

ACCESSORY DWELLING UNITS*

in

RURAL AREAS

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

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Extension

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SHEBOYGAN COUNTY

Different ADU types....

ATTACHED

Home
Addition



Basement

Attic



Each could be allowed in non-sewered areas of Sheboygan County if septic system has capacity and zoning ord. lists ADUs as an allowable use.

Different ADU types...

DETACHED



Detached units are not currently allowed by Sheboygan County in non-sewered areas.

Technically a Recreational Vehicle




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

- ❑ 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

Regulate ADUs with...

❖ **Separate non-zoning ordinance and/or license**

License requirements can be retroactive
(no “grandfathering” of existing uses)

-or-

❖ **Zoning ordinance, as conditional use**

- 1) add ADUs to certain existing districts, or
- 2) create a *floating zone*

-or-

❖ **Zoning ordinance, as permitted use with license**

- 1) add ADUs to certain existing districts, or
- 2) create a *floating zone*

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 the town 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.

Issues / Concerns

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

- If the initial ADU occupant(s) moves on, impractical to require that an attached ADU be removed or converted.

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

- 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 attached ADU is created, it's somewhat permanent. In some ways, temporary and/or detached ADUs make more sense—but they are not legal in Sheboygan County.

Utilities: sanitation for attached ADU

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

- Require that applicants seeking to construct an **attached** ADU must first provide proof from the county that the 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

Alternatives to septic system...

- For “black water,” **detached** ADUs could use an alternative like a composting or incineration toilet.
 - *Costly and impractical to hook into the existing system of the main residence.*
- For “gray water,” **detached** ADUs could use an alternative like a filtration system.
 - *There is some concern that such systems would encounter problems during our cold Wisconsin winters.*



Utilities: well, electricity, heat for attached ADU

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

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

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 town building inspector.
 - *“Reviewed” isn’t the same as approved or certified. Strive to limit town liability.*
 - *If review is negative, applicant will want to revise it rather than have a negative review accompany their application to the Plan Commission and Town Board.*

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 FPZ, and the residential density limit for a farm tract has not been reached.
 - *ADU could be either a permitted or conditional use, depending on what is specified in the local ordinance.*
 - *Permanent ADU would count against density calculations.*
- 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

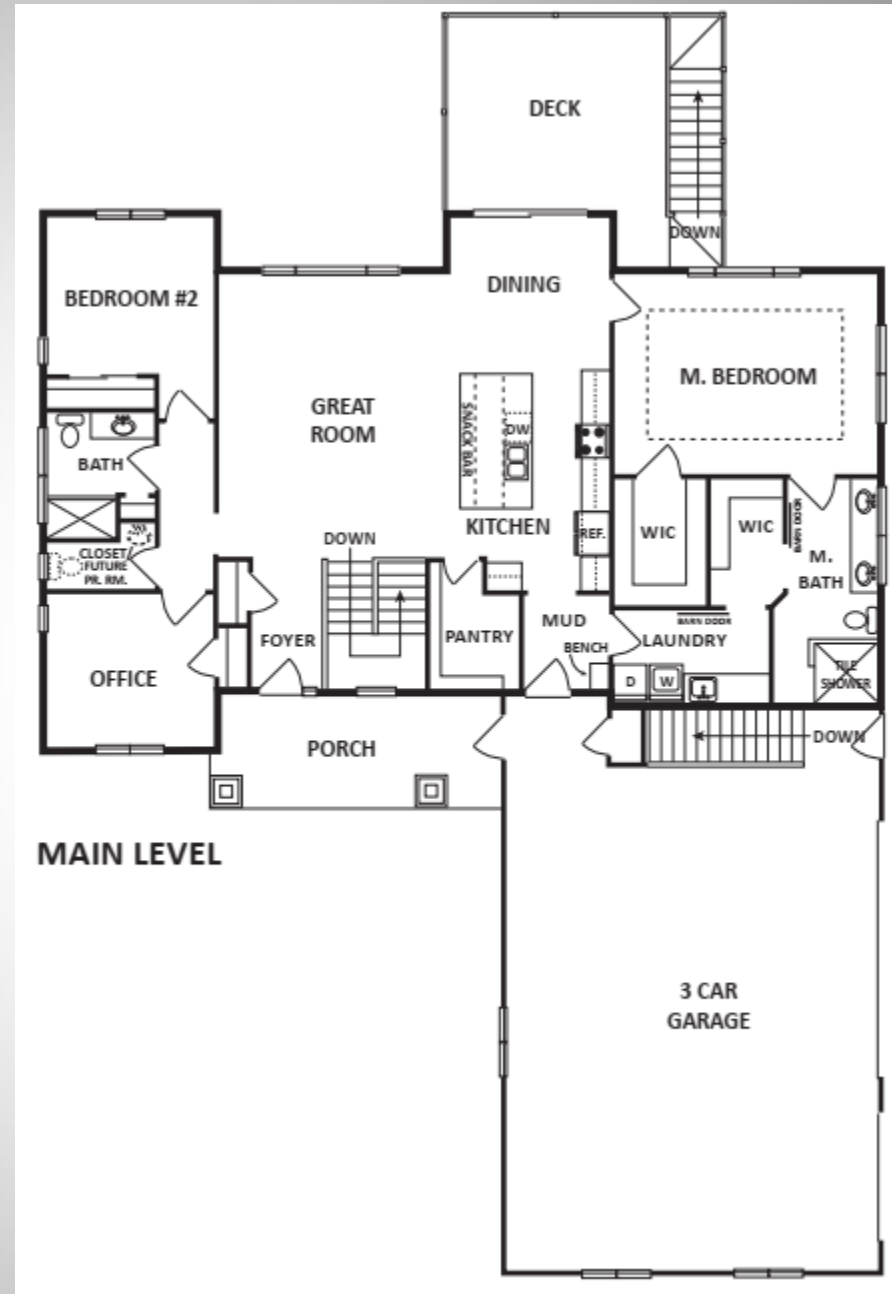
ADU allowed? It depends on which county you're in...

