses and catalyst sites to spur redevelopment and revitalize the area. With this tool the city set out immediately to improve upon its existing infrastructure to incentivize private development. Only three years passed before the city contracted to draft the Downtown Implementation Plan, which would succeed the previous plan. Although the city had already begun to see private investment in downtown, as result of the first plan, the city wanted a defined plan for implementation of the goal set forth in the master plan. In fall 2011 the city officially adopted the Downtown Implementation Plan (DTIP).

During the downtown planning process the Denton County Transit Authority (DCTA) was on track to connect Denton County to Dallas County by rail. In summer of 2011 DCTA opened its first light rail transit corridor; the A-train connects the north most stop of DART in Carrollton, TX to a 21 mile regional rail system where the final stop north is downtown Denton. This added to the speculation for private development in the downtown core. Commercial businesses increased and residential development began to occur on a larger scale than seen before in the downtown area.

The 2003 Downtown Master Plan included a growth forecast, which projected an additional 500 residential units by 2020. The findings from this research found that to date approximately 295 units have been created. Though the number has not yet reached its

full potential, taking into consideration the 2008 economic downturn, the number is not bad and gives evidence that the 500-unit expectation may be met or exceeded by 2020.

DEVELOPMENT

A major caveat to land development is the availability of land. Of the 295 units created, 241 of them are the products of local developer Jack Bell. Due to his experience in downtown development he was interviewed for this research. Bell noted that though the demand for more units is present, land is starting to come short. Most of the development that has occurred is infill or redevelopment (Bell, 2012). Available land requires that either the developer already owns the land or has an option to purchase the land.

The reality that the downtown area is beginning to be pinched for land development options should come at no surprise as there are numerous large lots that are underutilized with owners not interested in selling. But as Bell noted the demand to live downtown is present. This study builds on his notion and suggests that, if the city were to permit ADUs to a larger capacity and ease their development restrictions this will provide more small-scale rental options within the core [adjacent to the square] and may suffice a portion of the housing demand. Furthermore, this would enable individual homeowners to capitalize on the profits of their own city's downtown success by way of rental income in their own back yard.

Land speculation in the downtown core began to increase after the Downtown Master Plan process began and the city started investing money in public street improvements. From 2003 onward there has been an increase of 295 units (predominately

one and two bedrooms) these units are the result of nine small-scale apartment communities. Previous to this, there were five small apartment communities that were developed in the 1990s and approximately 20 separate dwellings above businesses throughout the square. Both apartment types, previous to 2003, totaled approximately 67 units (DBLUS, 2011)⁸. The below map indicates the multi-family developments that occurred after 2003.

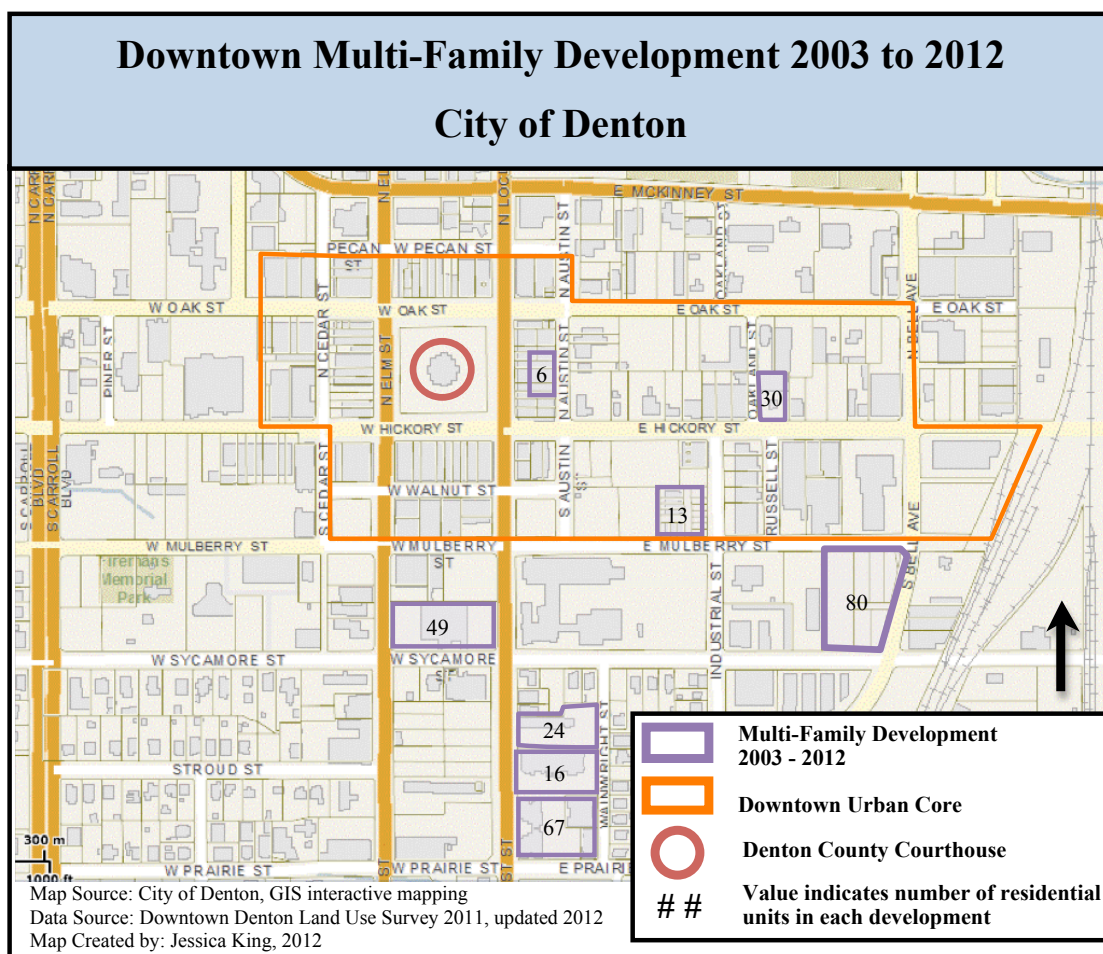


Figure 4 – Downtown Multi-Family Development 2003 to 2012

⁸ Appendix E: Multi-Family Development in Downtown Denton data charts.

These multi-family communities range from 6 to ninety units and were developed on infill lots in the city core. Some were built on land that had never been developed, others where structures had been leveled years before, some repurposing, and more where parking lots once existed. The increase in multi-family development indicates a rising demand for rental housing in the area.

In addition, 52 new businesses have been established, or relocated, in either new or repurposed buildings within the core (DBLUS, 2011). Surrounding the north, east, and west of the downtown core are established neighborhoods with modest homes built between the 1910s and the 1960s. These neighborhoods share a mix of owners and renters and are highly desirable due to their location between both universities and the square. Immediately surrounding the square there are a limited number of vacant lots prime for redevelopment into commercial or multi-family.

Permitting accessory dwelling units in the neighborhoods of the city core would help satisfy the growth in housing demand as the immediate downtown area is built out and people continue to desire downtown living. Additionally accessory units provide a housing type that is typically more independent than an apartment complex and thus may be appeal to a larger renter population. As land values increase in the core area of the city, housing costs will also increase making homeownership harder for people entering the market. For newcomers to the home-buying market, or to Denton, knowing that there are houses in the core that are already income producing, or have the potential to be, may make purchasing a home in downtown Denton more attractive than purchasing in other communities for some buyers.

CULTURE

Denton's downtown core is attracting not only students but also long-time residents and young professionals. The downtown area now offers most of the amenities of a complete community and nothing can be said about Denton without referencing its acclaimed cultural vibe, which includes an ever-evolving music scene. Recent slogans ripped straight from Austin include "Keep Denton Beard" and "Keep Denton Beer'd." Neither are advocated officially by the city but show the grassroots support for the city's home-grown culture and appeal. In 2006, the City of Denton officially branded itself with the slogan, "Denton. North of Ordinary." The slogan was created to attract new businesses to the city and set it apart from its neighbors and the metroplex (Cobb D. , 2006).

The music and arts culture in Denton has cultivated well known festivals, such as the longstanding Arts and Jazz Fest which attracts nationally known professional artists, and newcomers including, the indie music festival 35Denton, and the Thin Line Film festival. Two public universities, The University of North Texas (UNT) and the Texas Women's University (TWU) contribute to the cultivation of music and art in Denton and consistently make the list of the top five of employers for the city. The University of North Texas has a world-renowned School of Music, which continuously attracts professionals and students worldwide.

Current city council member, Kevin Roden, is heading an initiative to bring creative industries to the city. Roden, and others, are convinced there is a large mass of highly educated and skilled people working from home or in local coffee shops producing web-based work. Why do they stay in Denton? Because they love the everyday life the city offers. Roden wants the city to capitalize on the talent in Denton in order to

attract creative type businesses to locate in Denton(Roden, 2012). Since 2010, three different creative businesses have started up on or near the historic square.

What does this all mean? It means there is an increased desire from the residents to live, work and play in the core of Denton, enough demand for private developers to invest in the area and build new or repurpose existing residential and commercial spaces. Michael Seman, a researcher at UNT's Center for Economic Development and Research was recently quoted in the North Texan Alumni magazine on the impacts of Denton's cultural events and activity, stating that the 35Denton music festival "not only promotes Denton's already internationally recognized music scene but the city itself by branding it as an exciting urban area. That, in turn, functions as a catalyst for development (Seman, 2012)" Seman's insight on the local scene and cultural impacts makes his opinion valuable to this study.

In Denton, it has become common knowledge that more and more people, and not only college students, want to live in the core of the city. This is taken as fact when you speak to the local developers and also to Denton enthusiasts such as Roden and Seman.⁹ With this research, it is recommended that the City of Denton perform a housing study to track the recent growth within the city in order to help plan for future residential development. Identifying the who is moving into the city core, their preferences, along with their strengths and weaknesses will help the city and residents better understand their community and its needs.

⁹ It is important to note that this study was not able to track moves within the city, due to lack of data. That information would be notable to track.

How does this relate to accessory dwelling units?

Accessory dwellings units would fit well in the life and characteristics of the city core. Facilitating the growth of this housing type would provide additional rental units in the city core without high development costs. ADUs increase density on a low-impact scale by sprinkling people into existing low-density neighborhoods. In an interview for this report, Michael Seman noted that ADUs serve a valuable purpose for the city and its residents. In his opinion, ADUs are the exact housing type the creative class enjoys, owner or renter. Plus, the additional income makes ownership easier for post-graduates that desire to live in the core of Denton. From a city standpoint, ADUs raises property tax revenue and encourage sustainable growth(Seman, 2012). Both Seman and Roden regarded Denton as an affordable place to live and considered an ADU initiative as a valuable step for the city as it would increase the city's appeal to new homeowners and incoming business (Roden, 2012, Seman, 2012).

