



ATTACHMENT 2:

ACCESSORY DWELLING UNIT: PROPOSED CONCEPT AND BACKGROUND INFORMATION

What are Accessory Dwelling Units (ADUs)?

In Durham's Unified Development Ordinance (UDO), an ADU is a dwelling that exists as part of ("attached"), or separate from ("detached"), a principal dwelling on the same lot and is subordinate in size to the principal dwelling. Other names include carriage houses, mother-in-law suites, granny flats, or backyards cottages.

Durham Examples

Detached: 2713 Elgin Street



Attached: 1212 Vickers Avenue



Existing Inventory of Accessory Dwelling Units

Creating an accurate inventory of accessory dwellings is difficult. Many were built and grandfathered prior to the current system of tracking building permits; many may exist that never received permits, and the current system for tracking ADU permits is not consistently deployed.

Using data from the County Tax Assessors Office, there are approximately 253 detached ADUs. These figures do not include attached accessory dwellings.

Recent Trends

- According to available building permit records, only 72 ADUs have been permitted since 2007.
- Prior to 2017, the Inspections Department averaged seven (7) accessory dwelling building permits annually. That number jumped to 16 in 2017.
- New ADUs are dispersed geographically throughout the City and County; however, there is a concentrated cluster in neighborhoods to the north and west of Downtown Durham (Trinity Park, Old West Durham).

Zoning Background

- Prior to the 2006 adoption of the UDO, Accessory Dwellings required a Special Use Permit;
- The 2006 UDO made Accessory Dwellings available by-right, so long as the owner of the property lived in either the primary structure or the accessory dwelling;
- In 2012, the Durham City Attorney advised the Planning Department that the requirement for owner-occupancy was in conflict with state law based on a North Carolina Court of Appeals case (City of Wilmington v. Broadus E. Hill, III), and a text amendment was approved that eliminated that provision.
- In 2017, a text amendment was approved removing required parking for an ADU.

Summary of Existing Zoning Regulations

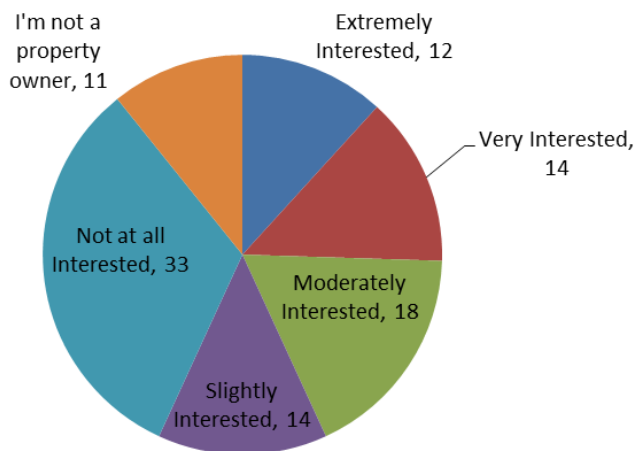
- Accessory dwellings are limited to lots with one-dwelling unit;
- To be eligible, the lot must meet minimum lot area requirements of the zoning district. In other words, it cannot be a non-conforming lot;
- The ADU cannot be built in a Special Flood Hazard Area or Future Conditions Flood Hazard Area;
- Heated floor area of the ADU cannot exceed 30 percent of the heated floor area of the primary dwelling;
- Only one ADU is allowed per lot;
- The ADU must be clearly subordinate to the primary dwelling in size;
- The property must retain a single-family appearance from the street;
- If the ADU is attached to the primary dwelling, the accessory dwelling must meet all yard requirements of the primary structure;
- If the ADU is detached from the primary dwelling, the accessory dwelling follows dimensional requirements for other types of accessory structures:
 - The structure must be located to the rear of the rear building line of the primary structure;
 - In the RU and RC zoning districts, the structure can be no closer than 3 feet to the side or rear property line;
 - In all other zoning districts, the structure can be no closer than 5 feet to the side or rear property line;
 - In RS zoning districts, the structure cannot be taller than 15 feet when within 10 feet of property line;
 - In RU and RC zoning districts, the structure cannot be taller than 25 feet when within 5 feet of property line;
- There is no on-site parking required for ADUs;
- If the property is in a Local Historic District, the Historic Properties Local Review Criteria require additional consideration of form, bulk, massing and architectural detail;
- If the property is in a Neighborhood Protection Overlay, additional standards may apply or supersede base zoning.

