

## **MEMORANDUM**

To: Ald. José Pérez, Common Council President

From: Dave Gelting, Legislative & Fiscal Services Specialist

Date: April 3, 2025

Subject: Accessory Dwelling Units

On March 28, 2025, you requested information about accessory dwelling unit (ADU) initiatives in other cities, including peer cities and Wisconsin communities. This information was to include a summary of how the programs operate (general zoning requirements, whether the program is considered successful or not, when the program was established), relevant statistics for ADU programs (i.e. permits issued, units built), and a comparison of legislation from different communities.

This memo will begin with a brief overview of ADUs, then present facts about ADU initiatives in other Wisconsin communities and peer cities to Milwaukee.

#### **ADU Overview**

An ADU is a smaller, independent residential dwelling unit located on the same lot as another residential dwelling, which may be attached to, internal to, or detached from the primary dwelling unit. In the 1920's and 30's, it was common in the United States for property owners to construct ADUs, as it was much more affordable to rent or buy small spaces built on the same lot where a main house stood. Post-war modernization of zoning codes resulted in restrictions which typically prohibited this type of residential structure.<sup>1</sup>

AARP advocates for an increase in the supply and legal occupancy of ADUs, claiming that ADUs are: <sup>2</sup>

- An affordable housing option.
  - ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet.
  - Although market-rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the only affordable rental choices in single-

<sup>&</sup>lt;sup>1</sup> ADU Builders of California, "ADUs Origin and History" <a href="https://adubuilderscalifornia.com/blog/adus-origin-and-history/">https://adubuilderscalifornia.com/blog/adus-origin-and-history/</a>

<sup>&</sup>lt;sup>2</sup> AARP, 2021, "The ABC's of ADUs, A guide to Accessory Dwelling Units and how they expand housing options for people of all ages" <a href="https://www.aarp.org/content/dam/aarp/livable-communities/housing/2022/ABCs%20of%20ADUs-web-singles-082222.pdf">https://www.aarp.org/content/dam/aarp/livable-communities/housing/2022/ABCs%20of%20ADUs-web-singles-082222.pdf</a>

family neighborhoods, which typically contain no studio or one-bedroom housing options at all.

- Age-friendly.
  - ADUs enable families to expand beyond their primary home.
  - ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.
- Just the right size.
  - ADUs work well for the one and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.
- Good for the environment.
  - o ADUs require fewer resources to build and maintain than full-sized homes.
- Community compatible.
  - ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods.
  - ADUs provide a more dispersed and incremental way of adding homes to a neighborhood than other options.

In cities where housing demand consistently and greatly exceeds supply, such as Los Angeles and Seattle, amending zoning codes to allow for ADUs has resulted in a surge of ADU building activity. While this same degree of ADU building activity doesn't typically occur in other markets when ADUs are allowed, advocates still identify ADUs as one piece of the overall housing-shortage puzzle.

For example, when the City Planner for the City of Oconomowoc studied ADU implementation in other Wisconsin municipalities, they found that allowing ADUs did not result in many permits being pulled for them.<sup>4</sup> Regardless, Oconomowoc and at least five other Wisconsin communities have amended their zoning codes to allow ADUs.

<sup>&</sup>lt;sup>3</sup> Strong Towns, April 20, 2023, "ADUs Are Working Great—Just Not for the Twin Cities" <a href="https://www.strongtowns.org/journal/2023/4/20/adus-are-working-great-just-not-for-the-twin-cities">https://www.strongtowns.org/journal/2023/4/20/adus-are-working-great-just-not-for-the-twin-cities</a>

<sup>&</sup>lt;sup>4</sup> City of Oconomowoc, Planning Staff Report, Accessory Dwelling Units, September 4, 2024 https://www.oconomowoc-wi.gov/DocumentCenter/View/10175/ADU SR PC 9 4 24

## Madison, WI

#### When established 5

2012: ADUs were allowed on owner-occupied, single-family properties.

2021: ADUs were allowed on owner-occupied, single-family properties as permitted uses, without conditional use consideration.

2023: ADUs were allowed as permitted uses on owner-occupied single- or two-family properties within a quarter-mile of the bus rapid transit line.

April, 2024: ADUs were allowed on all lots containing a building with up to 8 dwelling units, and the owner-occupancy requirement is eliminated.

## General requirements 6

- The principal dwelling shall not contain more than eight dwelling units.
- No more than one ADU may be located on a lot.
- The maximum size of an ADU is 900 square feet.
- An ADU may not have more than two bedrooms.
- There is no owner-occupancy requirement.