- Some county shoreland ordinances, like Sheboygan's, only allow 1 dwelling unit per lot.
 - *However, this is not a standard from state statutes, so the County has the ability to allow a second unit via conditional use.*
 - *The County does not yet have a policy on whether a temporary ADU would be counted as a dwelling unit.*

Parting Thoughts

What's happening
in the real world:

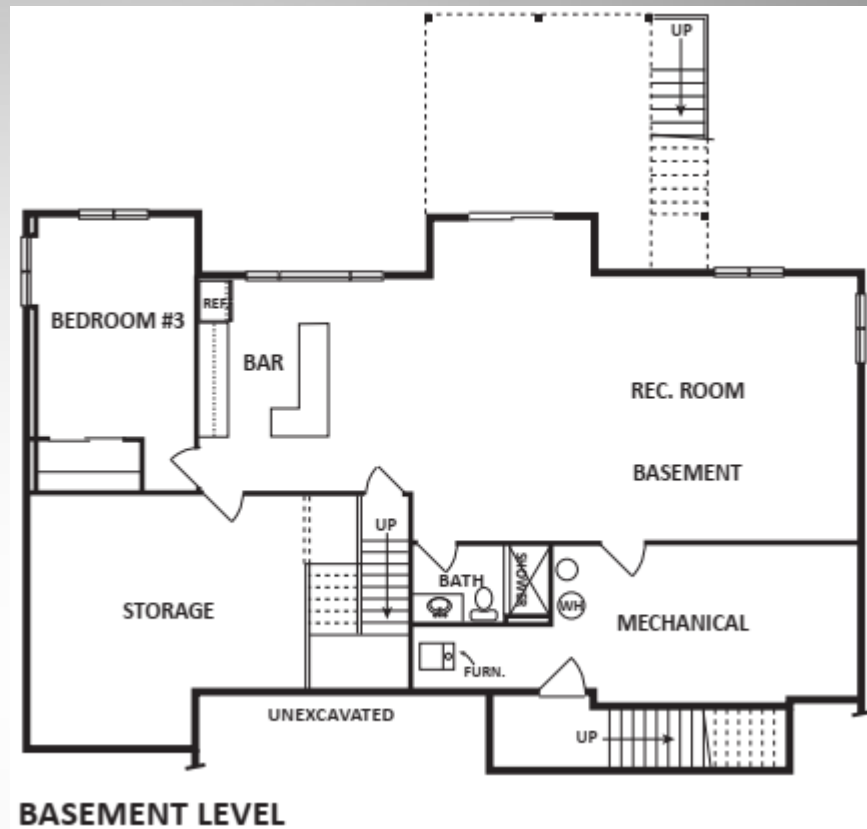
1. “ADU Lite”
2. “Tiny home”
or RV
3. Backyard cottage
or
Carriage house



Parting Thoughts

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Technically not a separate entrance to this basement living area, and the kitchen is "disguised" as a bar, so this would not be considered an ADU and therefore is not subject to ADU regulations.