



Accessory Dwelling Units (ADUs)

CURRENT AND POTENTIAL ZONING OPTIONS

Types of ADUs

- ▶ An accessory dwelling unit is a small (floor area of no more than 800 square feet) second residence on the same lot as an existing principal residence.
- ▶ Two types of ADUs specified in the county zoning code:
 - ▶ Attached ADU – listed as a conditional use in most zoning districts:
 - ▶ FP-35, AT-35, AT-B, AT-5, GC, RM, RR, and SFR districts
 - ▶ Permitted by right in TFR and MFR districts
 - ▶ Detached ADU – listed as a conditional use in just 5 districts:
 - ▶ TFR, HAM-M, HAM-R, GC (489 parcels county-wide with these zoning categories – out of over 50k parcels)
 - ▶ Permitted by right in MFR
- ▶ Limited options for detached ADUs intended to provide time for towns to adopt policies
- ▶ Only 1 application for a detached ADU since option made available in 2018 rewrite of zoning code (withdrawn by applicant)

ADU requirements / limitations

- ▶ An accessory dwelling unit is a small (floor area of **no more than 800 square feet**) second residence on the same lot as an existing principal residence.
- ▶ Accessory dwelling units **cannot have more than two bedrooms**.
- ▶ The **owner of the lot must reside either in the principle residence or in the accessory dwelling unit**.
- ▶ Accessory dwelling units are permitted as either attached to the principal residence or in a detached structure.
 - ▶ Attached accessory dwelling units must have their own entrance, and cannot share a main entrance with the principal residence.
 - ▶ Detached accessory dwelling units may be constructed within an existing residential accessory building, such as an apartment over a garage, or may be new construction.
- ▶ Lots for a proposed accessory dwelling unit must meet all minimize lot dimensions in the applicable zoning district, and accessory dwelling units must meet all required setbacks.
- ▶ Accessory dwelling units must meet all residential building codes and sanitary codes.
- ▶ The lot **must have adequate off-street parking** for the residents of both the principal residence and the accessory dwelling unit.
- ▶ Accessory dwelling units must be oriented and constructed to protect the privacy of neighboring properties. If necessary, vegetative screening may be required.
- ▶ Accessory dwelling units **cannot be sold separately from the principal residence on the lot, nor from the lot on which the ADU sits**

Issues with current ADU regs

- ▶ Most property owner interest is in detached ADUs
- ▶ Zoning categories for detached ADUs (TFR, MFR, HAM) not typical for rural lots and most towns would not support zoning to those categories
- ▶ CUP can cause issues for financing
- ▶ As a result, property owners in Towns that might be supportive of ADUs don't have good options to allow them

ADU Overlay District Alternative

- ▶ “A zoning overlay district superimposes an additional set of regulations over an existing zoning district, or multiple zoning districts”
- ▶ Establishing an ADU overlay district would be another option to regulate ADUs
- ▶ Would require a rezoning which gives Towns broad decision making authority to approve or deny based on plan policies (Towns advisory on CUPs)
 - ▶ Overlay category could be applied to all districts where ADUs are currently listed as a conditional use
 - ▶ Does not impact underlying district regulations (allowable uses; setbacks, etc.)
 - ▶ Towns that wish to allow / encourage ADUs could do so in “blanket” or case-by-case fashion
 - ▶ Current ordinance definitions and regulations could remain the same

Questions?

- ▶ More info on current ADU regs:
<https://www.danecountyplanning.com/documents/pdf/Zoning-District-Fact-Sheets/Accessory-Dwelling-Units.pdf>