DENTON GROWTH TRENDS

Accessory dwelling units are a rental option for many different segments of the market. Most noted are renters seeking a traditional neighborhood setting but with a smaller living space than is provided in most single-family homes. Assessing population and housing growth trends in the City of Denton will help determine whether the city's growth appears well suited to the accessory dwelling unit housing type. This section will review the past two decades of population and housing growth in Denton using U.S. Census data

Changes in Housing Demand and Demographics

The City of Denton experienced a growth rate of 40.8% over the 2000 to 2010 period. When compared to the other cities in the north Texas region this is most similar to the City of Fort Worth which experienced a 38.6% growth during the same time period

(NCTCOG,

2011).

Though Fort

Worth is

considerably

larger than

Denton,

population

Population Growth Comparison						
Entity	1980	1990	2000	2010	Total Growth 1990-2010	Annual Growth Rate 1990 - 2010
City of Denton, TX						
Population	48,063	66,270	80,537	113,383	71.1%	3.6%
Growth by Decade		37.9%	21.5%	40.8%		
City of Fort Worth, TX						
Population	385,164	447,619	534,694	741,206	65.6%	3.3%
Growth by Decade		16.2%	19.5%	38.6%		
DFW Metropolitan Statistical Area (MSA)						
Population	3,017,230	4,037,282	5,221,801	6,371,773	57.8%	2.9%
Growth by Decade		33.8%	29.3%	22.0%		
State of Texas						
Population	14,229,191	16,986,510	20,851,820	25,145,561	48.0%	2.4%
Growth by Decade		19.4%	22.8%	20.6%		

Compiled by: Jessica King

Source: U.S. Bureau of the Census 2010, 2000, & 1990, Texas State Data Center 2010

Table 1 – Population Growth Comparison

741,206 in 2010, there are similar factors in both cities. Both have large student

populations and the major employers are governmental entities. The table below illustrates that the City of Denton has grown at a faster rate than the compared entities – The City of Fort Worth, the DFW MSA and the State of Texas.

Denton has a disproportional amount of the population in the 15 to 29 age range; this is attributed to both universities. These two major universities – The University Of North Texas (UNT) and Texas Women’s University (TWU) – along with the local and county government significantly contribute to the demographic and economic base of the city. The universities are two of the largest employers in the city and greatly add to the diverse cultural activity that Denton enjoys.

The table to the right illustrates the percentage of growth in each age cohort during the 2000 to 2010 decade. The total growth percentage from 2010 was 40.8 percent [referenced in Table 2 on the previous page]. As mentioned above the greatest proportion of growth occurred in the typical college-age category, 15 to 29 at 34.8 percent of growth. The second largest age range is the 45 to 64 age group making up 23.9 percent of growth. Household growth in Denton grew by 38 percent from 2000 to 2010. Of that, 16.8% of household growth was in the non-family household category, leaving the majority of growth in the family household category.

Percentage of Total Growth by Age from 2000 - 2010	
Under 5	6.1%
5 to 9	6.1%
10 to 14	4.8%
15 to 19	8.7%
20 to 24	19.2%
25 to 29	6.9%
30 to 34	5.3%
35 to 39	4.7%
40 to 44	2.9%
45 to 49	4.7%
50 to 54	6.1%
55 to 59	6.4%
60 to 64	6.8%
65 to 69	5.3%
70 to 74	2.7%
75+	3.3%

Compiled by: Jessica King

Source: U.S. Census 1990, 2000, 2010 ACS

Table 2 - Percentage of Total Growth by Age

Also, noteworthy is the growth for households with individuals 65 years and older, which grew by 9.5 percent in Denton.¹⁰

Supporting literature indicates that the median age range for the dweller of an ADU falls in the 18 to 25 age range, while the age range to build an ADU is typically in the 45 to 54 age range. With an ADU initiative, that includes public education and implementation support, the population rates in Denton give a supportive argument for potential resident interest in accessory dwelling units.

Based on 2011 data from the City of Denton Economic Development Partnership, residential building permits issued have decreased dramatically since 2005.¹¹ The decrease is attributed to the economic recession, as large-scale homebuilders were doing the majority of residential development in Denton prior to the 2005 downturn. Despite the permit decrease from the 2005 to 2010 time period, residential growth did occur during the 2000 to 2010 decade. The below table utilizes census data to indicate the overall increase in housing units and residents, both tables are divided by tenure.

City of Denton Housing and Residential Growth 2000 - 2010

Housing Share	2000	2010	Change
Owner-Occupied	12,960	19,796	52.7%
Renter-Occupied	17,935	22,839	27.3%
Total Units	30,895	42,635	38.0%

Residential Share	2000	2010	Change
Owner-Occupied	34,601	54,273	56.9%
Renter-Occupied	38,094	50,134	31.6%
Total Residents*	72,695	104,407	43.6%

Compiled by: Jessica King

Source: U.S. Census Summary File 2 2000 & 2010

*Total does not include institutionalized persons or campus housing

Table 3 – City of Denton Housing and Residential Growth 2000 - 2010

¹⁰ Appendix F: City of Denton Household Growth

¹¹ Appendix F: Residential Building Permits

Denton has a large proportion of rental units and renters compared to the owner occupied housing units and their dwellers. This is again a result of the inflated college population. In 2010 the housing share between both housing types resulted in Owner-Occupied units at 46 percent and Renter-Occupied at 54 percent. Unfortunately, extracting census data on housing in an area smaller than the city, such as a specific district, would not provide conclusive data for this analysis. Yet based on the field research alone it is safe to say that multi-family buildings are an important part of current and recent downtown Denton development.

The findings from U.S. census data are the most inconclusive due to the small size of Denton in relation to the scale of the census survey and methodology. That factor is what leads this report to encourage the City of Denton to perform a detailed housing study in order to understand current housing preferences and plan for future housing needs. In fall 2012, the city will begin a new comprehensive planning process, and it is recommended that a housing study be part of the new planning process. The citywide comprehensive plan will be an update to the 1999 Denton Plan and involve a public planning process. This would be a perfect time to engage the community in the topic of ADUs. Based on research findings, this report suggests that a more in depth study may find that a targeted ADU ordinance or initiative would be a viable option for the City of Denton to consider.

The following section will discuss the current development code in Denton and discuss the extent to which ADUs are currently permitted. Specific changes that could facilitate ADU development will be noted. Existing ADUs in permitted zones and non-permitted zones will be discussed to identify the evident existence of this housing type in the core of Denton. Information for this section was gathered by researching the current code and ordinances, field survey of neighborhoods in the special purpose infill zone and interviews with one current and one past long-range planner for the City of Denton.

PLANNING AND ZONING TRENDS

The 1999 Denton Plan is the city's current adopted plan. The planning process began in 1997 and was formally completed, and the plan adopted, in 1999. Over 250 public meetings were held during the planning process. The staff was charged with creating a document that was organic, enabling the document to grow with the city. It was important to the planning staff that the Plan not be shelved(Cook, 2012). Two separate consultants were hired to perform the population projections and growth management studies. Other than the two private consultants, the city staff--with leading support and input from the council and community--drafted the plan. The 1999 Denton Plan focused on sustainable growth measures through 2030.

This study reviewed the 1999 Plan in order to review the existing conditions reported and note the recommendations provided for residential growth. Previous long-range planner for the City of Denton, Stephen Cook, was interviewed for this study. Cook discussed how, at the time, the existing development code was out-of-date and not in-line

with the then-current issues and needs of the city. He noted that the 1999 Denton Plan gave the city good reason to redraft the existing development code, which is what they did as soon as the comprehensive plan was adopted. The new development code allowed the city staff, council and commissioners to mitigate the development needs of the city(Cook, 2012). The development code was adopted in 2002 and remains in use for the city.

The 1999 Plan did address accessory dwelling units, acknowledging their benefits and evident existence in certain areas of the city. In the plan the ADU housing type was encouraged as a sustainable growth method for the city, helping to achieve varied housing choices. Cook noted the evident amount of this housing type around the colleges and along the North Elm and Locust corridors(Cook, 2012). The previous development code did not specify the use or definition of an accessory dwellings unit. The term accessory building was used to define a subordinate structure on a single-family lot but it was clearly not defined as a living unit, more so a workshop(Menguita, 2012). The new development code made sure to include ADUs as a permitted housing type in two core land use zones. These two zones encompass tight knit areas around both universities and the Elm/Locust St corridors north of the square. Cook noted that, when developing the new code, districts that exhibited a large number of existing ADUs were selected to permit their continued development. This was done to mitigate opposition and further encourage the housing type. Unfortunately due to the small size of both zones and restrictions, new ADU development did not occur. That is, it did not occur officially.

Prior to identifying the specific reasons ADU development did not occur, it is important to understand the development code. In the development code there are seven residential land use districts. Each district encompasses numerous categories, often referred to as zones. The chart in appendix three details each residential zone and its specific land use zones.

In total there are 18 residential zones¹², out of which four permit ADUs. Those that permit are: both zones in the Rural District and the Downtown University Core district, categories Downtown Residential 1 and 2(City of Denton, 2002). [The Rural District will not be addressed further in this report because its placement apart from the city core does not fit into this study.] A large portion of Denton's core (the infill special purpose district) is zoned in the Downtown University Core District. The two universities, along with the historic square and its immediate commercial area, are zoned Downtown Commercial General. The Downtown Residential – 1 zone encompasses small pockets between both universities while Downtown Residential – 2 makes up larger sections of the existing neighborhoods in the special purpose district.

In addition to the ADU permitted zones discussed above, the development code designates six zones within the Neighborhood / Residential district that allow accessory dwelling units with a Specific Use Permit (City of Denton, 2002). The specific use permit (SUP) is a process the homeowner must go through in order to receive approval of the ADU development. The SUP process requires an application, fee, typical

¹² Appendix J – Hyperlink to the City of Denton Development Code Sub Chapter 5: Zoning Districts and Limitations

development review and then a public hearing with the Planning and Zoning Commission, which makes a recommendation on the matter and then the issue goes before City Council for an ultimate decision. Residents within 200 feet are sent a public hearing notice through certified mail and residents within 500 feet are sent a notice by regular mail (Menguita, 2012). The public hearing allows residents to voice their opinion on the proposed ADU if desired.¹³

It was through discussions with Ron Menguita, current City of Denton planner [previous Long-Range Planner and current Development Reviewer] that the possible barrier to ADU development posed by the code was determined. Though the 2002 development code incorporated ADUs into the zoning, the permitted “by right” areas were relatively small in comparison and, again, these areas already had numerous older ADUs. The six zones that allow ADUs through an SUP process have not produced a vehicle for ADU development to occur. Without a clear understanding of the local planning process and the specific use permit process the learning curve is set relatively high for a homeowner interested in creating an ADU. Menguita pointed to the specific use permit process as a possible deterrent for ADU development. He stated, “residents come in here to ask about an ADU and when they see that the specific use permit is required and learn what is needed for a specific use permit they often reassess their proposal”(Menguita, 2012). Referencing his database, Menguita noted that over the past seven years only two homeowners had applied for an SUP regarding an accessory

¹³ The planning and zoning commission is a board of seven appointed residents that make decisions and recommendations regarding planning and development in the city.

dwelling unit, both homeowners withdrew their request during the process. He noted that required conditions or public discussions during the SUP process is likely the reason for withdraw(Menguita, 2012).

