

ACCESSORY DWELLING UNITS (ADUs)* in RURAL AREAS

*Guest Cottages, Granny Flats,
Carriage Houses, In-law Suites, etc.

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Extension

UNIVERSITY OF WISCONSIN-MADISON
SHEBOYGAN COUNTY

Unofficial “consensus” definition...

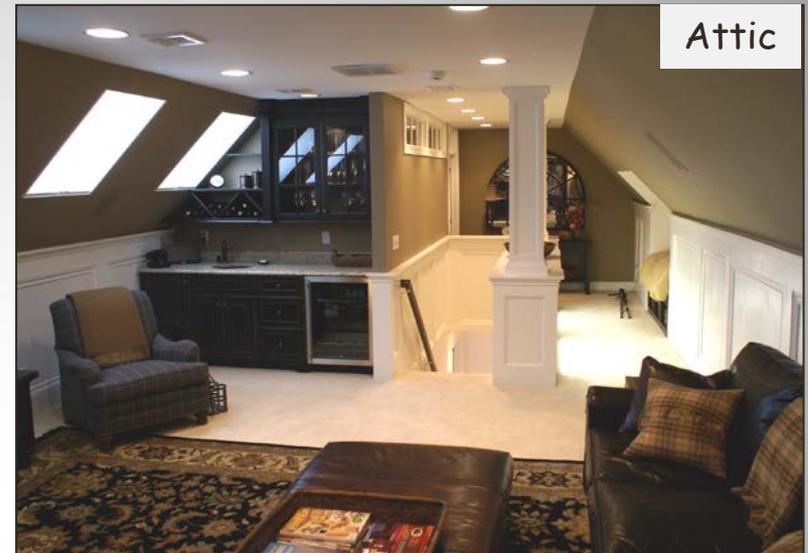
A second, independent, smaller dwelling unit on a property that has its own separate entrance, cooking area, sleeping area, and bathroom.

➤ *Typically 400 - 800 sq. ft.*

Someone could live in an ADU and never have to use the main house.

Different ADU categories...

INTERNAL

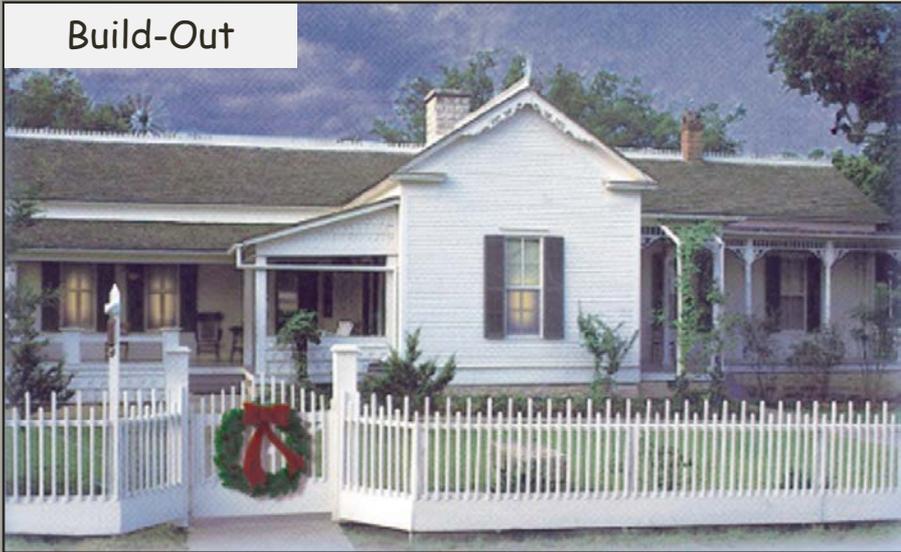


Must be an independent space to be considered an ADU.