### More information

- Between 2012 and 2024, approximately 32 ADUs were built in Madison.
- When owner-occupancy was required, Section 28.151 of the Madison General Ordinances read, in part: <sup>7</sup>
  - Accessory Dwelling Unit in the TR-P District: The single-family dwelling on the lot shall be owner-occupied.
  - Accessory Dwelling Unit in Districts Other than the TR-P District: 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.
- When owner-occupancy was required, a deed restriction was to be recorded on the property as condition of a site plan's approval. This restriction was required to state:
  - 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. Acceptance of a deed by any purchaser is considered an agreement to observe and abide by such covenant. 8

<sup>6</sup> City of Madison, Zoning Code Ordinance, Subchapter 28J https://library.municode.com/wi/madison/codes/code\_of\_ordinances?nodeId=COORMAWIVOIICH20--31 CH28ZOCOOR\_SUBCHAPTER\_28JSURE\_28.151AP

<sup>&</sup>lt;sup>5</sup> City of Madison Legislative Information Center, File 81952, Zoning Text Memo, April 8, 2024 https://madison.legistar.com/View.ashx?M=F&ID=12825951&GUID=BCD71BAB-718F-4983-A3D2-2EF5C4385DDC

<sup>&</sup>lt;sup>7</sup> City of Madison, Legislative Information Center, File 81952, Legislative Text <a href="https://madison.legistar.com/LegislationDetail.aspx?ID=6508034&GUID=48E56A92-1C00-47EB-B965-EE5A8E242DE9&Options=ID%7CText%7C&Search=81952&FullText=1">https://madison.legislative Information Center, File 81952, Legislative Text <a href="https://madison.legislative.com/LegislationDetail.aspx?ID=6508034&GUID=48E56A92-1C00-47EB-B965-EE5A8E242DE9&Options=ID%7CText%7C&Search=81952&FullText=1">https://madison.legislative.

<sup>&</sup>lt;sup>8</sup> Email from Jacob Moskowitz, Assistant Zoning Administrator for the City of Madison to Dave Gelting, City of Milwaukee Legislative & Fiscal Services Specialist, April 2, 2025.

- The City of Madison Assistant Zoning Administrator did not recall any actions undertaken by the City to enforce the owner-occupancy requirement beyond requiring the deed restriction.
- In the context of the April, 2024 update to Madison's ADU regulations, Madison's Zoning Administrator stated that the primary obstacles which existed for building ADUs were the cost and the owner-occupancy requirement.<sup>9</sup>

## Wauwatosa, WI

### When established

2019: First allowed ADUs

2022: Changed the allowable gross floor area. 10

### General requirements 11

- No more than one ADU is allowed per lot.
- The floor area of an ADU may not exceed that of the principal dwelling unit, or 900 square feet, whichever is less.
- The maximum height of an ADU is 20 feet or the height of the principal dwelling, whichever is less.
- There is no owner-occupancy requirement.

#### More information

 The City of Wauwatosa is offering a \$25,000.00 forgivable loan to up to 4 individuals who build ADUs on their properties in 2025.<sup>12</sup>

# Oconomowoc, WI

### When established

November, 2024 13

<sup>9</sup> The Capital Times, April 22, 2024 "Madison loosens zoning on accessory dwelling units, or 'granny flats'" <a href="https://captimes.com/news/government/madison-loosens-zoning-on-accessory-dwelling-units-or-granny-flats/article\_c21a0918-fe81-11ee-91dd-">https://captimes.com/news/government/madison-loosens-zoning-on-accessory-dwelling-units-or-granny-flats/article\_c21a0918-fe81-11ee-91dd-</a>

<sup>8</sup>fe2b8938218.html#:~:text=Accessory%20dwelling%20units%2C%20small%20homes,voted%20unanimously%20to%20loosen%20restrictions.&text=The%20living%20room%20of%20a,or%20built%20above%20a%20garage.

<sup>&</sup>lt;sup>10</sup> City of Wauwatosa Ordinance O-22-24 <a href="https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/wauwatosa/ordinances/documents/1714691803\_O-22-24.pdf">https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/wauwatosa/ordinances/documents/1714691803\_O-22-24.pdf</a>

<sup>&</sup>lt;sup>11</sup> City of Wauwatosa Code of Ordinances, Chapter 24.10.075 Accessory Dwelling Units (ADUs) <a href="https://wauwatosa.municipalcodeonline.com/book?type=ordinances#name=24.10.075">https://wauwatosa.municipalcodeonline.com/book?type=ordinances#name=24.10.075</a> Accessory Dwelling Units (ADUs)

<sup>12</sup> City of Wauwatosa, News List, January 2, 2025 "Building Accessory Dwelling Units (ADUs) in Wauwatosa" https://www.wauwatosa.net/Home/Components/News/News/3236/17