Based on these findings, *it is recommended that the special use permit restriction on ADU development be removed from any residential zoning within the infill special purpose district.*¹⁴ The next section of the chapter will present recommendations for an ADU initiative for the city, including a necessary ordinance and plan of action for the city to undertake in order to educate residents, city staff and council on the opportunities ADUs provide and ways to ease their development in the current code. Creating awareness and support for an ADU initiative would fit well into the upcoming planning process for the new Denton comprehensive plan, which will begin in August 2012.

¹⁴ Appendix A – City of Denton Infill Special Purpose District (boundary map)

AN ADU INITIATIVE FOR THE CITY OF DENTON, TX

The planning process for the new Denton comprehensive plan will be a great platform for the city to start talking about integrating ADUs into the existing neighborhoods of Denton. This initiative outlines three components: Education, an ADU Ordinance, and a defined implementation process for the city staff and residents.

PUBLIC EDUCATION

The education component could be inserted into the public planning process for the new comprehensive plan. It should be expected that there will be a degree of opposition from current residents but education and awareness would be the best approach to mitigate possible opposition for an ADU ordinance. Possible areas of concern for residents will be the potential increase in street traffic, parked cars and unrelated persons (Menguita, 2012; Roden, 2012). Additionally, from the literature review, there is commonly concern for a potential decrease in property values. There are three designated historic districts within the infill special purpose district, all of which have organized neighborhood organizations. It is possible these districts may see an ADU ordinance as a further threat to their district (Roden, 2012; City of Santa Cruz, 2002; Seman, 2012). As with any planning process, public education for ADU awareness should involve a series of methods to communicate the information most effectively.

A combination of printed media, online info and public presentations could be used to communicate ADU information. The City of Denton new comprehensive plan has a website dedicated the planning process which could be used as a platform to generate

ADU information. Public meetings are a useful way to give and gain information: 1) they allow residents to voice their questions, concerns and give input on an issue, 2) meetings inform the planning staff or consultants on resident opinion and input. Take home info could be in the form of flyers or pamphlets, which could to describe what an ADU is, highlight their top benefits, and address the typical areas of concern.¹⁵

An additional piece of the education process could be to make residents more aware of ADUs in their own neighborhoods. Throughout the process of this paper and my own life in Denton I personally am very of aware of existing ADUs in Denton. I am willing to say they are in nearly every neighborhood, some more than others and operating at varied capacities. As

part of the field survey work for this paper, I performed a quick windshield survey in two residential zones, NR-3 and NR-6, both within the infill special purpose district. I drove on no more than six streets to photograph



Figure 4 – Existing ADU in Denton’s core

16 ADUs.¹⁶ The units varied by type and condition. Most were attached to the main house, but some were freestanding and all were built with similar characteristics to main house. The photos were taken from the street and framed so that the main house was not

¹⁵ Appendix G – Example Educational Flyer on ADUs

¹⁶ Appendix H – Existing Denton ADUs

visible so as to avoid identification. It was not part of this study to determine the official record of any ADUs in Denton. The most telling piece of each photo is that the supposed unit may or may not be an ADU. This provides support for the fact that this housing type can and *does* fit into the existing neighborhoods of Denton.

If the city could perform a field survey on the already existent ADUs within the infill special purpose district it may provide telling evidence to the presence of and preference for the housing type. There are numerous active neighborhood organizations and three historic districts within the infill special purpose district. Raising awareness of the existence of this housing type and the advantages of having an ordinance (allowing better regulation of the structure) may help ease possible neighborhood opposition.

ADU ORDINANCE

Specific aspects of an ADU ordinance will be outlined here, based on the findings from the case study cities and characteristics specific to Denton. An ADU ordinance must be detailed and clearly defined in order for it to be effective and produce results. This study recommends that the infill special purpose district (infill boundary) be used as the boundary to promote and permit ADU development. Accessory dwellings are a type of infill and help further achieve the districts purpose detailed in the ordinance¹⁷ The ADU ordinance will outline the permitted zones in which ADUs can be developed. The Specific Use Permit (SUP), which is required to build an ADU in certain zones, will continue to be in place for those zones that lie outside the infill boundary. The major

¹⁷ Appendix I – Infill Special Purpose District Ordinance 35.7.14

change an ADU ordinance would address is the removal of the SUP requirement for ADU development in any residential zone within the infill special purpose district.

Specific ordinance items for consideration

Tandem parking is a way to alleviate development cost and restrictions. Tandem parking refers to two parked cars on a designated driveway, where one care is parked behind the other. This essentially means dwellers may have to shuffle their cars in order to get out. Tandem parking provides two advantages that reduce the barriers to ADU development: 1) it lessens the amount of coverage on a lot, which, with an ADU, may put a property over its allowed limit and 2) tandem parking cuts down on development cost because an owner will not have to create an additional parking space.

The FEMA flood plain that runs through the downtown district poses a barrier to new development of any kind. The ADU ordinance would follow all the same guidelines and procedures for development in the FEMA floodplain.

Design Guidelines can be incorporated into the ordinance to require the development to conform to the height, massing, and outward appearance of the main house and neighboring structures. The guidelines should not be restrictive to the point to discourage ADUs but focused on integrating the accessory unit into the existing fabric of the neighborhood.

Property Owner Residence – Almost all the ordinances reviewed in this study’s research have a restriction requiring property owners live onsite, either in the main house

or ADU. This restriction is put in place to maintain the single-family status of neighborhoods, ensure property maintenance and further mitigate opposition.

Impact Fees – These are development impact fees required with any new development, their purpose is to fund the municipal costs associated with the additional ‘load’ placed on the infrastructure, utilities, and public services due to a development. A list of impact fee items should be included in the ordinance to provided transparent information to residents and staff. The City of Santa Cruz, which has incomparable housing costs to Denton, charges approximately two thirds the amount of development service charges for ADUs as it does for single-family development. Possible programs to reduce impact fees could be provided for homeowners committed to providing designated affordable rents to ADU renters. Unlike the City of Santa Cruz, Denton is a relatively affordable place to live and because the city has not experienced a housing shortage it may be difficult to gain support and or enrollment in an affordable housing incentive program.

The Number of ADUs can be restricted for each lot, requiring that only one ADU be built per lot. The purpose of this restriction is to minimize impact on infrastructure and/or utility grids and protect the single-family character of a neighborhood. Enforcing this limitation would require proper records of existing and new ADU development. Current city permitting records an ADU as an addition but nothing specific This restriction would require a well structure system for recording existing ADUs and new ADU development. It is common practice, in other cities with ADU ordinances, to restrict one ADU per lot in single-family zones.

The 2009 Energy Code ordinance is applied to all new development and can be applied to ADU development. Many of the homes in the infill boundary were built prior to 1960 and are not energy efficient in today's standards. Requiring new ADUs to meet the Denton energy code helps lessen energy consumption in some of the least energy efficient built neighborhoods of Denton. This would help Denton achieve its goal to reduce energy consumption.

The most important consideration when deciding on the guides and restrictions of ADU development is to consider the context of the place in which this development occurs. The structure and creation of an ADU ordinance rely heavily three points. 1). The ability of staff to interpret, manage and execute the ordinance once in place. 2). Residents' opinions and desires regarding ADU development and 3). The ultimate citywide goals for Denton. If all three items are considered and addressed throughout the drafting process the ordinance has a better chance of approval and creating results.

IMPLEMENTATION

In any planning process the implementation stage is key to the success of a plan. If an ADU ordinance is approved then there should be a clear system in place for city staff and residents to follow. The City of Santa Cruz has a webpage dedicated to ADU development, explaining the purpose of the housing type, of the planning process, and also includes pre-approved ADU designs and a how-to guide that details the entire process, from conception to completion, to develop an ADU in your back yard¹⁸. The

¹⁸ Appendix J – Hyperlinks to ADU reports, guidebooks and housing studies

best advantage of all of this is that it is accessible online. Even the impact fee schedule is clearly defined and posted online.

Allowing homeowners to see the impact fee schedule upfront is very important to clearly communicate the entire cost of development. Impact fees should be consistent with the scale of the ADU development and fees should be updated to reflect any changes. Providing this online along with a clearly defined ordinance will make the ADU process transparent for homeowners.

The planning and development process required to create an accessory dwelling unit must be clearly defined in order not to discourage a homeowner from developing an ADU. Furthermore, the interpretation of codes and guidelines for ADU development must be uniform across city departments to avoid inconsistency in the development review process.

A specific permitting code to track any new ADU development would allow the city track the development and progress of ADUs. An amnesty period could be set up to allow homeowners with existing ADUs to record their units in city record. There should be no penalty fine for homeowners that record existing ADUs. Adding fines for units that do not meet the newly adopted ordinance would discourage participation. However, there should be a requirement for a building inspection to make certain existing ADUs meet standard built living conditions. As with other existing buildings, unless an owner is required to pull a permit for an ADU remodel, the current city building code requirements should not be mandated for existing ADUs. In addition, it would be useful

for the city to know how many ADUs exist so the units themselves and their characteristics [rooms, year built, material] can be added to city record.

Including all these implementation topics in a How-To-ADU guide that can be downloaded online would be a great tool for residents that wish to investigate building an ADU in their backyard. Providing a guidebook would also cut down on time that staff would need to explain the process for ADU development. The following graphic outlines action items for the city to encourage ADU development.

