

Recommended Guidelines for Accessory Dwelling Unit (ADU) Ordinance October 2008

Definition: An accessory dwelling unit (ADU) is a small, self-contained residential unit on the same lot of an existing single-family home. Because they are often used by extended family members, ADUs are also referred to as "in-law apartments" or "granny flats." ADUs may be built within a primary residence such as in a basement or attic, attached to the primary residence, or detached from the primary residence such as conversion of a detached garage. In all cases, the ADU is subordinate in size, location, and function to the primary residential unit.

Intent of the ordinance:

We see construction of accessory dwelling units (ADU) or "granny flats" as an excellent way for homeowners to adapt their homes to a variety of changing individual needs. We see them as one strategy for keeping neighborhoods and relationships intact while the city grows. ADUs also facilitate higher density in residential areas, a mix of income levels, and greater use of public transportation.

We view the goal of this ordinance as twofold: 1- allow and encourage the construction of ADUs in residential areas without the need to acquire a conditional use permit and 2- put enough requirements on ADUs to preserve the quality of life and aesthetics of our traditional residential neighborhoods. We'd like the ADUs to look like they belong in the neighborhood and hope that the city will consider creating a citizen board of review to evaluate the design and placement of new ADUs.

Here is our draft language for an ADU ordinance:

1. **Location-** ADUs are limited to single-family, detached, owner occupied homes. The ADU may be separate from the principle residence, above the garage, attached to, or within the principle residence.
2. **Subordination-** One accessory structure (ADU) is allowed per single family home and it will be clearly subordinate to the principle structure in use, size and appearance.
3. **Residency-** The property owner must occupy either the principle house or the ADU. (Could require notarized affirmation of occupancy for the building permit and for new owners. Also could include the possibility of the owner being absent for a limited time)
4. **Considered part of the principle residence-** The ADU shall not be sold separately from the principle residence. The ADU and the lot under the ADU shall not be sold separately. The address of the ADU will be the same as the principle residence plus 1/2. The mailbox for the ADU will be located within 5 feet of the mailbox for the principle residence. Occupants of the ADU will use the

same trash receptacles belonging to the principle residence. The ADU will be connected to the water and sewage used by the principle residence. The owner will have the same rights when renting an ADU as he/she has when renting a bedroom in the principle residence.

5. **Size-** The ADU will have no more than 50% of the square footage of the principle residence with a maximum square footage of 900 sq. feet. If it is located above an existing garage that is larger than 900 sq. ft., the ADU may have the same sq. footage as the existing garage.
6. **Height-** A detached ADU will be shorter than the principle residence from grade and no more than two stories tall. An attached ADU can be of equal height as the principle residence. If the ADU is located above a garage, the height of the entire structure must be no more than 25 feet or 2 stories tall. The rooflines of any structure should favor as much light as possible for neighboring lots.
7. **Density-** No more than 2 adults with one child are allowed to live in an ADU.
8. **Setbacks-** Set backs or ADUs must conform to the specifications in the current ordinance. Side setbacks are waived if next-door neighbors want to straddle the lot line with a shared ADU or a shared garage with an ADU above it.
9. **Open Space-** The required open space should conform to the specifications in the current ordinance. A 20% increase in necessary open space is required if the ADU is a two-story dwelling or is on top of a garage.
10. **Parking-** One off-street parking space is required for the ADU. (Allow waiver if public transport is close or if neighborhood does not have room for off street parking)
11. **Otherwise conforming-** The ADU shall conform to applicable housing and building codes.

Contacts for more information:

<http://www.woodentoy.com/ADU/Adu.html>

- A site with information and photos of ADUs in the Madison area

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