

## **HISTORY OF DADUS IN METRO NASHVILLE**

Metro Council approved a Detached Accessory Dwelling Unit (DADU) ordinance because the 2008 definition of “two-family” initially did not allow for two detached units in historic overlays. (See Amendment No. 2 to [Bill 2008-115](#).) The ordinance now allows the MHZC to determine the manner of attachment. The DADU ordinance allows for a second unit to be detached but with specific design and use requirements to ensure compatibility. The ordinance was developed by the MHZC and Planning Departments in conjunction with councilmembers. Initially, it was for historic overlays only.

### **[BL2011-900](#)**

Purpose: “To provide a range of housing opportunities in Historic Overlay Districts that have an established base zoning district allowing for mixed housing types” and “to ensure that the detached accessory dwelling is subordinate to the principal structure.”

Introduced 4/5/2011 and effective 5/24/2011

Sponsored by: Kristine LaLonde, Erica Gilmore, Emily Evans, Jason Holleman, Jamie Hollin, Mike Jameson, Sandra Moore

Some features of the ordinance were:

- Only in historic overlays
- Footprint only 700 (1 story) or 500 (2 story) square feet
- Shall not exceed eave line 10’ (1 story) or 16’ (2 story) or ridge or 25’

### **[BL2014-684](#)**

Introduced 2/4/2014 and effective on 3/28/2014

Sponsored by: Walter Hunt

- Allowed DADU in any urban design overlay with development standards for detached accessory dwellings

MHZC was not involved in this ordinance revision.

## [BL2014-769](#)

Introduced 5/6/2014 and effective on 6/20/2014

The Planning Department proposed the following changes:

- allowed for 750 square feet footprint on lots less than 10,000 square feet and 1000 square feet footprint on lots great than 10,000 (square footage not based on # of stories)
- allows for max height of 27'

The Commission chose to keep the height maximum at 25' for the historic overlays.

### **Charrette Series 2014**

A charrette on 6/2/2014 focused on garages and outbuildings. It was one of a series of four charrettes addressing the multiple aspects of design review and the design guidelines.

Notes from meeting regarding DADUs:

- The requirement of 10' between buildings should remain
- Wall dormers should be allowed or dormers should be allowed to cover more than just 50% of the roof
- The different requirements between living space and square footage are confusing
- It doesn't make any sense to have different requirements for garages and DADUs
- The current standards are confusing
- The proposed ridge height should be a percentage of the principle

In response to the charrettes, the commission adopted policies in October 2014 for duplexes, additions, outbuildings and DADUs. In terms of DADUs, the policy states that DADUs and outbuildings will follow the same requirements as specified in the ordinance for DADUs. The specific italicized information proposed was outlined for the Commission in memo form and now exists in the design guidelines.

### **Today**

Recognizing that the revisions to the ordinance and the policy still did not address the changing needs of the historic districts, MHZC decided that a carefully researched and vetted change was needed rather than just another minor revision to the ordinance. Staff believed that a "plans book" may provide for more flexibility in size and design than the formulas currently available

in the ordinance and design guidelines. If a plans book is created, the design guidelines need to be revised to reference the document which requires a mass mailing to more than 15,000 property owners. Funding was needed to accomplish the project, which MHZC Staff attempted to obtain for several years; a Certified Local Government grant from the Tennessee Historical Commission was awarded in late 2018 to help fund the project.

### **Duplex Definition and HPRs**

Occasionally, the duplex definition and the concept of Horizontal Property Regimes (HPR) come up when discussing DADUs, so some background is provided here.

Initially, the code allowed for two dwelling units in any way connected or joined by their construction. To provide some clarity, the Codes Department determined that a minimum of an 8' cube was required to connect the two units. The result was construction often referred to as "umbilical cord" development as it looked like two separate houses with a small connector between them. Therefore, in 2008 Metro changed the duplex definition ([BL2008-115](#), sponsored by Jason Holleman and Charlie Tygard) so that the two units could be attached with a firewall by not less than 8' of continuous floor, roof or walls or could be two separate units with a minimum of 6' between them.

Although the one lot may now look like two lots with a house on each lot, it is technically not a "subdivision" of the original lot; there is still only one lot. If the two units are front-to-back, the rear unit has to have a 20' rear setback, to meet code. If the rear unit is a DADU in a historic district, a 3' or 5' rear setback (depending on garage door location) is allowed.

An HPR is a use reviewed by zoning that has to do with ownership of the lot, like a condominium. An HPR is established by a "master deed" which specifies the parts of the property that are shared by the multiple owners via an homeowner's association, the parts that are limited common, and the parts that are privately owned. An HPR itself is not reviewed by MHZC, Planning, or Codes; however, the current DADU ordinance states that a DADU cannot be sold separately. This means that an HPR is not currently possible when two-units are detached. (Attached units are able to be sold separately as they are not DADUs.)