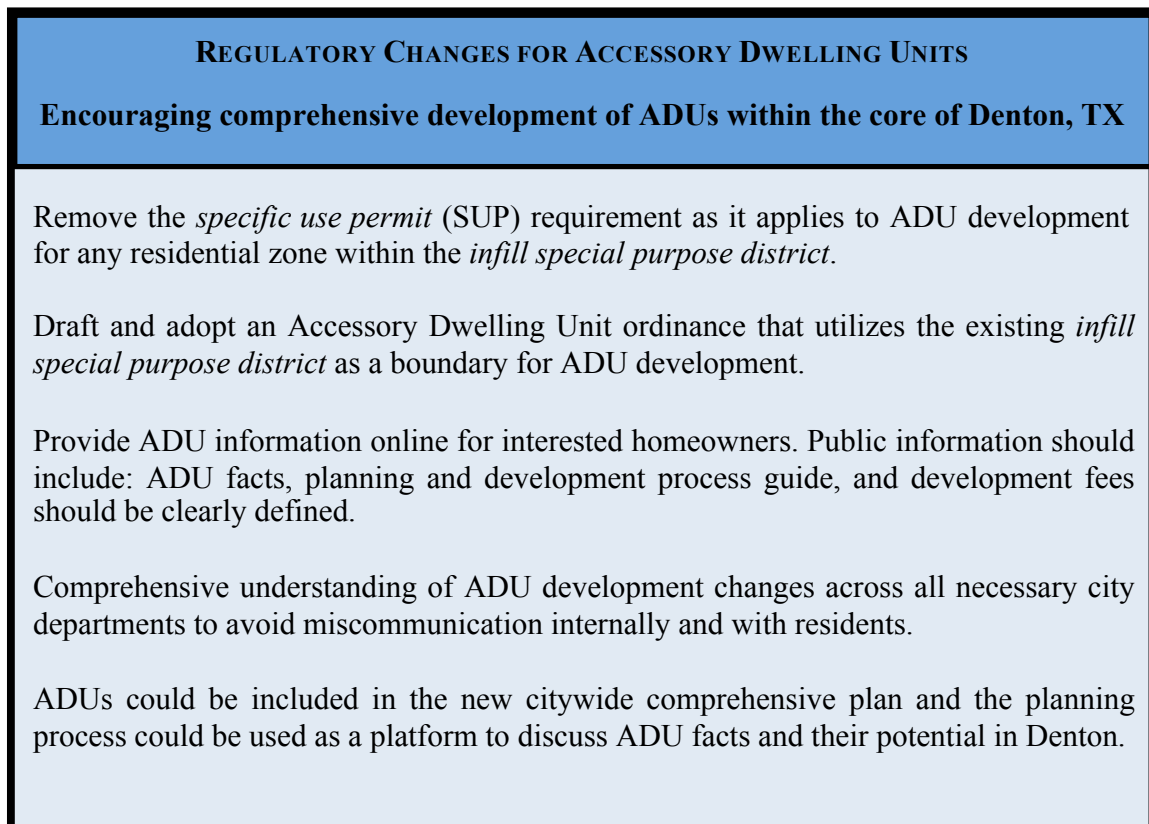


Figure 5 – Regulatory Changes to Encourage ADUs in Denton, TX

CONCLUDING THOUGHTS AND RECOMMENDATIONS

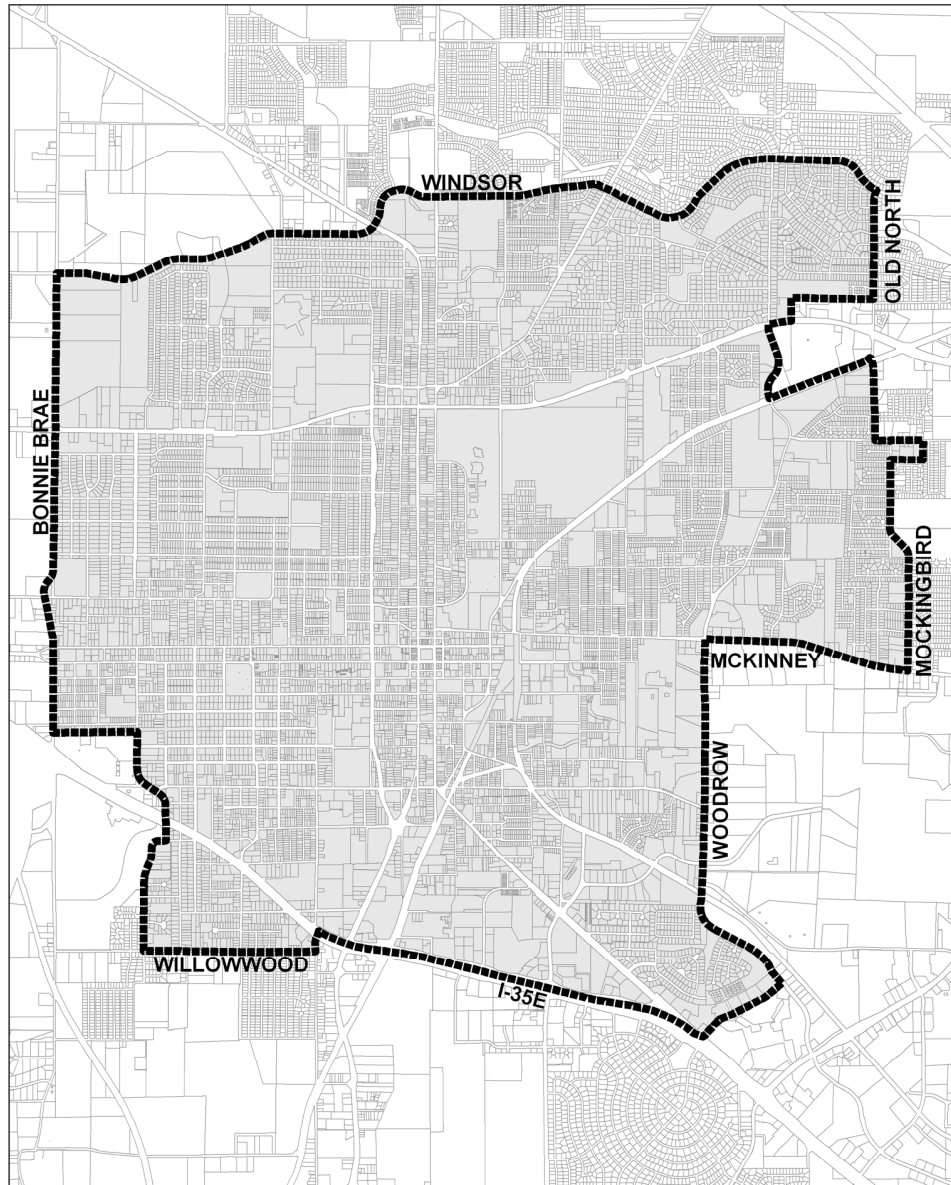
This research identified the need for further study on local housing and demographics. As outlined in the Denton Growth Trends section of this paper, U.S. census data is inconclusive when assessing smaller areas of the city. This is due to sample size in relation to the scale of the census. Therefore this study did not rely heavily on U.S. census data. In addition to data, a second limitation to this study is the absence of residential input, due to time and liability. Residential input is crucial to any initiative that involves private property rights. For these reasons, it would be worthwhile for the City of Denton to perform an in-depth housing study to assess local housing preferences and further document the development trends current to the city.

It was the purpose of this study to provide the city and residents with an understanding of ADU development, outlining their benefits, purpose and place in the context of Denton, TX. A housing study would benefit the city by giving them an inventory of what is built with the ability to then track the trends of local market preference and development.

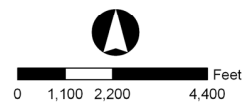
This study has looked at what an accessory dwelling unit is and it's evolution in U.S. planning trends, reviewed the experiences of cities with ADU ordinances, and discussed the context for ADUs in Denton, focusing on understanding how ADUs might address current needs in the city and how they could be implemented. Based on this analysis it is recommended that the City of Denton consider adopting an ADU ordinance that would permit ADUs in all residential zones that lie within the already established infill special purpose district. This change would remove the specific use permit (SUP)

required for ADU development from the residential zones inside the infill special purpose district. This study concluded that the SUP requirement is a deterrent to ADU development in the existing code. This infill special purpose district is an overlay that was created to encourage further development on underutilized lots present in the core of the city. An ADU ordinance, as suggested, would encourage infill in the district and help meet broader planning goals of increased density, connectivity, varied housing choice, increased property value, affordability and stabilized neighborhoods.

Appendix A – City of Denton Infill Special Purpose District



Infill Special Purpose District



Appendix B – City of Santa Cruz, CA ADU Fee Waiver and Application



SUCCESSOR AGENCY (REDEVELOPMENT)
337 LOCUST STREET, SANTA CRUZ, CA 95060 • 831-420-5150 • www.cityofsantacruz.com

2012 ACCESSORY DWELLING UNITS FEE WAIVER INFORMATION and APPLICATION

Various types of City permit fees (see Exhibit A attached) may be waived in exchange for a property owner's agreement to restrict a new accessory dwelling unit ("ADU") for rent to a low or very-low income household. More fees are waived in exchange for an agreement to rent to very-low income households as opposed to low income households. Estimated 2012 fees for a 500 sq.ft. ADU are approximately \$11,103 (see Exhibit B attached). Please note that the list of fees may not be all inclusive. Check with the Inspection Services Division for a specific list of fees that apply to your project.

Prior to receiving a building permit, all ADU owners are required to execute and record an "Accessory Dwelling Unit Affordable Housing Declaration of Covenants and Land Use Restrictions - Fee Waivers". This document regulates the establishment, use and occupancy of the ADU, and establishes the maximum allowable income of the tenant household, and the maximum rents that may be charged, based upon the level of affordability (see Exhibit C and D attached for 2012 levels). These restrictions are recorded against the property in perpetuity. Owners submit an annual compliance report to the City certifying the tenant household's income and the rents charged.

Owners wishing to remove the restrictions must pay any previously waived fees.

In order to obtain fee waivers, owners must submit a Fee Waiver Application (attached).

Please note that any fees related to a code compliance action are not waivable. Additionally, any accessory dwelling unit that was previously established without City-required permits is not eligible for water and sewer connection fee waivers.

For additional information, please contact the City's Housing and Community Development Division at 831-420-5109.

**EXHIBIT A
TYPES OF PERMIT FEES WAIVED**

Santa Cruz Municipal Code Section 24.16.300

Only units designated as very-low or low income are eligible for fee waivers. Units designated as median or moderate income are not eligible for fee waivers. The following list may not include all fees specific to individual projects.

FEE TYPE	VERY-LOW INCOME (0% - 50% of median income)	LOW INCOME (51%-60% of median income)
Planning Application Fee¹ (Only if project is 100% affordable)	X	X
Planning Plan Check Fee¹ (Only if project is 100% affordable)	X	X
Building Permit Fee¹	X	
Building Plan Check Fee¹	X	
Parks Fee¹	X	
Water Connection Fee^{1, 2}	X	X
Sewer Connection Fee^{1, 2}	X	X
Fire Fee¹ Application & Plan Check	X	
Parking Deficiency Fee¹ (Only if located in the Downtown Parking District)	X	

¹ Fees imposed due to a code compliance action are not waived.

