



Legislation Details (With Text)

File #: 68079 **Version:** 2 **Name:** Access Dwelling Units to Permitted Use
Type: Ordinance **Status:** Passed
File created: 10/26/2021 **In control:** Attorney's Office
On agenda: 12/7/2021 **Final action:** 12/7/2021
Enactment date: 12/16/2021 **Enactment #:** ORD-21-00087

Title: SUBSTITUTE - Amending Tables 28C-1, 28D-2 and 28E-2 to change Accessory Dwelling Units (“ADU”) from a conditional use to a permitted use on all districts; Amending Table 28 G-1 to allow ADUs in Agricultural District; Amending MGO 28.151 to change required standards for ADUs; Amending MGO 28.131 to change the maximum area per lot and maximum size of ADUs; Amending MGO 28.211 to clarify the definition of ADUs; Repealing MGO 29.26(1) allowing attached ADUs to be smaller than 500 square feet.

Sponsors: Tag Evers, Grant Foster, Patrick W. Heck, Satya V. Rhodes-Conway, Lindsay Lemmer

Indexes:

Code sections:

Attachments: 1. 68079 Body Version 1.pdf, 2. Staff Memo_ADUs_10-29-21.pdf, 3. Staff Presentation_ADUs_11-8-21.pdf, 4. Public_Comments_11-08-21.pdf, 5. Public_Comments_11-08-21_Post_3PM.pdf, 6. 68079 Version 1.pdf, 7. 68079 Body Substitute.pdf, 8. Public_Comments_11-18-21.pdf, 9. Public_Comment_11-20-21.pdf, 10. Public_Comments_11-22-21.pdf, 11. Written Public Comment #68079.pdf

Date	Ver.	Action By	Action	Result
12/7/2021	2	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
11/22/2021	2	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
11/8/2021	1	PLAN COMMISSION		
11/2/2021	1	COMMON COUNCIL	Referred	
10/26/2021	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No City appropriation required.

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Body

DRAFTER’S ANALYSIS: Table 28C-1 is amended changing Accessory Dwelling Units (“ADU”) from a conditional use to a permitted use in all Residential Districts, which allows ADU builders to avoid the conditional use permit process if they build within the required standards. Table 28D-2 is amended in the same manner for Mixed-Use and Commercial Districts where single-family detached homes are allowed. Table 28E-2 is also amended changing ADUs from a conditional use to a permitted use in all Downtown Districts where single-family homes are allowed with the same affect. Table 28G-1 is amended to allow ADUs in the Agricultural District where they were previously not allowed. MGO 28.151 is amended changing several required standards, most notably increasing the permitted size of an ADU from 700 square feet to 900 square

feet. Additionally, it requires ADUs to contain no more than two (2) bedrooms. MGO 28.151 is amended to remove suggested guidelines for ADUs. MGO 28.131 is edited to remove the maximum area of accessory structures per lot and instead simplifies the maximum size at ground level for all accessory structures on a lot to 1,000 square feet, a change that will increase the allowable size for detached garages at residences. MGO 28.211 is amended to clarify that ADUs do not need to be subordinate in size of height and floor area to the principal building.

This substitute repeals MGO 29.26(1) which would allow attached ADUs to be smaller than 500 square feet in all structures regardless of their construction year. The minimum dwelling size requirement in MGO 29.26(1) applies only to structures built *before* the Uniform Dwelling Code came into effect, in 1980. Housing built after 1980 does not have the 500 sq. ft. minimum requirement. By repealing this section, allowable attached ADU minimum size is the same for pre and post 1980 structures.

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

See File No. 68079 Body Substitute in Attachments.