

Comments: Accessory dwelling units (ADUs) have become an important component of the housing stock in many communities – both large and small – in the United States. By providing housing on existing lots in developed neighborhoods, ADUs are a form of land use that makes good use of land and public infrastructure investment. ADUs provide a mix of housing that responds to changing family needs. More people are aging and are “empty nesters” and desire to down-size. In addition, ADUs provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain security, friendship and services.

Comments: The City’s Comprehensive Plan encourages the creation of ADU regulations. The purpose statement of the ADU ordinance explains in general terms how Accessory Dwelling Unit regulations implement the relevant Goals and Policies of the Appleton Comprehensive Plan 2010-2030.

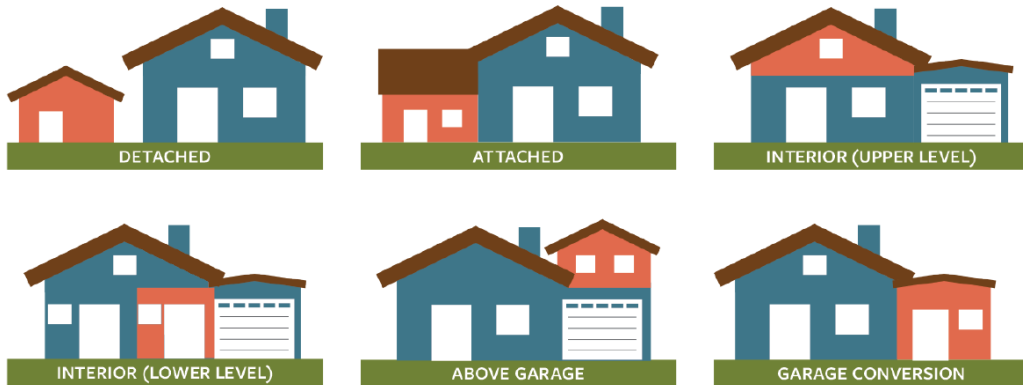
Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Housing and Neighborhood Chapter 5 Objectives and Policy numbers 5.3 and 5.3.1 states:

- ❖ 5.3 “Provide a range of housing styles that meet the needs and appeal to all segments of the community.”*
- ❖ 5.3.1. “Evaluate conditions under which it may be appropriate to allow accessory units in some parts of the City.”*

Accessory Dwelling Unit Type Examples



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Comments: The purpose statement explains the intent behind adopting ADU regulations and how they mesh with the City's land use goals and policies.

Section 23-55. Accessory Dwelling Units (Attached and Detached)

(a) **Purpose.**

- (1) The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting stability for established neighborhoods.
- (2) Accessory dwelling units help advance the city's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the city's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods, and
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in Article II of this chapter.

(1) **Accessory dwelling unit (ADU)** means an attached or a detached dwelling unit, which provides complete independent living facilities for one or more individuals and is located on a lot with a proposed or existing principal residential dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot and in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(2) **Attached accessory dwelling unit** means a dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.

(3) **Detached accessory dwelling unit** means a freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.

(4) **Junior accessory dwelling unit (JADU)** means a dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal residential dwelling unit.

(5) **Independent living facilities** means a dwelling unit having permanent provisions of all of the following features: living, sleeping, eating, cooking, bathing and sanitation facilities.

(6) **Established Front Yard** means the closest distance measured from the principal building to the front lot line(s).

(7) **Convey, Conveyed or Conveyance** refers to the act of transferring property from one party to another by a written deed or an equivalent document, including condominium declarations documents. This is completed by recording the document with the County Register of Deeds.

(8) **Gross floor area** means the sum of the horizontal areas of all floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two (2) dwelling units, but not including finished and unfinished basement

areas, attached and detached garages and any space where the floor-to-ceiling height is less than six (6) feet.

(9) **Cooking appliances** means including, but not limited to: ovens, convection ovens, stoves, stove top, hot plates, microwave ovens, built in grills or similar appliances.

Comments: The purpose of this standard is to identify the zoning districts where accessory dwelling units may be permitted as accessory uses when associated with the single-family dwelling. The proposed language is consistent with the Resolution #1-R-21 Accessory Dwelling Units.

(c) **Permitted Zoning Districts.** Accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) **Location.** Accessory dwelling units shall be located on the same lot as the single-family detached dwelling or two-family-zero lot line dwelling.