² Accessory dwelling units that were previously established without City-required permits are not eligible for water and sewer connection fee waivers per Resolution No. NS, 26-803.

**EXHIBIT B
ESTIMATED 2012 ADU FEES**

*(Fees are approximate only and may vary for individual projects. Check with the
Inspection Services Division for a list of fees specific to your project.)*

FEE TYPE	AMOUNT
Planning Plan Check Fee	\$600.00
Building Permit Fees	\$3,275.00
Building Plan Check Fee	\$650.00
Parks Fee	\$1,500.00
Water System Development Charge	\$3,918.00
Sewer Connection Fee	\$900.00
Fire Fee	\$260.00
Total:	\$11,103.00

EXHIBIT C

**2012
MAXIMUM ALLOWABLE VERY-LOW INCOME (50% AMI) BY HOUSEHOLD SIZE
AND
MAXIMUM ALLOWABLE RENTS BY UNIT SIZE
ACCESSORY DWELLING UNITS
PER RESOLUTION NO. NS-22,856**

BASED ON HCD INCOME LIMITS EFFECTIVE FEB. 1, 2012¹

<u>VERY- LOW INCOME HOUSEHOLDS</u>		
HOUSEHOLD INCOME ELIGIBILITY	HOUSEHOLD SIZE / UNIT SIZE	
STEP 1 Determine household size	1 PERSON STUDIO	2 PERSON 1-BEDROOM
STEP 2 Determine HUD Median Income by household size - Note 1	\$ 60,900	\$ 69,600
STEP 3 Very Low Income - Note 2 + 3 Maximum Allowable Household Gross Annual Income State HCD	\$ 33,550	\$ 38,350
STEP 4 Divide Step 3 by 12 Maximum Allowable Monthly Income	\$ 2,796	\$ 3,196
STEP 5 Multiply Step 4 by 30%--Note 4 Maximum Allowable Rent Owner Paid Utilities	\$ 839	\$ 959

1. California Department of Housing and Community Development (HCD limits) effective Feb. 1, 2012.
2. In accordance with the following, household assets must be considered when determining a household's income:
 - a. If total household assets do not exceed the maximum allowable income shown above; no assets shall be counted.
 - b. If total household assets exceed the maximum allowable income shown, the value of those assets shall be calculated in accordance with the formula utilized by the Housing Authority of the County of Santa Cruz for the Section 8 Housing Choice Voucher Program (.44% of the net value of the assets or the actual earned income from the asset, whichever is greater) and shall be added to the household's actual gross annual income; that total shall be less than the maximum allowable income shown above.
 - c. For households consisting of at least one person over 62 years of age, the first \$60,000 of assets shall be excluded from calculations under 2a and 2b above.
3. The gross annual income of a household (all household members) may not exceed the maximum allowable income shown above by respective household size.
4. Table assumes landlord pays utilities and shows maximum allowable rent, which includes utilities. Utility costs are established by the Housing Authority of the County of Santa Cruz in conjunction with the Section 8 Rent Subsidy Program. If tenant pays utilities, a utility allowance must be deducted from the maximum allowable rent.

EXHIBIT D

**2012
MAXIMUM ALLOWABLE LOW INCOME (60%AMI) BY HOUSEHOLD SIZE
AND
MAXIMUM ALLOWABLE RENTS BY UNIT SIZE
ACCESSORY DWELLING UNITS
PER RESOLUTION NO. NS-22,856**

BASED ON HCD INCOME LIMITS EFFECTIVE FEB. 1, 2012¹

<u>LOW INCOME HOUSEHOLDS</u>		
HOUSEHOLD INCOME ELIGIBILITY	HOUSEHOLD SIZE / UNIT SIZE	
STEP 1 Determine household size	1 PERSON STUDIO	2 PERSON 1-BEDROOM
STEP 2 Determine HUD Median Income by household size--Note 1	\$ 60,900	\$ 69,600
STEP 3 Multiply Step 2 by 60%--Note 2 Maximum Allowable Household Gross Annual Income	\$ 36,540	\$ 41,760
STEP 4 Divide Step 3 by 12--Note 3 Maximum Allowable Monthly Income	\$ 3,045	\$ 3,480
STEP 5 Multiply Step 4 by 30%--Note 4 Maximum Allowable Rent Owner Paid Utilities	\$ 914	\$ 1,044

1. California Department of Housing and Community Development (HCD limits) effective Feb. 1, 2012.
2. In accordance with the following, household assets must be considered when determining a household's income:
 - a. If total household assets do not exceed the maximum allowable income shown above; no assets shall be counted.
 - b. If total household assets exceed the maximum allowable income shown, the value of those assets shall be calculated in accordance with formula utilized by the Housing Authority of the County of Santa Cruz for the Section 8 Housing Choice Voucher Program (.44% of the net value of the assets or the actual earned income from the asset, whichever is greater) and shall be added to the household's actual gross annual income; that total shall be less than the maximum allowable income shown above.
 - c. For households consisting of at least one person over 62 years of age, the first \$60,000 of assets shall be excluded from calculations under 2a and 2b above.
3. The gross annual income of a household (all household members) may not exceed the maximum allowable income shown above by respective household size.
4. Table assumes landlord pays utilities and shows maximum allowable rent, which includes utilities. Utility costs are established by the Housing Authority of the County of Santa Cruz in conjunction with the Section 8 Rent Subsidy Program. If tenant pays utilities, a utility allowance must be deducted from the maximum allowable rent.



SUCCESSOR AGENCY (REDEVELOPMENT)
337 LOCUST STREET, SANTA CRUZ, CA 95060 • 831-420-5150 • www.cityofsantacruz.com

**FEE WAIVER APPLICATION
ACCESSORY DWELLING UNIT**
(complete and return to 337 Locust St., Santa Cruz, CA 95060
Attn: Housing and Community Development Division)

Property Owner Name(s):	
Property Address:	APN:
Owner Phone:	Owner Email:
Building Permit Application No:	Planner Assigned to Project:

Size of Proposed ADU: _____ sq.ft			
ADU Type: (check one)	<input type="checkbox"/> Studio	<input type="checkbox"/> 1-bedroom	<input type="checkbox"/> 2-bedroom
Primary Dwelling Type: (check one)	<input type="checkbox"/> 1-bedroom	<input type="checkbox"/> 2-bedroom	<input type="checkbox"/> 3-bedroom
	<input type="checkbox"/> 3-bedroom	<input type="checkbox"/> 4-bedroom	

Income level ADU will be restricted to: (check one)
<input type="checkbox"/> Very-low (50% of median income)
<input type="checkbox"/> Low (60% of median income)

The following documentation must be attached to this application:

- ☒ Legal Description of Property (may be obtained from a title report, deed of trust or a title company)
- ☒ Proof of Homeowner's Property Tax Exemption (may be obtained from the Santa Cruz County Assessor's office)
- ☒ Grant Deed - must identify all owners of the property (may be obtained from the Santa Cruz County Recorder's office or title company)

Property Owner

Date

Appendix C – City of Santa Cruz, CA ADU Ordinance



PLANNING DEPARTMENT
Housing & Community Development Division
809 CENTER STREET, ROOM 206, SANTA CRUZ, CA 95060 • 831/420-6250 • FAX 831/420-6458

ADU ZONING REGULATIONS

TITLE 24 ZONING ORDINANCE OF THE CITY OF SANTA CRUZ CHAPTER 24.16 PART 2

24.16.100 Purpose.

The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Thus, it is found that accessory units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities that are compatible with single-family development.

To ensure that accessory units will conform to General Plan policy the following regulations are established.

(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.120 Locations Permitted.

Accessory dwelling units are permitted in the following zones on lots of 5000 square feet or more:

1. RS-5A, RS-10A
2. RS-1A, RS-2A
3. R-1-10
4. R-1-7
5. R-1-56.R-L, R-T(A), (B), and (D).

(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.130 Permit Procedures.

The following accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.160.

1. Any accessory dwelling unit meeting the same development standards as permitted for the main building in the zoning district, whether attached or detached from the main dwelling.

2. Any single story accessory dwelling unit.

Any accessory dwelling unit not meeting the requirements above shall be conditionally permitted uses within the zoning districts specified in Section 24.16.120 and shall be permitted by administrative use permit at a public hearing before the zoning administrator, subject to the findings per Section 24.16.150 and the development standards in Section 24.16.160.

(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.150 Findings Required for Conditionally Permitted Accessory Dwelling Units.

Before approval or modified approval of an application for an accessory dwelling unit, the decision making body shall find that:

1. Exterior design of the accessory unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory unit does not result in excessive noise, traffic or parking congestion.
4. The property fronts on an adequate water main and sewer line each with the capacity to serve the additional accessory unit.
5. The site plan provides adequate open space and landscaping that is useful for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
6. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties.
7. The one and one-half to two-story structure generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties.
8. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.
9. The orientation and location of buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including heritage or significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation relate to natural land forms.

10. The site plan is situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.
11. The site plan incorporates water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets are used, as well as water-saving toilets utilizing less than three gallons per flush.
(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.160 Design and Development Standards.

All accessory dwelling units must conform to the following standards:

1. **Parking.** One parking space shall be provided on-site for each studio and one bedroom accessory unit. Two parking spaces shall be provided on site for each two bedroom accessory unit. Parking for the accessory unit is in addition to the required parking for the primary residence. (See Section 24.16.180 for parking incentives.)
2. **Unit Size.** The floor area for accessory units shall not exceed five hundred square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an accessory unit may be up to 640 square feet and, for lots in excess of 10,000 square feet, a unit may be up to 800 square feet. In no case may any combination of buildings occupy more than thirty percent of the required rear yard for the district in which it is located, except for units which face an alley, as noted below. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.
3. **Existing Development on Lot.** A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.
4. **Number of Accessory Units Per Parcel.** Only one accessory dwelling unit shall be allowed for each parcel.
5. **Setbacks for Detached Accessory Dwelling Units.** The side-yard and rear-yard setback for detached single story structures containing an accessory dwelling unit shall not be less than three feet in accordance with the Uniform Building Code, and the distance between buildings on the same lot must be a minimum of 10 feet. Accessory units higher than one story shall provide side yard setbacks of five feet and rear yard setbacks of ten feet. If any portion of an accessory dwelling unit is located in front of the main building, then the front and sideyard setbacks shall be the same as a main building in the zoning district. Accessory dwelling units are not eligible for variances to setbacks.
6. **Setbacks for Attached Accessory Dwelling Units.** Attached accessory dwelling units shall meet the same setbacks as a main building in the zoning district.
7. **Other Code Requirements.** The accessory unit shall meet the requirements of the Uniform Building Code.
8. **Occupancy.** The property owner must occupy either the primary or accessory dwelling.

