

Memorandum

Date: March 25, 2011

To: Alder Bidar-Sielaff

From: Planning Division Staff and Zoning Administrator

Re: Accessory Dwelling Units (ADUs)

Shiva, you asked staff to provide a brief summary of the ADU issue before the Common Council. There are two general approaches for handling ADUs under consideration. ADUs are defined in the draft code as follows:

Accessory Dwelling Unit- A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit.

Approach 1: Allow ADUs as permitted uses within ADU overlay districts.

This is the approach included in the March 2011 Substitute Ordinance (see Section 28.106, pp. 113-115) and as recommended by staff, the Zoning Code Rewrite Advisory Committee, and the Plan Commission

ADU overlay districts would be created during a planning process relying on initiative and input from residents within a particular residential area within the city. All ADU overlay districts would include common standards for ADUs, and each could also include more specific requirements based on the context of a particular area.

Approach 2: Allow ADUs as conditional uses in all residential and mixed-use districts with common basic standards.

See Proposed Amendment 9

Each ADU would be reviewed by staff and the Plan Commission on a case-by-case basis when proposed as a conditional use by an individual property owner. In addition to the underlying ADU standards, the Plan Commission could add other standards based on the context of the subject property and neighboring properties as part of the conditional use approval.

Summary

The creation of an ADU overlay district (Approach 1) may require a significant amount of effort up-front from citizens, staff, and the Plan Commission. Once created, those wishing to construct ADUs could do so through an administrative review process as a permitted use, without further review by the Plan Commission. Once an overlay district is approved, there would be predictability as to the applicable standards and where they could be approved.

Allowing ADUs as conditional uses on a case-by-case basis (Approach 2) would allow for a shorter process for someone wishing to create an ADU. However, this approach could likely result in a significant amount of effort for each individual request, including neighborhood meetings, Plan Commission review, and a public hearing. This approach is more flexible, though staff believes it provides less predictability compared to the overlay district approach.

Cc: Ald. Satya Rhodes-Conway