Comments: The proposed maximum number and type of ADUs allowed on a lot is consistent with the Resolution #1-R-21 Accessory Dwelling Units.

Also, the purpose of this standard is to clarify that a maximum of two (2) accessory dwelling units may be allowed to be established with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling that is located in the residential zoning districts listed in subsection (c) above.

A maximum of one (1) accessory dwelling unit (attached or detached but not both) and a maximum of one (1) junior accessory dwelling may be allowed to be established in conjunction with a single-family detached dwelling or two-family-zero lot line dwelling to provide property owners with a diversity of choices and honor the uniqueness of each lot.

(e) **Accessory Dwelling Unit Number and Type.**

(1) Lots with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling are permitted to have a maximum of one (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot under the following options:

a. Option 1 (Attached ADU and JADU): A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) attached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter; or

- b. Option 2 (Detached ADU and JADU): A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) detached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter.
- c. Lots with an existing built or proposed to be built single-family detached dwelling or a two-family-zero lot line dwelling shall not be permitted to have both an attached accessory dwelling unit and a detached accessory dwelling unit.

Comments: The use regulations prescribe regulations in order to control the timing when an ADU can be constructed, future sales, maximum size limitation and off-street parking space requirements.

(f) **Use Regulations.**

- (1) **Timing of Construction:** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.

Comments: Accessory uses and buildings are always subordinate buildings of which are secondary uses to and customarily linked together by shared facilities with the principal building or use (for example, these links include, but are not limited to, off-street parking areas, utilities, land, recreation). In order for the ADU to maintain its legal status of being an accessory use, the attached or detached ADUs shall be sold together with the principal dwelling unit and on the same lot. These regulations do not prevent the ADU from being separated from the lot containing the principal dwelling unit by pursuing approval of a land division. In this case, the accessory dwelling unit becomes the primary dwelling, and all applicable Municipal Code regulations related primary dwelling units shall be satisfied.

- (2) **Sale of Property and Tax Parcel Number.** The accessory dwelling unit or junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the accessory dwelling unit.

Comments: The purpose of this standard is to clarify that all or a portion of a detached accessory building may be permitted to be converted into an ADU provided all applicable provisions (for example, location, maximum number, use, parking, design, building setbacks, lot coverage, building height requirements) of this section are all complied with.

- (3) **Detached Accessory Building Conversion.** Adding on vertically or horizontally to or converting all or a portion of an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit may be permitted, provided all of the provisions of this section are all complied with.

Comments: The proposed maximum size standard language is consistent with the Resolution #1-R-21 Accessory Dwelling Units. Also, the maximum size standard is to ensure the ADU is not the primary use of the property but rather one which is subordinate or minor in significance compared to the primary dwelling unit.

- (4) **Maximum Size of Accessory Dwelling Units.** The total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.

Comments: ADU households typically own fewer cars, making their burden on parking supply lighter than average. Adding off-street parking requirements for accessory dwelling units can significantly increase costs to the project and may remove some lots from consideration where it is impractical to add more off-street parking spaces than what is required for the principal dwelling unit.

- (5) **Off-Street Parking.** No additional off-street parking is required for an attached or detached accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

Comments: The design regulations are intended to focus on aesthetic concerns and minimize any potential visual impacts on the public and protect the character of the neighborhood. Also, the purpose of these standards is to clarify that any proposed construction and/or interior alterations to establish an ADU shall conform to all applicable Municipal Codes regulations including but not limited to Zoning, Building, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

- (g) **Design Requirements for Attached and Detached Accessory Dwelling Units.** Attached and detached accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

- (1) **Compliance with applicable regulations.** Attached and detached accessory dwelling units, including adding on to or converting an existing detached accessory building

for the purpose of creating a detached or an attached accessory dwelling unit shall comply with all applicable Municipal Code regulations including but not limited to City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Drainage, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws, unless otherwise stated in this section.

(2) Exterior finish materials. Exterior finish materials for attached accessory dwelling units must visually be similar to the exterior finish materials of the principal dwelling unit.

a. For the purpose of this subsection the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

(3) Orientation of Exterior Entry Doors and Stairways.

a. New (ADU) Exterior Entry Door. All new exterior entry doors constructed exclusively to serve the accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the accessory dwelling unit.

b. Shared Use of An Existing or Proposed (Primary Dwelling Unit or Detached Garage) Exterior Entry Door. Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.

c. Stairways (Interior and Corner Lots). All new stairways constructed to serve an accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.

d. Stairways (Double Frontage Lots). A new stairway constructed to serve an accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.