9. Building Height and Stories.

- a. A one story detached accessory dwelling unit shall be no more than thirteen feet in height.
 - b. A one and one-half to two story detached accessory dwelling shall be no more than twenty-two feet in height measured to the roof peak.
 - c. An attached accessory unit may occupy a first or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks required for the main residence.
 - d. If the design of the main dwelling has special roof features that should be matched on the detached accessory unit, the maximum building height of the accessory dwelling unit may be exceeded to include such similar special roof features subject to review and approval of the Zoning Administrator.
10. Alley Orientation. When an accessory dwelling unit is adjacent to an alley, every effort shall be made to orient the accessory dwelling unit toward the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four foot back out which includes the alley. Fences shall be three feet six inches along the alley. However, higher fencing up to six feet can be considered in unusual design circumstances subject to review and approval of the Zoning Administrator.
11. Design. The design of the accessory unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.
12. Large Home Design Permit. The square footage of an attached or detached accessory unit shall be counted with the square footage of the single family home in determining whether a large home design permit is required.
13. Open Space and Landscaping: The site plan shall provide open space and landscaping that are useful for both the accessory dwelling unit and the primary residence. Landscaping shall provide for the privacy and screening of adjacent properties.
14. The following standards apply to accessory dwelling units located outside the standard side and rear yard setbacks for the district.

The entrance to the accessory unit shall face the interior of the lot unless the accessory unit is directly accessible from an alley or a public street.

Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

15. A notice of application shall be sent to the immediately adjoining neighbors.
(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.170 Deed Restrictions.

Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory unit shall not be sold separately.
2. The unit is restricted to the approved size.
3. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
4. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the conditional use permit.
5. The deed restrictions shall lapse upon removal of the accessory unit.
(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

26.16.180 Zoning Incentives.

The following incentives are to encourage construction of accessory dwelling units.

1. Affordability Requirements for Fee Waivers. Accessory units proposed to be rented at affordable rents as established by the city, may have development fees waived per Part 4 of Chapter 24.16 of the Zoning Ordinance. Existing accessory dwelling units shall be relieved of the affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual CPI increase commencing with the date of application for Building Permit.
2. Covered Parking. The covered parking requirement for the primary residence shall not apply if an accessory dwelling unit is provided.
3. Front or Exterior Yard Parking. Three parking spaces may be provided in the front or exterior yard setback under this incentive with the parking design subject to approval of the Zoning Administrator. The maximum impervious surfaces devoted to the parking area shall be no greater than the existing driveway surfaces at time of application. Not more than 50% of the front yard width shall be allowed to be parking area.
4. Tandem Parking. For a parcel with a permitted accessory dwelling unit, required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than three total cars in tandem may be counted towards meeting the parking requirement.
5. Alley Presence. If an accessory dwelling unit faces an alley as noted in the design standards in this chapter, the limitations on rear yard coverage as specified in Section 24.16.160 (2) and/or Section 24.12.140 (5) do not apply.
(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.300 Units Eligible for Fee Waivers.

Developments involving residential units affordable to low or very-low income households may apply for a waiver of the following development fees:

1. Sewer and water connection fees for units affordable to low and very low income households.
2. Planning application and planning plan check fees for projects that are one hundred percent affordable to low and very-low income households.
3. Building permit and plan check fees for units affordable to very-low income households.
4. Park land and open space dedication in-lieu fee for units affordable to very low income households.
5. Parking deficiency fee for units affordable to very-low income households.
6. Fire fees for those units affordable to very-low income households.
(Ord. 93-51 § 6, 1993).

24.16.310 Procedure for Waiver of Fees.

A fee waiver supplemental application shall be submitted at the time an application for a project with affordable units is submitted to the city.
(Ord. 93-51 § 6, 1993)

Appendix D – City of El Paso, TX ADU Ordinance

CITY OF EL PASO, TEXAS AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning & Economic Development Department

AGENDA DATE: April 19, 2011

CONTACT PERSON/PHONE: Mathew McElroy, (915) 541-4193,
mcelroymx@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance Amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Chapter 20.10 (Supplemental Use Regulations) and Appendix A (Table of Permissible Uses) of the El Paso City Code to add a definition of Accessory Dwelling Units and to add standards for Accessory Dwelling Units. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code.

BACKGROUND / DISCUSSION:

Accessory dwelling units play an integral role in communities that utilize Smart Growth principles. They promote a mix of residential uses and densities as well as increasing the stock of affordable housing, providing additional options for elderly or disabled, empty nesters and young adults entering the workforce.

This amendment will expand the current provisions in Title 20 relating to accessory buildings and structures (Section 20.10.030) and will provide more opportunities for the use of accessory dwelling units, while adding design standards to make them more compatible with residential neighborhoods.

PRIOR COUNCIL ACTION:

On November 30, 2010, the El Paso City Council approved moving forward with a Smart Growth implementation Plan. The items on the implementation plan have been divided into separate timelines and this is the first group of changes. Items can be expected in April, May and then throughout the rest of the calendar year.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Both DCC and CPC recommend approval.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director Planning & Economic Development



APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) AND APPENDIX A (TABLE OF PERMISSIBLE USES) OF THE EL PASO CITY CODE TO ADD A DEFINITION OF ACCESSORY DWELLING UNITS AND TO ADD STANDARDS FOR ACCESSORY DWELLING UNITS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code has regulations for accessory buildings and structures but lacks regulations for accessory dwelling units in single family zoning districts; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that the regulation of accessory dwelling units will provide opportunities for affordable housing and revitalization of existing neighborhoods within the City of El Paso, and is in the best interest of the public and will promote the public health, safety and welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Title 20, Zoning, Chapter 20.02, General Provisions and Definitions, of the El Paso City Code to add the following definition:

20.02.029

"Accessory dwelling unit" means an accessory building that is intended to be used as a dwelling unit.

SECTION 2. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.030, Accessory Buildings and Structures, Paragraph A, Subparagraph 1, of the El Paso City Code be amended as follows:

20.10.030, Accessory Buildings and Structures

A. Residential

1. Residential accessory buildings shall not exceed one story or fifteen feet in height and must be located in a rear yard, or in a side yard if minimum required side setbacks are maintained, except as permitted in Section 20.10.035 (Accessory Dwelling Units). Condensing units for central air conditioning systems shall be no closer than five feet to a lot line.

SECTION 3. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.030, Accessory Buildings and Structures, Paragraph A, Subparagraph 3, of the El Paso City Code be amended as follows:

20.10.030, Accessory Buildings and Structures

#61602 v2 - title 20/amend/ add ADUs
Document Author: LCUE

A. Residential

3. Detached residential accessory buildings shall be located not less than sixty feet from the front lot line, a minimum of five feet from the main building, and shall comply with the side and side street yard requirements. No rear yard setback shall be required, except for accessory dwelling units as permitted in Section 20.10.035.

SECTION 4. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.030, Accessory Buildings and Structures, Paragraph A, Subparagraph 4, of the El Paso City Code be amended as follows:

20.10.030, Accessory Buildings and Structures

A. Residential

4. The gross floor area of all combined detached residential accessory buildings on a lot shall not exceed the more restrictive of the following, except that one building with up to four hundred square feet shall be permitted:

- a. Fifty percent of the gross floor area of the main building; or
- b. Forty percent of the area of the rear yard.

SECTION 5. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, of the El Paso City Code be amended to add the following Section:

20.10.035 Accessory dwelling unit (ADU).

A. In addition to the regulations in Section 20.10.030, detached accessory dwelling units in residential zoning districts shall comply with the following:

1. The property owner must occupy either the principal unit or the accessory dwelling unit as their permanent residence. An owner of a property containing an accessory dwelling unit who is absent for a period of one year or less may rent the owner's unit as well as the second unit during the temporary absence.
2. Only one ADU is permitted on a lot with a detached single family dwelling. ADUs are not permitted on lots with a duplex or multi-family units.
3. The minimum lot area is 5,500 square feet.
4. If the lot is designated for on-site ponding, the maximum lot coverage, including all buildings and impervious surfaces, is 50%.
5. The ADU shall not exceed 800 square feet of gross floor area.
6. The ADU shall not contain more than one bedroom.
7. The ADU shall comply with all building code requirements for a dwelling unit, including but not limited to, heating and cooling, cooking and bathroom facilities.
8. The ADU shall be located a minimum of 10 feet from any property line, except that when the rear property line abuts an alley with a minimum ROW of 20 feet, the rear setback for an ADU may be reduced to 0 feet; and when the rear property line abuts an alley with ROW less than 20', the rear setback for an ADU may be reduced to 5 feet, or less if approved by the Traffic Engineer.
9. Vehicular access to the ADU is permitted from an abutting alley if on-site parking is provided for the ADU.
10. The height of the ADU shall not exceed the height of the principal unit.

11. Windows shall not be permitted on the wall of an ADU that is within 10 feet of the property line abutting a residential use, if the ADU is taller than one story or 15 feet, unless a minimum 15' buffer of privacy trees (see approved tree list) are planted at 15 feet on center along the side and/or rear property lines adjacent to the ADU.

12. ADUs shall resemble the principal unit in scale, material and color. Roof pitch, siding material and color shall match the principal unit.

13. Windows shall be similar to the principal unit in the following ways: type of window, trim style, proportions.

B. Attached accessory dwelling units are permitted when they comply with the following:

1. Only one ADU is permitted on a lot with a single family dwelling. ADUs are not permitted on lots with a duplex or multi-family units.

2. The minimum lot area is 5,500 square feet.

3. The ADU shall not exceed 800 square feet of gross floor area.

4. The ADU shall not contain more than one bedroom.

5. The ADU shall comply with all building code requirements for a dwelling unit, including but not limited to, heating and cooling, cooking and bathroom facilities.

6. The ADU shall comply with all yard standards of the zoning district.

7. A separate entrance shall be provided for the ADU.

8. Vehicular access to the ADU is permitted from an abutting alley if on-site parking is provided for the ADU.

9. The height of the ADU shall not exceed the height of the principal unit.

10. ADUs shall resemble the principal unit in scale, material and color. Roof pitch, siding material and color shall match the principal unit.

11. Windows shall be similar to the principal unit in the following ways: type of window, trim style, proportions.

SECTION 6. That Title 20, Zoning, Chapter 20.10, Appendix A, Table of Permissible Uses, of the El Paso City Code be amended to add the following:

Appendix A

13.35 "Accessory dwelling unit" as a permitted accessory use (A) in all residential (R) and apartment (A) zoning districts; as not permitted (X) in all commercial (C) and manufacturing (M) zoning districts; and as a permitted accessory use with detailed site plan approval (D) in all special purpose districts. Add under supplemental standards 20.010.10, 20.010.20 and 20.010.35.

