



Legislation Details (With Text)

File #: 81952 **Version:** 1 **Name:** Accessory Dwelling Units
Type: Ordinance **Status:** Passed
File created: 2/6/2024 **In control:** Attorney's Office
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Enactment date: 4/27/2024 **Enactment #:** ORD-24-00022

Title: Amending Sections 28.151 and 28.211 of the Madison General Ordinances to allow Accessory Dwelling Units for properties with up to eight dwelling units and remove owner-occupancy requirement for ADUs.

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Indexes:

Code sections:

Attachments: 1. Vilas Neighborhood Comments 3-11-24, 2. RegistrantsReport 3-28-24 Housing Strategy Committee.pdf, 3. 81952 Emailed Public Comment Housing Strategy Committee 3-28-2024.pdf, 4. Public Comment 03-28-24.pdf, 5. Zoning Text Memo 4-8-24 Missing Middle ADUs.pdf, 6. Public Comments 04-06_04-08-24.pdf, 7. 041524-041624_CC_public_comments, 8. Registration Report 81952.pdf, 9. 041724_CC_public_comments

Date	Ver.	Action By	Action	Result
4/16/2024	1	COMMON COUNCIL	Adopt	Pass
4/8/2024	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	Pass
3/28/2024	1	HOUSING STRATEGY COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
3/19/2024	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
3/11/2024	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
2/13/2024	1	COMMON COUNCIL	Referred for Public Hearing	
2/6/2024	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No City appropriation required.

Title

Amending Sections 28.151 and 28.211 of the Madison General Ordinances to allow Accessory Dwelling Units for properties with up to eight dwelling units and remove owner-occupancy requirement for ADUs.

Body

DRAFTER'S ANALYSIS: This proposed ordinance allows Accessory Dwelling Units ("ADU") for properties that have up to eight (8) dwelling units and removes the owner-occupancy requirement for all ADUs. This change also removes the Supplemental Regulation for "Accessory Dwelling Unit in the TOD Overlay District".

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended by amending therein the following:

“Accessory Dwelling Unit in the TR-P District.

- (a) No more than one (1) accessory dwelling unit may be located on a lot.
- (b) The lot shall be a corner lot or abut an alley.
- (c) The lot shall have a minimum area of five thousand (5,000) square feet.
- (d) The lot shall have a minimum width of fifty (50) feet for corner lots and sixty (60) feet for interior lots.
- (e) An attached accessory dwelling unit shall be part of the single family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single family dwelling is considered attached.
- (f) A detached accessory dwelling unit shall be located only above a detached garage of the single family dwelling on the same lot.
- (g) A detached accessory dwelling unit shall be located a minimum of five (5) feet from a side or rear lot line, unless the lot is adjacent to an alley, in which case it shall be located a minimum of two (2) feet from the rear lot line.
- (h) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be as specified for the district.
- (i) The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.
- (j) The single family dwelling on the lot shall be owner-occupied.
- (k) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.
- (l) The accessory dwelling unit shall have a separate entrance from the single family dwelling.

Accessory Dwelling Unit in Districts Other than the TR-P District.

- (a) Required Standards
 - 1. The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six (6) months is allowed.
 - 2. (a) The principal dwelling must be a single family detached dwelling shall not contain more than eight (8) dwelling units.
 - 3. (b) No more than one (1) accessory dwelling unit may be located on a lot.
 - 4. (c) The number of occupants of the accessory dwelling unit shall not exceed one (1) family.
 - 5. (d) The accessory dwelling unit shall not be sold separately from the principal dwelling.
 - 6. (e) The maximum height of a detached building containing an accessory dwelling unit, including one built above a garage or similar space, shall be twenty-five (25) feet. Height shall be measured as a principal building pursuant to Sec. 28.134(1)(b).
 - 7. (f) The maximum size of an accessory dwelling unit shall be nine hundred (900) square feet.
 - 8. (g) An accessory dwelling unit shall contain no more than two (2) bedrooms.
 - 9. (h) The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.
 - 10. (i) Accessory dwelling unit entry ways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
 - 11. (j) For accessory dwelling units constructed within the principal building, the appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling.

Accessory Dwelling Unit in the TOD Overlay District.

- (a) ~~The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six (6) months is allowed.~~
- (b) ~~The principal dwelling must be a single-family detached dwelling, two-family dwelling – twin, or two-family dwelling – two unit.~~
- (c) ~~No more than one (1) accessory dwelling unit may be located on a lot.~~
- (d) ~~The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.~~
- (e) ~~The accessory dwelling unit shall not be sold separately from the principal dwelling.~~
- (f) ~~The maximum height of a detached building containing an accessory dwelling unit, including one built above a garage or similar space, shall be twenty-five (25) feet. Height shall be measured as a principal building pursuant to MGO Sec. 28.134(1)(b).~~
- (g) ~~The maximum size of an accessory dwelling unit shall be nine hundred (900) square feet.~~
- (h) ~~An accessory dwelling unit shall contain no more than two (2) bedrooms.~~
- (i) ~~The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.~~
- (j) ~~Accessory dwelling unit entry ways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.~~
- (k) ~~For accessory dwelling units constructed within the principal building, the appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling, two-family dwelling – twin, or two-family dwelling – two unit.”~~

2. Section 28.211 entitled “Definitions” of the Madison General Ordinances is amended by amending therein the following:

“Accessory Dwelling Unit. An additional dwelling unit contained within a single-family dwelling principal building with up to eight (8) dwelling units or within a detached building located on the same lot as a ~~single-or two-family dwelling~~ principal building with up to eight (8) dwelling units. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit. (See Sec. 28.172, “Residential Building Forms.”)”