Comments: Resolution #1-R-21 Accessory Dwelling Units says ADUs cannot be mobile. The proposed foundation design standard language is consistent with the Resolution #1-R-21 Accessory Dwelling Units which requires ADUs to be supported by a permanent foundation.

Also, the Building Code, Chapter 4 requires dwelling units to be supported by a permanent frost free foundation.

- (4) Foundation Design. Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.

Comments: Separate water meters and service connections are optional for all ADUs. If an owner elects to install a separate water meter, the owner pays for the meter and connection costs. Also, the connection shall be made directly to the public water main per City policy.

- (5) Water Meter and Service Connection. A new separate water meter and service connection to the public water main is not required for accessory dwelling units, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

Comments: Separate electrical meters and panels are required for Detached ADUs (see PSC 113.0803) but they are optional for Attached ADUs and Junior ADUs. Occupants of Attached ADUs and Junior ADUs should have access to the electrical panel inside the principal dwelling unit to reset a tripped fuse or replace a blown fuse.

The Wisconsin Administrative Code – Public Service Commission

PSC 113.0803 Individual electric meters required for non-transient multi-dwelling unit residential buildings, mobile home parks and for commercial establishments.(1) Each dwelling in a multi-dwelling unit residential building and mobile home park constructed after March 1, 1980 shall have installed a separate electric meter for each such dwelling unit. Dwelling unit means a structure or that part of a structure which is used or intended to be used as a home, residence or a sleeping place by one or more persons maintaining a common household and shall exclude transient multi-dwelling buildings and mobile home parks: for example, hotels, motels, campgrounds, hospitals, community-based residential facilities, residential care apartment complexes or similar facilities, nursing homes, college dormitories, fraternities, and sororities.

- (6) **Separate Electrical Service.**

- a. Detached accessory dwelling units. Detached accessory dwelling units shall have a separate electric meter and electrical panel independent from the principal dwelling unit.

- b. Attached accessory dwelling units. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for an attached accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the attached accessory dwelling unit.

Comments: Minimum building setbacks for ADUs should be following the guidelines for the current setback requirements for the principal dwelling unit per the underlying zoning district for consistent administration of the Zoning Ordinance and to ensure adequate open space for light, air and fire safety is achieved. The proposed separation dimension between buildings is consistent with fire and life safety requirements established by the Wisconsin Uniform Building Code. If there are deed restrictions or building setbacks recorded on a plat or CSM, the most restrictive standards apply. The established front yard means the closest distance measured from the principal building to the front lot line(s).

(h) Setbacks.

- (1) Attached accessory dwelling units shall comply with the following setback requirements:
 - a. Minimum front lot line setback (street and alley): The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - b. Minimum side lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - c. Minimum rear lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - d. Minimum separation between all buildings: Ten (10) feet.
 - e. The minimum front, side and rear lot line setbacks for accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.
- (2) Detached accessory dwelling units shall comply with the following setback requirements:
 - a. Minimum front lot line setback (street and alley). Shall not be located in the established front yard, except for double frontage lots.
 - b. Minimum front lot line setback (double frontage lots): The minimum setback shall be what is required in the underlying zoning district for the principal dwelling unit for the yard opposite the front yard from which the principal dwelling unit is addressed.

- c. Minimum side lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- d. Minimum rear lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- e. Minimum separation between all buildings: Ten (10) feet.
- f. The minimum side and rear lot setbacks for detached accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2) and (4) of this Chapter.

Comments: Side and Rear Lot Building Setback Modification Example is as follows for nonconforming lots of record (pre-existing lots that do not meet the current minimum lot width or area requirements) per the current Zoning Ordinance:

Minimum district lot size (R-1B – 6,000 square feet.

Existing lot size – 5,400 square feet.

Minimum district yard setbacks:

Front – Twenty (20) feet

Side – Eight (6) feet

Rear – Twenty-five (25) feet

*Existing lot size is percent (90%) the size of the minimum district lot size:
(5,400/6,000) = 0.90*

Apply the (90%) to side and rear yard setback requirements of the district:

0.90 X 6' = Side Yard Minimum: 5.4 feet

0.90 X 25 = Rear Yard Minimum: 22.5 feet

Adjusted minimum side yard setback requirement is 5.4 feet and adjusted minimum rear yard setback requirement is 22.5 feet.