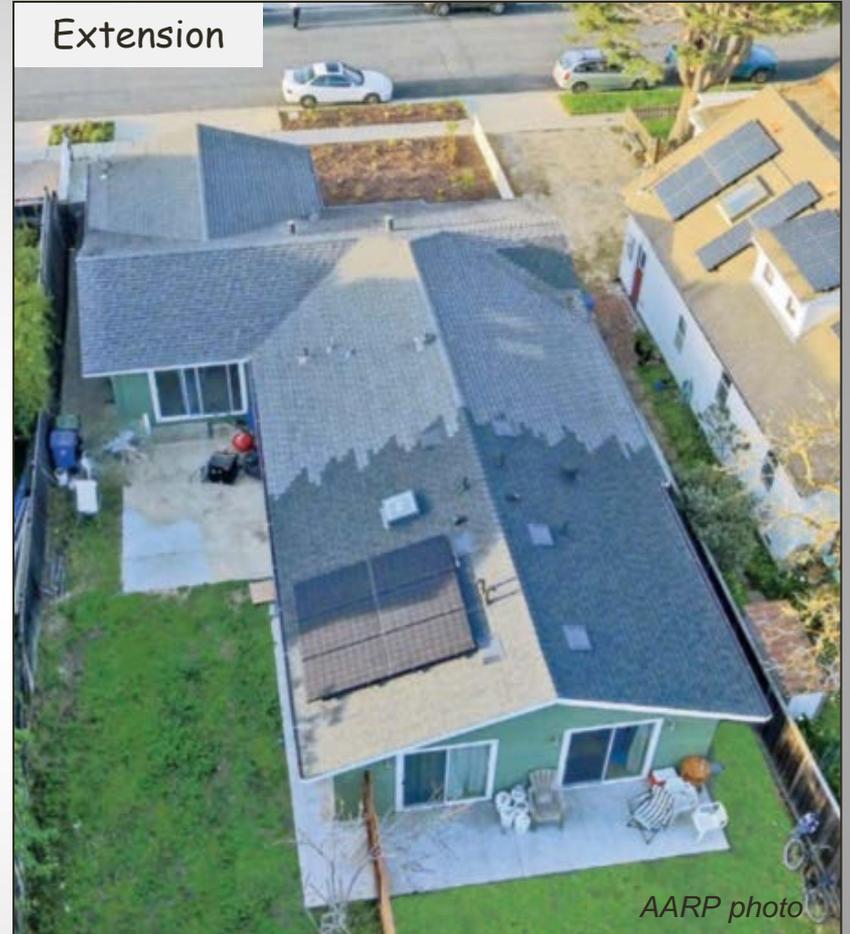
Different ADU categories...

ATTACHED

Build-Out



Extension



More than a spare room - more like a wing or a large, subdivided room, and must be independent.

Different ADU categories...

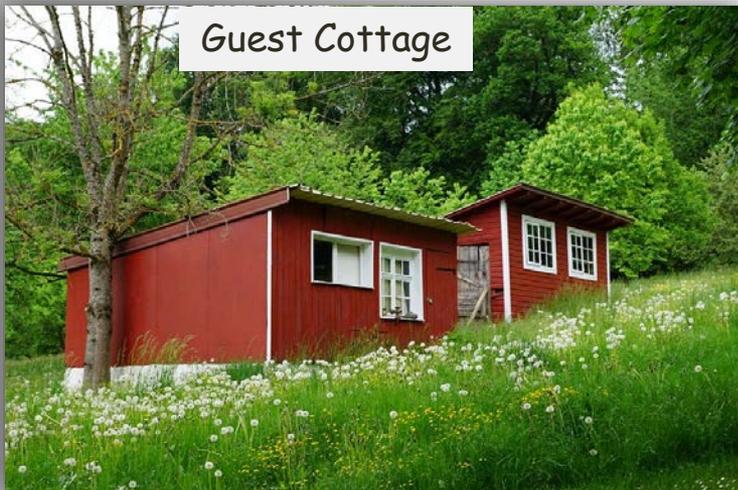
ATTACHED (Temporarily)



LinkedLivingHomes.com (Appleton, WI)

Different ADU categories...

DETACHED



A tiny home like the one pictured is legally considered to be a recreational vehicle, even though it might function like an ADU.

