



DEVELOPMENT SERVICES

P.O. BOX 839966 | SAN ANTONIO TEXAS 78283-3966

TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 402**
Accessory Dwelling Units

DATE: January 1, 2023

CREATED BY: Plan Review Division

Purpose:

As a customer service initiative, the Department created this Information Bulletin (IB) to inform our customers of the current requirements and permitting process for accessory dwelling units (ADUs), including accessory detached dwelling units (ADDUs), due to the increased number of ADUs being permitted throughout the City of San Antonio.

Scope:

With the increased number of permit applications for accessory dwelling units, Development Services (DSD) has encountered a number of frequently asked questions (FAQs) regarding the requirements and permitting procedures:

FAQ #1: What is the maximum allowable footprint for an ADU?

Answer: Accessory dwelling units shall not exceed 800 sf gross floor area or 50% of the gross floor area of the primary structure up to a maximum of 1,600 sf.

FAQ #2: What are the minimum setbacks required?

Answer: Accessory detached dwelling units require a minimum setback of 5 ft from the side and rear property lines; the setback may be reduced to 3 ft if the structure has no overhang. Attached accessory dwelling units shall meet the required setbacks of the primary structure governed by the underlying zoning district. Minimum fire ratings and setbacks must comply with the International Residential Code.

FAQ #3: Can the ADU be on a separate electrical/water/sewer system/meter?

Answer: Yes. The ADU will need to be addressed separately from the primary structure to do so.

FAQ #4: What other restrictions exist for ADUs?

Answer: Only one ADU is permitted per lot, and it must be in the rear; ADDUs over 800sf gross floor area shall have one parking spot; and an ADDU may not exceed 25 ft or two stories in height. The property owner must occupy either the principal unit or the ADU as their permanent residence. The owner must also record a covenant with the items in [35-371\(a\)\(1\)](#) with the Bexar County Clerk; an example covenant is shown in Attachment B.



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FAQ #5: What are the permitting requirements for ADUs?

Answer: A Residential Building Permit Application will be required to be submitted through the [BuildSA Portal](#).

[Home](#) [Land Development](#) **[Building](#)** [Fire](#)

[Search Applications](#) [Create an Application](#)

Select a Record Type

Choose one of the following available record types. For assistance or to apply for a record type not listed below please contact t

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☐ Annual Maintenance Permit Application

☐ MEP Trade Permits Application

☐ Building Move Application

☐ Minor Building Repair Application

☐ Building-Related-Fire Codes Appeals-Advisory Board

☐ Preliminary Plan Review - Building

☐ Certificate of Occupancy Application

☒ Residential Building Permit Application

☐ Commercial Project Application

☐ Residential Fence Application

☐ Demolition Pedestrian Protection Application

☐ Residential Improvements Permit Application

☐ Fire Damage Assessment Request

☐ Sidewalk-Curb Application

☐ LSR MEP Permit Application

☐ Sign Permit Application

☐ Manufactured Home Application

☐ Tree Affidavit/Permit Application

The application will include a General Information section in which an Accessory Dwelling Unit permit can be selected.

General Information

GENERAL INFORMATION

Please choose the type of Residential Building Permit that you are applying for. A Residential Building Permit will be issued for a new home(s) and you will receive a Certificate of Occupancy. Accessory Structure and Additions, Accessory Dwelling Unit and Foundation Only permits will be issued for accessory structures and additions and will receive a Letter of Completion.

* Type of Residential Permit Application:

Accessory Dwelling Unit ▼

These permits are combination permits and will include all required mechanical, plumbing, and electrical inspections. Stand-alone trade permits should not be pulled separately. All ADUs will be required to comply with the International Residential Code.



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Summary:

ADU requirements can be found in the currently adopted International Residential Code and UDC 35-371. This IB is intended to address the most frequently asked questions regarding these building permits and the requirements associated. This information bulletin is for informational purposes only.

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Reviewed by: Crystal Gonzales, PE, CBO, Assistant Director

Authorized by: Michael Shannon, PE, CBO, Director



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FORMAL APPLICATION FOR ACCESSORY DWELLING

This form must be signed, notarized, and recorded at the Bexar County Clerks Office Records Division located at 101 W. Nueva St., Suite 103, San Antonio, Texas 78205. Fees will apply. Please call 210-335-2581 for hours and fee amounts.

Print or Type

Date of Application _____

Name of Property Owner _____

Address _____

Telephone _____ Email _____

Location of property where dwelling is requested, described according to the subdivision plat filed at the Bexar County Clerks Office Records Division, 101 W. Nueva St., Suite 103, San Antonio Texas 78205.

Lot(s) _____ Block _____ NCB _____

Address of subject property _____

Are there deed restrictions that would prohibit an accessory dwelling use? _____ Yes _____ No

Proof of residency? (attach copy) _____ Voter registration _____ Vehicle registration _____ Driver's license
_____ Other: _____

Covenants attached? _____ Yes _____ No (application may not be processed without recorded covenants)

The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the Accessory Dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit. "Owner occupancy" means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the Accessory Dwelling. The applicant shall provide a covenant suitable for recording with the County Recorder, providing notice to future owners or long term leasers of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this Section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.

I, _____, do solemnly affirm that I am the property owner of the above referenced address and that I occupy either the main residence or the accessory dwelling.

Signature of Affiant

Sworn to and subscribed before me on this _____ day of _____, 20____.

Notary public signature

ATTACHMENT B

Recording Requested by:

NAME

ADDRESS

COVENANT AND AGREEMENT FOR ACCESSORY DWELLING UNIT

The undersigned, NAME, hereby certifies that he/she is the owner of the above described real property in the City of San Antonio, County of Bexar, State of Texas:

Legal Description: LOT, BLOCK, NCB

Also known as ADDRESS

The covenant provides notice to future owners or long term leases of the subject lot that the addition and existence of an accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the owner of the property or person to whom the certificate of occupancy has been issued. The current or future owners of subject property shall provide for the removal of improvements added to convert the premises to include an accessory dwelling and shall restore the subject site to a single family dwelling in the event that any condition of approval is violated.

This covenant and agreement shall run with the above described land and shall be binding upon the undersigned, and all future owners, encumbrances, their successors, heirs, or assignees and shall continue in effect until released by the City of San Antonio.

I, NAME, do solemnly affirm that I am the property owner residing at the above referenced address. I hereby provide a covenant suitable for recording with the Bexar County Recorder, State of Texas, to notify future owners or long term leasers of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. Prospective buyers shall be notified of the limitations of this Section and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

Signature of NAME

Sworn to and subscribed before me on this _____ day of _____, 20__

Signature of Notary Public