Comments: Maximum Lot Coverage for ADUs should be following the standards established by underlying zoning district for consistent administration of the Zoning Ordinance and to ensure adequate open space is achieved.

- (i) **Maximum Lot Coverage.** Attached and detached accessory dwelling units shall be included in the calculation of maximum lot coverage that is required in the underlying zoning district that it is located in. The maximum lot coverage percentage as established for the underlying zoning district shall not be exceeded.

Comments: The intent of this requirement is to set a height limitation on ADUs so they are distinguishable from the principal dwelling unit in appearance. Also, the maximum height standard is to ensure ADUs are subordinate or minor in significance compared to the height dimension of the primary dwelling unit.

(j) **Building Height.**

- (1) Attached accessory dwelling units shall not exceed the maximum building height limit is required in the underlying zoning district for the principal dwelling unit.
- (2) Detached accessory dwelling units shall not exceed the height of the principal dwelling unit.

(k) **Exceptions.**

- (1) Accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.
 - (2) Accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.
- (l) **Building Permit Application Process.** Application, review, and approval of an accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

Comments: The intent of this requirement is to put future landowners on notice the ADU shall not be sold separately from the principal dwelling unit per subsection (f)(2) above.

- (1) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsection (f)(2) above.

Comments: This standard clarifies that the City assigns building addresses not the Post Office.

- (2) Addressing. Accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

Comments: Junior Accessory Dwelling Units (JADU) offer a simple and an affordable housing option. Even though a standard ADU can be created within an existing residence in much the same way as a JADU, the differences for a JADU include a size limit of 500 square feet, the ability to have shared bathroom facilities with the main unit. JADUs present no additional stress on utility services or infrastructure because they simply can repurpose a spare bedroom or other rooms in existing homes whose infrastructure needs (including water, sewer, traffic and parking) were accounted for in the original home construction. To further ensure that JADU development does not impact single-family neighborhoods, the following additional regulations are proposed: 1. A maximum of one (1) junior accessory dwelling unit shall be permitted per lot when associated with a single-family dwelling or two-family-zero lot line dwelling. 2. Exterior design standards. 3. JADUs cannot be sold separately from the primary residence. 4. A deed restriction shall be recorded prior to the issuance of a building permit.

Section 23-56 Junior Accessory Dwelling Units (JADU).

Comments: The purpose statement explains the intent behind adopting Junior Accessory Dwelling Unit (JADU) regulations and how they mesh with the City's land use goals and policies.

- (a) **Purpose.** This section provides standards for the establishment of Junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit and shall not be considered a separate dwelling unit.
- (1) Junior accessory dwelling units help advance the city's housing and land use goals and policies by:
- a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the city's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods, and
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

- (b) **Definitions.** See Section 23-55(b).

Comments: The proposed language is consistent with the Resolution #1-R-21 Accessory Dwelling Units. The purpose of this standard is to identify the zoning districts where accessory dwelling units may be permitted as accessory uses when associated with the single-family dwelling.

- (c) **Permitted Zoning Districts.** Junior accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.
- (d) **Maximum Number.** A maximum of one (1) Junior accessory dwelling unit shall be permitted per residential lot in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

Comments: The use regulations prescribe regulations in order to control the timing when a JAUD can be constructed, future sales, maximum size limitation and off-street parking spaces requirements. The following use regulations are consistent with the ADU regulations.

- (e) **Use Regulations.**

- (1) **Timing of Construction:** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.
- (2) **Sale of Property and Tax Parcel Number.** The junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the junior accessory dwelling unit.
- (3) **Maximum Size.** A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size. In addition, the total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.
- (4) **Off-Street Parking.** No additional off-street parking is required for a junior accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal

dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

Comments: The design regulations are intended to focus on aesthetic concerns and minimize any potential visual impacts on the public and protect the character of the neighborhood. Also, the purpose of these standards is to clarify that any proposed construction and/or interior alterations to establish an JADU shall conform to all applicable Municipal Codes regulations including but not limited to Zoning, Building, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

(f) **Design Requirements for a Junior Accessory Dwelling Unit.** Junior accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