Key points to consider:

- Potential Purposes of ADUs
 - Regulatory Approaches
 - Issues / Concerns
 - Utilities
 - Farmland Preservation
 - Shoreland Zoning

Potential Purposes

- Provide independent living space for aging relatives or other family members



: up to 80% of elder care provided by their children;
(assisted living can cost \$10,000 a month)

- Supplement a homeowner's income with long-term or short-term rental opportunity



- Add affordable housing to community without substantially increasing public infrastructure

Regulatory approaches

Model zoning ordinance updated in 2021 with input from numerous communities that already regulated ADUs



▶ ACCESSORY DWELLING UNITS

Model State Act and Local Ordinance



CREATED FOR STATE AND LOCAL LEADERS BY:

AARP State Advocacy & Strategy Integration, Government Affairs

Regulatory approaches typically used

❖ Zoning ordinance, as conditional use

- 1) add ADUs to certain existing districts
- 2) list conditions, standards in ordinance

❖ Zoning ordinance, as permitted use with license

- 1) add ADUs to certain existing districts
- 2) list requirements, standards in license application

(If not listed in zoning ordinance,
then it's not allowed.)

Issues / Concerns

Landlord speculators could buy up houses with ADUs and then rent out both units.



- Require that a lot with an ADU shall be occupied by the owner of the premises.

To ensure an owner lives on the premises, many communities monitor ADUs through registration of occupants, certification of occupancy, and/or periodic inspections.

- An owner-occupancy requirement should be recorded in the title to the property in order to notify subsequent owners.

CUP or license could be revoked if owner-occupancy violation, which means ADU would have to be vacant, which no owner wants.

Issues / Concerns

Speculators could build single-family homes with the intention of adding on an ADU immediately, which has the effect of making a single-family zoning district a two-family district.

- Limit how soon an ADU can be added to a newly constructed house (e.g., some communities have a 5-year waiting period).

Issues / Concerns

Aren't ADUs supposed to be for elderly or disabled relatives - how can a town/county stop the homeowner from renting the ADU to a young, non-related person?

- Require that occupancy of the ADU be limited to persons who are elderly, disabled, or related to the owner. (?)

Although such a policy can have good intentions, the limitations can discourage investors in ADUs and can cause enforcement problems.

Also, such a policy may not be legally defensible.

- Probably better to let it be ... the good outweighs the bad

Issues / Concerns

What happens when 1) the person who was living in the ADU moves on, or 2) the homeowner moves on?

1) If the initial ADU occupant(s) moves on, impractical to require that an internal or attached ADU be removed or converted—or that a detached ADU sit vacant.

Besides, a year or two later, the need for the ADU could arise again.

2) If the homeowner is selling the property, impractical to require that an attached ADU be removed or converted.

> What if a buyer also has a need for an ADU?

Once an ADU is created, it's somewhat permanent. In some ways, temporary ADUs make the most sense.

Utilities: sanitation for attached ADU

The original capacity of the on-site sanitary system might be exceeded if there are additional residents...

- Require that applicants seeking to construct an **attached** ADU must first provide proof from the county that the existing sanitary system is adequate for the projected number of residents.
 - *Original sanitary permit will have specified the system capacity, based on 2 occupants per bedroom. Even if number of occupants will be at or below the limit, additional bedrooms may require a “flows and loads” agreement to ensure the number of occupants will not exceed the system’s capacity in the future.*

Utilities: sanitation for detached ADU

Potential alternatives to septic system...

- For “black water,” detached ADUs could use an alternative like a composting or incineration toilet.
 - *Must have WI state product approval.*
- For “gray water,” detached ADUs could use an alternative like a filtration system.
 - *There is some concern that filtration systems would encounter problems during our cold Wisconsin winters.*
- Holding tanks, if allowed by county.



Utilities: well, electricity, heat for internal or attached ADU

For a basement or attic ADU, connections may already be mostly in place...

For an addition, connect to the existing utilities serving the main house...

Utilities: well, electricity, heat for detached ADU

The challenges of providing potable water, electrical power, and heat to a detached ADU are significant but not insurmountable...

- Require a plan for each of these “utilities” that must be reviewed by the building inspector.

Farmland Preservation

ADU allowed? It depends...



- Allowed if the ADU is a farm residence and the ordinance has no limits on the number of farm residences.
- If ADU is a nonfarm residence, allowed if nonfarm residences are allowed in the Farmland Preservation Zone, and the residential density limit for a farm tract has not been reached.
 - *Permanent ADU would count against the residential density limits.*
- A temporary ADU could be allowed for a short time period, perhaps 1 or 2 years, and would not count against the residential density limit.