SECTION 7. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of _____ 2011.

SIGNATURES OF FOLLOWING PAGE

#61602 v2 - title 20/amend/ add ADUs
Document Author: LCUE

Appendix E – Denton Development Data and Code

Multi-Family Development in Downtown Denton, 2003 to 2012	
Complex Name	Units
Victoria Village*	16
Victoria Heights	76
Victoria Station	80
Old Bank Dr**	49
Hickory St Lofts	30
Industrial St Lofts***	14
Locust St Terrace	24
Lofts on the Square	6
Total	295
Compiled by: Jessica King Data Source: Downtown Denton Land Use Survey 2011, updated 2012 *Units reference 2009 addition to the existing complex **In-Construction, ***For-Purchase	

Multi-Family Development in Downtown Denton, prior to 2003	
Complex Name	Units
Victoria Village	11
Melrose	16
Versailles	9
Opera House Lofts	6
Radio Center Apartments	5
Dwelling Above Business (DAB) throughout square*	20
Total	67
Compiled by: Jessica King Data Source: Downtown Denton Land Use Survey 2011, updated 2012 *Approximate Count	

City of Denton Development Code Sub Chapter 5: Zoning Districts and Limitations

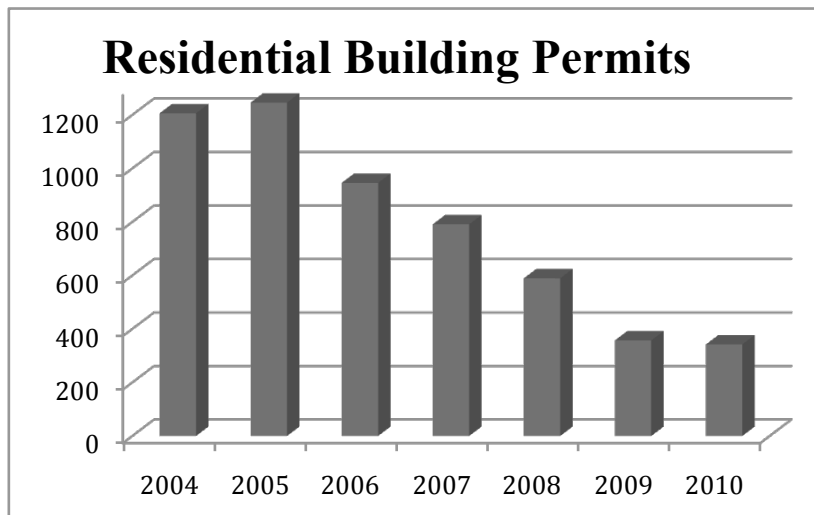
http://library.municode.com/HTML/14239/level2/CITY_DENTONDECO_SUBCHAPTER_5ZODILI.html#TOPTITLE

Appendix F – City of Denton, Household Growth 2000 to 2010

Percentage of Growth by Household Type 2000 - 2010				
HOUSEHOLDS BY TYPE	2000	2010	Shift	Percentage of Growth*
Households	30,895	42,635	11,740	38.0%
Family households (families)	16,407	22,958	6,551	21.2%
With own children under 18 years	8,079	10,852	2,773	9.0%
Married-couple family	12,307	16,858	4,551	14.7%
With own children under 18 years	5,779	7,666	1,887	6.1%
Female householder, no husband present	2,933	4,361	1,428	4.6%
With own children under 18 years	1,814	2,416	602	1.9%
Nonfamily households	14,488	19,677	5,189	16.8%
Householder living alone	9,737	12,595	2,858	9.3%
Householder 65 years and over	1,853	2,837	984	3.2%
Households with individuals under 18 years	8,822	11,931	3,109	10.1%
Households with individuals 65 years and over	4,285	7,227	2,942	9.5%
Average household size	2.35	2.45	0.1	
Average family size	3.06	3.13	0.07	

Source: U.S. Census 2000, 2010 Summary File 2 (SF 2) 100-Percent Data
Table Compiled by: Jessica King, 2012

The total number of households in Denton, TX grew by 38% from 2000-2010. Of that 16.8% of growth was in the non-family household category, with the majority of household growth in the family household category. Households with individuals 65 years and older grew by 9.5% of the total household growth in Denton. *Percentages were calculated by dividing the 2000 - 2010 shift by the total number of households from the year 2000.



Sources: U.S. Bureau of the Census, City of Denton Economic Development 2011

Appendix G – Example Educational Flyer on ADUs

ACCESSORY DWELLING UNITS: WHAT, WHERE, WHO AND WHY?

ADUS IN DENTON, TX

WHAT is an ADU?

An **accessory dwelling unit (ADU)** is a small residence secondary to the main house on a single-family lot. The secondary unit can be attached or detached from the main house, above a garage or in a converted garage or basement space. The unit is smaller than the main residence and has independent access with separate kitchen, bath and sleeping quarters.

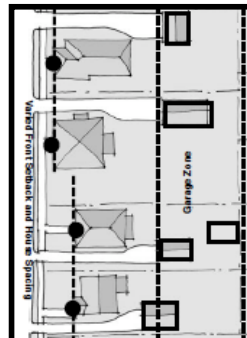


Figure 1: Example of a detached ADU
Source: <http://holahdesign.wordpress.com/>

Other common ADU names include garage apartment, granny flat, in-law suite or alley flat.

WHERE are ADUs built?

ADUs are typically built in the rear yard of a single-family lot. Development codes mandate the specific setbacks required for residential development. Typical setback in cities with ADU ordinances is 0'-20' feet dependent on lot characteristics. An ADU ordinance can better address the proper development of ADUs. Currently, the City of Denton does not have an ADU ordinance.



Left: Neighborhood diagram shows the deep lot layout of pre-war and post-war transitional neighborhoods.

Garage was typically to the rear/side of house, which makes good ADU placement.

Neighborhoods in the core of Denton offer similar traditional lot layout

WHO builds an ADU?

ADUs are built at the will of an individual homeowner.

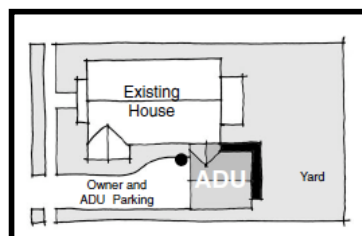


Figure 2 & 3: Example of ADU site plans
Source: Santa Cruz, CA ADU Manual

ACCESSORY DWELLING UNITS: WHAT, WHERE, WHO AND WHY?

ADUs IN DENTON, TX

WHY build an ADU?

ADUs provide many benefits to the homeowner, the ADU dweller, the community, and city.

HOMEOWNER BENEFITS

Additional income from ADU rent

Increase property value appraisal

Independent living space for adult children, elderly or disabled relatives

Companionship for the dweller of the main house and ADU

Homeownership is more obtainable with income producing property

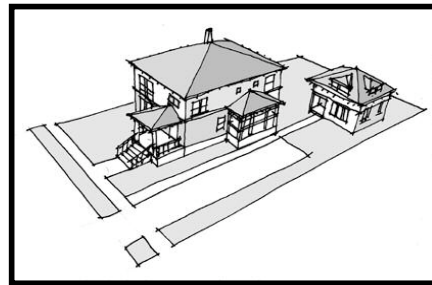


Figure 4: Example of ADU layout as garage conversion or new construction
Source: Santa Cruz, CA ADU Manual

ADU DWELLER

Neighborhood setting can provide better access to daily services

Lower rental cost due to individual ownership and management

Efficient living space, development restrictions include size limits and green energy building standards

COMMUNITY BENEFITS

Stabilize and **strengthen** neighborhoods by providing owner and rental housing options and increasing property values.

Maximize underutilized lots



Figure 5: Example of ADU garage apartment
Source: Santa Cruz, CA ADU Manual

CITY BENEFITS

Increased tax revenue from higher appraised property value

Sustainable growth – ADUs promote infill housing development and increase connectivity

Appendix H – Existing ADUs in Denton, TX

Example of six ADUs above the garage.



Example of five ADU garage conversions, evident by the driveway.



Example of four ADUs that are attached to and or carved out of the main house.



Example of two ADUs detached from main house.



Appendix I – City of Denton Infill Special Purpose District Ordinance

35.7.14. - Infill Special Purpose District.

35.7.14.1. Purpose and Intent.

The purpose of this district is to provide standards for the development of infill lots in existing neighborhoods on parcels of land that have remained undeveloped.

The specific objectives of this district are to:

- Allow flexibility in location, type and density, within the densities supported by The Denton Plan and the Denton Development Code;
- Provide flexibility in lot size, configuration, and vehicle access to facilitate infill development;
- Provide development standards that promote compatibility between new and existing development and promote certainty in the marketplace;
- Encourage development of needed housing in close proximity to employment and services;
- Promote neighborhood preservation and enhancement through infill development of vacant properties;
- Encourage mixed use development opportunities in order to provide housing and neighborhood services close to jobs;
- Encourage development that meets the City's economic development goals; and
- Encourage new development as well as preservation of a diversity of housing types and price ranges in existing neighborhoods.

35.7.14.2. Applicability and General Provisions.

There is hereby established a special purpose district to be known as the Infill Special Purpose District. The boundary of the Infill Special Purpose District is shown on Figure 35.7.14.2.

All applications for development of buildings, structures, and lots within the Neighborhood Residential and Downtown University Core Zoning Districts that are no greater than two (2) acres may utilize the flexibility, restrictions, limitations, and provisions of the Infill Special Purpose District regulations as noted in this article, provided that:

1. The proposed area has not been replatted into less than two (2) acre lots after the effective date of the adoption of the ordinance from which this section is derived;

2. The proposed area lies fully within the boundaries of the Infill Special Purpose District; and
3. The proposed area does not fall within any other special purpose or overlay district.

In the case of conflict among regulations, the more flexible standard shall apply.

A. Permitted Uses.

- All uses permitted by the underlying zoning.
- Zero-lot line dwellings (permitted only within the Downtown University Core Zoning Districts)

B. Neighborhood Meeting Requirement.

1. Applicants proposing to develop on infill lots meeting the characteristics of this district shall conduct at least one (1) neighborhood meeting, which shall be attended by one or more City Planners, prior to the approval by the Development Review Committee Chair. Record owners of property within five hundred (500) feet of the subject property, as reflected in the records of the Denton Central Appraisal District, shall be notified by mail ten (10) days prior to the neighborhood meeting by the applicant. The neighborhood meeting shall be held at a public facility, such as a public library or community center in close proximity of the subject property.
2. Prior to the conclusion of the Neighborhood Meeting, the City Planner in attendance will describe any administrative adjustments granted under § 35.7.14.2.D.1, and invite the written protests of any notified property owners in attendance who wish to bring such administrative adjustments forward for consideration by the Planning and Zoning Commission.
3. No further public notification of any such meeting before the Planning and Zoning Commission shall be required, other than an agenda posting as required by the Texas Open Meetings Act, and the decision of the Planning and Zoning Commission shall be final.