- (1) Compliance with applicable regulations. Junior accessory dwelling units shall be considered to be a part of the principal dwelling unit on the lot and shall comply with all applicable Municipal Code regulations including but not limited to City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.
- (2) Location of Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall be attached to a single-family detached dwelling or two-family zero lot line dwelling, may be created in any part of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, and may be created in an addition to a single-family detached dwelling.
- (3) Orientation of Exterior Entry Doors and Stairways.
 - a. New (JADU) Exterior Entry Door. All new exterior entry doors constructed exclusively to serve the junior accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the junior accessory dwelling unit.
 - b. Shared Use of An Existing or Proposed (Primary Dwelling Unit or Detached Garage) Exterior Entry Door. Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the junior accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.
 - c. Stairways (Interior and Corner Lots). All new stairways constructed to serve a junior accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.
 - d. Stairways (Double Frontage Lots). A new stairway constructed to serve a junior accessory dwelling unit located above the first story is allowed to be built on the

exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.

(4) Entry Connections.

- a. Junior accessory dwelling units that contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will not be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Junior accessory dwelling units that do not contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Two (2) interior doors may be installed within one (1) frame for noise reduction.

(5) Foundation Design. Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.

Comments: Separate water meters and service connections are optional for all ADUs. If an owner elects to install a separate water meter, the owner pays for the meter and connection costs. Also, the connection shall be made directly to the public water main per City policy.

(6) Water Meter and Service Connection. A new separate water meter and service connection to the public water main is not required for a junior accessory dwelling unit, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

Comments: Separate electrical meters and panels are required for Detached ADUs (see PSC 113.0803) but they are optional for Attached ADUs and Junior ADUs. Occupants of Attached ADUs and Junior ADUs should have access to the electrical panel inside the principal dwelling unit to reset a tripped fuse or replace a blown fuse.

The Wisconsin Administrative Code – Public Service Commission

PSC 113.0803 Individual electric meters required for non-transient multi-dwelling unit residential buildings, mobile home parks and for commercial establishments.(1) Each dwelling in a multi-dwelling unit residential building and mobile home park constructed after March 1, 1980 shall have installed a separate electric meter for each such dwelling unit. Dwelling unit means a structure or that part of a structure which is used or intended to be used as a home, residence or a sleeping place by one or more persons maintaining a common household and shall exclude transient multi-dwelling buildings and mobile home parks: for example, hotels, motels, campgrounds, hospitals, community-based residential facilities, residential care apartment complexes or similar facilities, nursing homes, college dormitories, fraternities, and sororities.

(7) **Separate Electrical Service.**

- a. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for a junior accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the junior accessory dwelling unit.

(8) Kitchen Area. A junior accessory dwelling shall contain a kitchen area which includes a sink, cooking appliance, any size refrigerator, counter surface, and storage cabinets.

(9) Bathing and Sanitation. Junior accessory dwelling units may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal dwelling unit.

(10) Setback and Other Zoning Regulations. For purposes of setbacks and other zoning regulations, the junior accessory dwelling unit shall be considered to be a part of the principal dwelling unit of subject site and shall be subject to the requirements of the underlying zoning district.

- a. The minimum front, side and rear lot line setbacks for junior accessory dwelling units constructed or established on nonconforming lots of record, may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.

(g) **Exceptions.**

(1) Junior accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Junior accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(h) **Building Permit Application Process.** Application, review, and approval of a junior accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

Comments: The intent of this requirement is to put future landowners on notice the ADU shall not be sold separately from the principal dwelling unit.

- (1) Prior to issuance of a building permit for the Junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsections (e)(2) above.

Comments: This standard clarifies that the City assigns building addresses not the Post Office.

- (2) Addressing. Junior accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

OTHER CODE SECTIONS TO BE AMENDED

Comments: The purpose of the proposed language is to mitigate conflicting regulations in the Zoning Ordinance.

Sec. 23-43 (d)(7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Section 23-55 are met.

Comments: The purpose of the proposed language is to specify Accessory Dwelling Units and Junior Dwelling Units are Accessory Uses in Section 23-92 R-1A Single-family district, Section 23-93 R-1B Single-family district, Section 23-94 R-1C Central city residential district, Section 23-95 R-2 Two-family district and Section 23-96 R-3 Multi-family district.

Sec. 23-92(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-92(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-93(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-93(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-94(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-94(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-95(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-95(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-96(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-96(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.