Shoreland Zoning

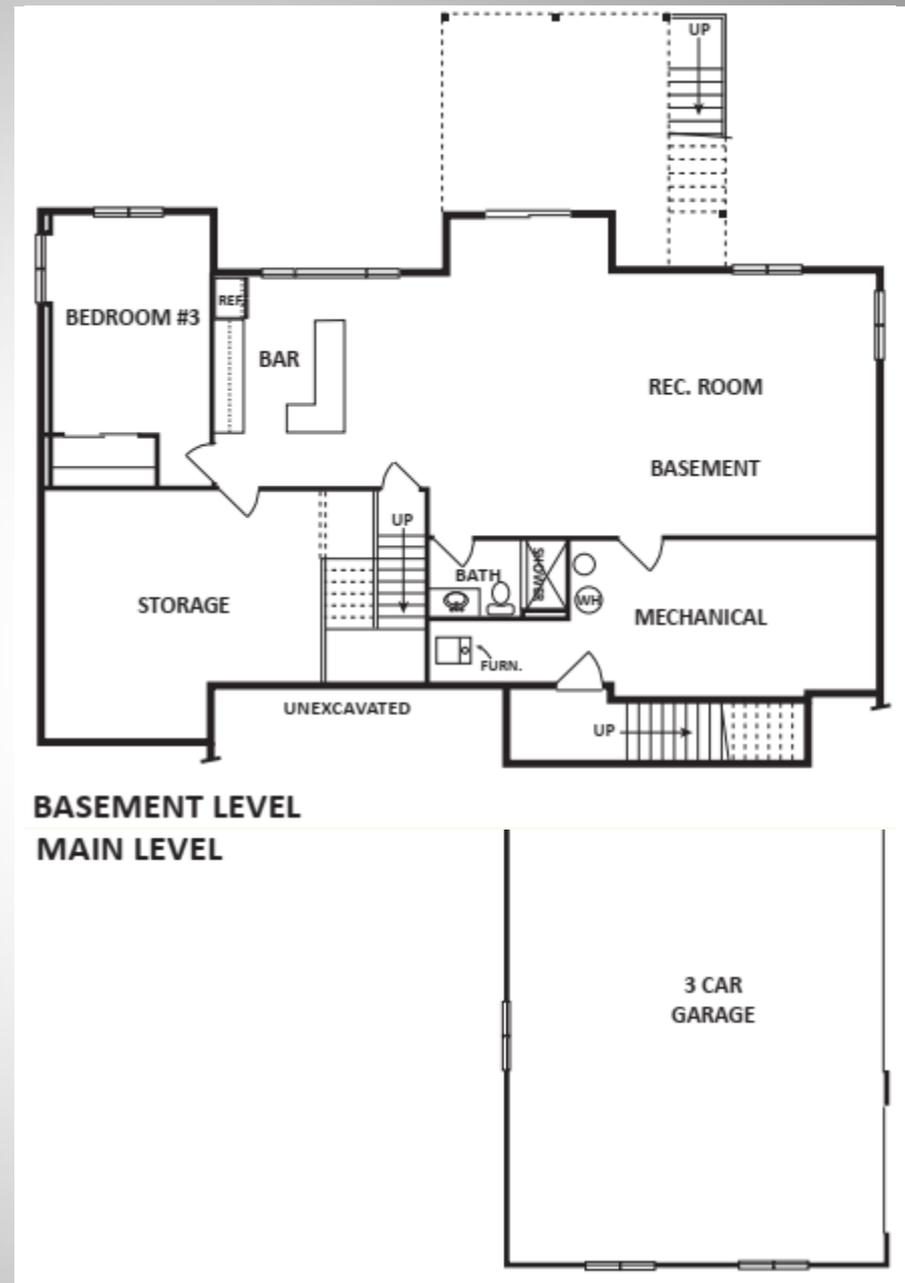
ADU allowed? It depends on which county you're in...

- Some county shoreland ordinances only allow 1 dwelling unit per lot, so no ADU could be added.
 - *However, this is not a standard from state statutes, so each county has the ability to allow a second unit via conditional use (if the underlying general zoning allows ADUs).*
 - *Most counties do not yet have a policy on whether a temporary ADU would be counted as a dwelling unit.*

Parting Thought

Never underestimate
developer ingenuity:

“ADU Lite”



The End



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