C. Plan Requirement.

A site plan shall be submitted for infill development within the Infill Special Purpose District. The site plan shall be approved by the Building Division prior to the issuance of a Building Permit.

D. Approval Process, Administrative Adjustments and Appeals.

1. The Planning Director is authorized to grant administrative adjustments up to twenty-five (25) percent from the requirements of Subchapter 5 of the Denton Development Code for height, setback, and lot coverage within Neighborhood

Residential Zoning Districts and Downtown University Core Zoning Districts in the Infill Special Purpose District.

2. Decisions on administrative adjustments may be appealed to the Planning and Zoning Commission by the applicant or by any property owners who have filed a written protest of the administrative adjustments, as set forth in § 35.7.14.2.B.2. Such an appeal will follow the Staff Review procedure set forth in § 35.3.7.D.1. If the protests received at the neighborhood meeting include those of the record owners of twenty (20) percent or more of the property lying within two hundred (200) feet of the subject property, the hearing before the Planning and Zoning Commission shall also incorporate a public hearing. In either event, the decision of the Planning and Zoning Commission is final.

3. Adjustments in excess of twenty-five (25) require the approval of both the Planning and Zoning Commission and the City Council, using the Zoning Amendment procedure set forth in §§ 35.3.4.C.2 through 35.3.4.C.4.

E. Content of Application.

Applications shall be accompanied by an accurately dimensioned site plan showing the placement of all structures, and detailed scaled elevation sketches or photographs of the front and side elevations of all proposed and existing structures to remain. The applicant may be required to furnish such additional information or supporting detail as may be reasonably necessary to assure compliance with the standards herein.

F. Compatibility.

While this Section is intended to promote quality development and eliminate conditions of gross design incompatibility that have the potential for enduring a century or more, it is not intended to stifle individuality or compel rigid conformity. Recognizing that great diversity of style, often between homes side by side, is one of the City's central neighborhood strengths, this section is set forth with the intention that the acceptable level of compliance with these standards will be the minimum necessary to assure compatibility, not conformity. This Section of the Code may be augmented by the publication in the Criteria Manual of guidelines intended to illustrate the standards. Such guidelines may be referenced in the interpretation and administration of the standards herein.

G. Exclusions.

The provisions of the Infill Special Purpose District may not be applied to the following:

1. Infill of an entire street whole block face;
2. Infill of an entire neighborhood;

3. Infill of land greater than two (2) acres in size;
4. Infill land replatted into less than two (2) acre lots after the effective date of the adoption of the ordinance from which this section is derived; or
5. Infill land located within the boundaries of any other Special Purpose or Overlay district.

35.7.14.3. Development Standards.

This section sets standards for structure placement, height, scale, proportion, direction emphasis, design details, texture, and materials.

A. Compatibility with Certain Abutting Structures. Where an infill development abuts a structure that is on the City of Denton's List of Historic Landmark Designations, the state of Texas Recorded Texas Historic Landmarks (RTHLs) or the U.S. National Register of Historic Places, or is located on or within two (2) blocks in any direction of the Denton Courthouse Square or is adjacent to any historic or conservation district, then the infill development must be compatible with established structures in the neighborhood in accordance with the following six (6) standards:

1. **Placement.** No new or moved structure shall be located any closer nor any further away from a street property line than the structure situated on either side of it. Building separation shall be consistent with the general character of the neighborhood. Primary structures shall be oriented with the front façade and primary entrance facing the street or shall be oriented compatibly with the neighborhood where the neighborhood orientation is not with the front façade and primary entrance facing the street. Garages shall be located consistent with the character of garage location in the neighborhood. Any lot located on an alley and situated between structures that have vehicular access only to that alley shall be developed with driveway access to the alley only. Review and approval of garage placement under this section shall be consistent with other setback regulations and exceptions of this Chapter and the Building Code and Fire Code.
2. **Height, Scale and Proportion.** The height of any structure shall be consistent with the character of the neighborhood. Finished floor elevations (FFE), and front yard grade elevations shall be similar to those adjacent structures unless the Floodplain Administrator requires a higher FFE. Overall height, width, scale, and general proportions shall be similar to or consistent with the character of the neighborhood.
3. **Roof style and pitch** of the proposed structure shall be architecturally consistent with the neighborhood character.
4. **FaÁade, Materials and Detail.** Where neighborhood character includes discernable patterns of detail, including but not limited to, door and window trim, corner boards, cornice details, railings, and shutters, the details of any primary structure (or accessory structure visible from the public right-of-way)

shall be compatible with such character. Where neighborhood character includes open or enclosed front porches, any primary structure shall include a similar porch. The materials and relative proportions of doors and windows of the principal structure and any accessory structure visible from the public right-of-way shall be compatible with neighborhood character. Siding width shall be compatible with neighborhood character. Exposed wood on any structure shall be painted or stained in a manner generally compatible with neighborhood character.

5. **Maximum Lot Coverage.** Lot coverage shall be compatible with the existing neighborhood character.

6. **Front Yard Setbacks.** Front Setbacks are as permitted by the underlying zone. However, the contextual setback option may be granted by the Planning and Development Director. A contextual setback is an average of the setbacks of adjacent or abutting lots. In a case where an existing structure is located within twenty (20) to forty (40) feet of the subject site and fronts the same street as the proposed building, a front yard setback similar to that of the nearest primary structure shall be used. "Similar" means the setback is within zero (0) to ten (10) feet of the setback provided by the nearest structure or building. If there are two (2) adjacent structures fronting onto the same street, then an average measurement shall be taken using the two (2) adjacent structures. In no case shall the front yard setback be less than five (5) feet, except in the NRMU, DC-N and DC-G zoning districts, where there are no minimum front yard setback requirements.

B. Tree Preservation and Landscape Requirements.

1. Infill development, as defined in this Chapter, shall be exempt from Subchapter 35.13.7.C, Street Tree Requirements, provided that at the time of permitting, street trees are not present on a majority of the developed lots:

- a. Located on either side of the same street as the infill lot;
- b. Between the same intersecting streets as the infill lot; and
- c. Within the same land use category as the infill lot.

2. Infill development, as defined in this Chapter, shall be exempt from Subchapter 35.13.10.C.3, Landscaping Standards, where front parking is allowed. All other provisions of Subchapter 35.13.7, Tree Preservation and Landscape Requirements, shall apply.

C. Parking. All requirements of Subchapter 35.14 (Parking Standards) shall apply. For single-family dwellings on infill lots as described in this section, tandem parking shall be allowed. For developments on infill lots, as defined in this section, parking in front shall be allowed.

D. **Zero-Lot Line Dwelling.** Zero Lot Line Dwellings shall be permitted on infill lots except as provided in 35.7.14.3.A and are subject to the same standards as detached single-family structures elsewhere in the Denton Development Code, except that the following additional provisions shall apply:

1. When a proposed zero-lot line dwelling shares a side property line with an existing non-zero-lot line development, the zero-lot line dwelling shall be setback from the common property line by a minimum of five (5) feet regardless of the setback requirements of the underlying zoning district, unless a greater setback is required by the Fire Code. Refer to Figure 35.7.14.3.D;
2. Where two (2) or more zero-lot line dwellings are proposed a building separation between the proposed zero-lot line dwellings shall be ten (10) feet. Where a proposed zero-lot line dwelling shares a side property line with a proposed non-zero-lot line dwelling, the setback shall be ten (10) feet. Refer to Figure 35.7.14.3.D;
3. Prior to Building Permit approval, the applicant shall submit a copy of a recorded easement for every zero lot line house that guarantees rights for construction and maintenance structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot;
4. Placement and/or design of windows on the ground-floor of the zero-lot line house shall support privacy for the occupants of the abutting lot as well as for the proposed development; and
5. The development shall comply with the design standards in Subchapter 13, Site Design, of the Denton Development Code.

E. **Sidewalk construction.** In cases where infill development is required to construct a sidewalk on abutting non-collector or non-arterial road rights of way pursuant to Section 35.20.3.B of this Code, and for interior lots where sidewalk does not exist along said street in front of both properties abutting the subject infill residential development site on the same side of the street, infill development shall not be required to construct a sidewalk along the non-collector and non-arterial street abutting the subject development.

For proposed infill on corner lots, sidewalks are not required to be constructed along any street in which the abutting property does not have an existing sidewalk, unless the street is classified as an arterial or collector; otherwise, the proposed infill development is required to construct a sidewalk from the end of sidewalk to the corner of the lot when sidewalk does exist along said street in front of an abutting property.

F. **Perimeter Paving Requirements/Road improvements on abutting non-collector and non-arterial road rights-of way.** In cases where a Plat is required to construct a half-street road on abutting public or private street rights-of-way pursuant

to Section 35.20. L, and for interior lots where said street in front of both properties abutting the subject development site on the same side of the street has not been improved to the subject standard, the subject development shall not be required to construct a half-street road along the non-collector and non-arterial street abutting the subject development. This section does not apply where the development would occupy a full block face.

For proposed infill on corner lots, a half-street road is not required to be constructed along any street in which the abutting property does not have a roadway improved pursuant to Section 35.20.L, unless the street is classified as an arterial or collector; otherwise, the proposed infill development is required to construct a half-street road from the end of the improvement to the center of the intersection when a roadway does exist along said street in front of an abutting property.

G. **Additional Standards.** Unless otherwise noted in this Section, all other applicable standards of the Denton Development Code and Criteria Manual shall apply.

Appendix J – ADU Reports and Guides

The City of Santa Cruz's ADU development home page.

<http://www.cityofsantacruz.com/index.aspx?page=1150>

Santa Cruz, CA ADU Development Manual

<http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=8875>

Santa Cruz, CA Housing Study performed prior to the ADU program adoption.

<http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=8873>

The City of El Paso, TX – ADU informational slideshow, presented prior to ADU ordinance adoption, to promote ADU awareness.

https://www.elpasotexas.gov/development_services/meetings/cpc0310111330/CPC%20ITEM%2021.d%20-%20ADU.pdf

The U.S. Department of Housing and Urban Development produced a case study report in 2008 on the application of Accessory Dwelling Units and their community benefits.

<http://www.huduser.org/portal/publications/adu.pdf>

The Atlanta Regional Commission 2008 report on the application of ADUs in the greater Atlanta areas to suffice housing demand and encourage sustainable growth practices.

http://www.atlantaregional.com/File%20Library/Land%20Use/lu_accessory_dwelling.pdf

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