<sup>&</sup>lt;sup>13</sup> Oconomowoc Enterprise, November 21, 2024 "Oconomowoc Common Council approves accessory dwelling unit ordinance" <a href="https://www.gmtoday.com/oconomowoc enterprise/news/oconomowoc-common-council-approves-accessory-dwelling-unit-ordinance/article\_373d62d0-3714-5204-87d8-1849c48a656d.html">https://www.gmtoday.com/oconomowoc enterprise/news/oconomowoc-common-council-approves-accessory-dwelling-unit-ordinance/article\_373d62d0-3714-5204-87d8-1849c48a656d.html</a>

## General requirements 14

- ADUs are allowed as a permitted-by-right use in the TR- Traditional Residential or SR-Suburban Residential Districts, upon approval of an Administrative Review by the Planning Department.
- Only one ADU may be created per parcel.
- No ADUs shall be allowed on a property that contains a duplex.
- The maximum gross floor area of an ADU may be no more than the footprint of the primary structure or 1,000 square feet, whichever is less.
- A deed restriction which prohibits the independent sale of the ADU is required.
- There is no owner-occupancy requirement.

## West Allis, WI

### When established

May, 2022 15

### General requirements <sup>16</sup>

- The maximum floor area of an ADU is 50% of the principal building's floor area, not to exceed 800 square feet.
- A maximum of one ADU is allowed per lot.
- There is no owner-occupancy requirement.

# Appleton, WI

### When established

July, 2021 17

# General requirements <sup>18</sup>

 ADUs are permitted in many residential zoning districts, and may be located on the same lot as a single-family dwelling or a two-family-zero-lot-line dwelling.

https://westalliswi.legistar.com/LegislationDetail.aspx?ID=5371962&GUID=CE61E150-95E7-4A00-B613-5962CCF52415&Options=ID|Text|&Search=2022-0024

https://westallis.municipalcodeonline.com/book?type=ordinances#name=Chapter\_19\_Zoning\_Code

https://cityofappleton.legistar.com/LegislationDetail.aspx?ID=4970068&GUID=96A34E37-FF1B-4AE2-B7A9-1E1BF0F8367E&Options=ID|Text|&Search=21-0768

https://www.appletonwi.gov/Documents/Legal%20&%20Administrative%20Services/Appleton%20Municipal%20Code%20Supp%2099.pdf

<sup>&</sup>lt;sup>14</sup> City of Oconomowoc, Ordinance to Create Section 17.215 Accessory Dwelling Units <a href="https://www.oconomowoc-wi.gov/DocumentCenter/View/10174/ADU\_Ord\_9\_4\_24\_PC\_Recommendation">https://www.oconomowoc-wi.gov/DocumentCenter/View/10174/ADU\_Ord\_9\_4\_24\_PC\_Recommendation</a>

<sup>&</sup>lt;sup>15</sup> City of West Allis, Legislative Information Center, File O-2022-0024,

<sup>&</sup>lt;sup>16</sup> City of West Allis, Municipal Code, Chapter 19 – Zoning Code

<sup>&</sup>lt;sup>17</sup> City of Appleton, Legislative Information Center, File 21-0768

<sup>&</sup>lt;sup>18</sup> City of Appleton, Municipal Code, Section 23-55

- A "Junior Accessory Dwelling Unit (JADU)" is defined as a unit less than 500 square feet in size, within the existing footprint of a primary dwelling. A JADU may or may not have dedicated bathing and sanitation facilities.
- One ADU and one JADU are allowed per lot, provided particular conditions are met.
- The ADU must be under the same ownership as the primary dwelling, and a separate tax parcel may not be assigned to the ADU.
- The total combined gross floor area of an ADU and JADU may not exceed the total gross floor area of the primary dwelling unit.
- There is no owner-occupancy requirement.

#### More information

While this research was unable to determine how many permits for ADUs have been issued in Appleton, in 2023 the Appleton Board of Zoning Appeals denied two requests for a variance from the rear-setback requirements for ADUs.

# **Dunn County, WI**

When established

July, 2024 19

### **General requirements**

- No more than one ADU is allowed per lot or parcel.
- ADUs may not be constructed on the same lot as a two-family or multi-family dwelling.
- An ADU may not have a greater floor area than the primary dwelling, and in no case may it exceed 1,200 square feet.
- The property owner must record a deed restriction that prohibits the separate sale of the ADU unless the property is legally subdivided
- The conversion of an ADU to a condominium is prohibited.
- There is no owner-occupancy requirement.