Case Study Comparisons

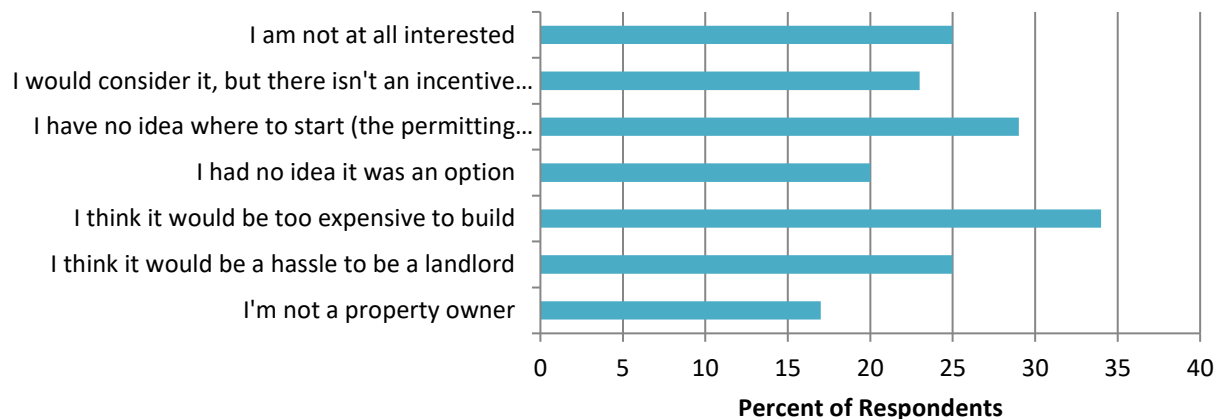
- Asheville, NC. Allows ADUs to be up to 70 percent of the size of the primary dwelling, but not larger than 800 square feet (if detached) or 1000 square feet if attached. Height limit of 25 feet.
- Olympia, WA. Allows ADUs to be between 200-800 square feet. Height limit of 16 feet, measured to the mid-point of gable.
- Portland, OR. Allows ADUs to be up to 75 percent of the size of the primary dwelling but not larger than 800 square feet. Detached ADUs can be no more than 20 feet tall when located outside of the required setbacks for the zone. If located within setbacks for the zone, the maximum height is 15 ft. The total number of residents in both units is limited to 5 unrelated persons.

Summary of Public Comment to Date (July 6, 2018)

Question 1: How interested would you be in building an ADU? (838 responses)



Question 2: What are the top three things keeping you from building an ADU? (643 responses)



Additional Considerations

- ADUs have the potential to be a grass-roots answer to the affordable housing challenge. At their best, they can provide more affordable rental options AND provide a rental revenue stream for middle-income homeowners to help pay their mortgage or pay back their construction loan;
- ADUs can offer a form of discreet density, utilizing underutilized land in the neighborhood context;
- Flexibility is an important consideration for the citizen builder who may want to use the ADU for a range of purposes over time: maybe as a rental unit, maybe to house a family member, maybe to be a home office.
- While they are allowed under zoning rules in many places, many neighborhoods have HOA rules, covenants, or restrictions of deeds that would not permit them. An inventory of these is not complete and applicability would need to be reviewed on a neighborhood by neighborhood basis.
- Planning staff has received several comments that Accessory Dwellings should be allowed on lots with two-units (duplexes). Staff has not included this in initial proposed concepts, but would like additional feedback. Cross reference: Attachment 3.
- To be most effective, “citizen builders” need to be educated and empowered to navigate through the process – from financing, to designing, to permitting, to construction, to becoming a landlord. Planning is partnering with departments and outside groups to streamline processes and create a manual intended to provide information and advice.
- A specific deterrent that has been voiced is the overall cost of building a detached accessory dwelling. One significant cost (estimated to be at least \$8,000) is the cost of extending a water and sewer connection from the street to the ADU. These expenses are the same for ADUs or for primary dwellings, and it is not dependent on the size of the house. What drives the cost is the actual labor and materials associated with excavation and installation.

Summary of Proposed Concept: Modify Existing Regulations

- Consider allowing larger units but with a cap on the size;
- Review existing parameters that have little to no impact on whether an ADU should or shouldn't be allowed;
- Consider a little more flexibility with the location of ADUs while maintaining awareness of context issues;
- Review height allowances.