### More information

The decision to allow ADUs followed a 2023 housing study, which showed a strong desire for more housing. Particularly, the study showed a need for transitional housing and ways to support aging-in-place. <sup>20</sup>

<sup>&</sup>lt;sup>19</sup> Official Proceedings, Dunn County Board of Supervisors, July 31, 2024 https://dunncountywi.gov/vertical/sites/%7B97C2FC1A-69D7-4F5C-BA23-79B5C833BED5%7D/uploads/02.\_OFFICIAL\_PROCEEDINGS-\_July\_31\_2024.pdf

<sup>&</sup>lt;sup>20</sup> WQOW, August 22, 2024 "Accessory dwelling units' now allowed in Dunn County to combat lack of housing" <a href="https://www.wqow.com/news/accessory-dwelling-units-now-allowed-in-dunn-county-to-combat-lack-of-housing/article\_4b0a2138-60a0-11ef-8f7e-332906fb4b6b.html">https://www.wqow.com/news/accessory-dwelling-units-now-allowed-in-dunn-county-to-combat-lack-of-housing/article\_4b0a2138-60a0-11ef-8f7e-332906fb4b6b.html</a>

# Minneapolis, MN

### When established

2014: first allowed

2021: removed the owner-occupancy requirement for detached ADUs 21

## General requirements <sup>22</sup>

- One ADU is permitted on any lot where single- and two-family homes are allowed.
- There is no owner-occupancy requirement for detached ADUs.
  - For an internal ADU, the property owner must reside in either the main house or in the ADU.
- There is not a minimum or maximum parking requirement for ADUs.
- Internal or attached ADUs may not exceed 800 square feet in size.
- Detached ADUs may not exceed 1,300 sq. ft. of habitable and parking areas on all levels, or 16% of the lot area, whichever is greater (not to exceed 1,600 sq. ft.).

#### More information

- There were 232 ADUs built in Minneapolis in the decade between 2014 and 2023.<sup>23</sup>
- Owner-occupancy (currently required only for internal ADUs, previously required for all ADUs) is enforced by requiring that a covenant be registered with the Hennepin County Recorder. The relevant language in the ordinance states: <sup>24</sup>

The owner(s) of the property that includes an accessory dwelling unit that is internal to a principal residential structure, and where the accessory dwelling unit is not a separate dwelling unit under the Minnesota State Building Code, must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.

Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis

https://lims.minneapolismn.gov/Download/MetaData/20559/Council%20Acts%20-%20Ordinance%20No.%202021-009\_Id\_20559.pdf

https://library.municode.com/mn/minneapolis/codes/code of ordinances?nodeId=MICOOR TIT20ZOCO CH550D EST\_ARTIXACDWUNST\_550.1440ADDESTACDWUNARINPRREST

<sup>&</sup>lt;sup>21</sup> City of Minneapolis, Ordinance 2021-009,

<sup>&</sup>lt;sup>22</sup> City of Minneapolis, Community Planning and Economic Development, Planning Division, Administrative Review for an Accessory Dwelling Unit <a href="https://www2.minneapolismn.gov/media/content-assets/www2-documents/business/Accessory-Dwelling-Unit-Application.pdf">https://www2.minneapolismn.gov/media/content-assets/www2-documents/business/Accessory-Dwelling-Unit-Application.pdf</a>

<sup>&</sup>lt;sup>23</sup> Twin Cities Business Magazine, March 17, 2023 "What Happened to the Push for Accessory Dwelling Units?" <a href="https://tcbmag.com/what-happened-to-the-push-for-accessory-dwelling-units/#:~:text=ADUs%20were%20first%20allowed%20in,the%20Green%20Line%20transit%20route">https://tcbmag.com/what-happened-to-the-push-for-accessory-dwelling-units/#:~:text=ADUs%20were%20first%20allowed%20in,the%20Green%20Line%20transit%20route</a>.

<sup>&</sup>lt;sup>24</sup> Minneapolis Code of Ordinances, Section 550.1440-5

stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.

The covenant shall run with the land and be binding upon the property owner(s), their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.

At the request of a property owner(s) and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.

## St. Paul, MN

#### When established

2016: First allowed in a limited area

2018: Allowed citywide

2022: Types of allowable ADUs expanded

## **General requirements** <sup>25</sup>

- 2 ADUs are allowed for each one-family dwelling on a lot.
- There is no owner-occupancy requirement.
- ADUs may not be sold separately from the associated principal dwelling unit, nor be a separate tax parcel.
- The maximum size of an ADU is 800 square feet, or 75% of the area of the principal dwelling, whichever is greater.
- The maximum height of an ADU is 25 feet, regardless of the height of the principal building.

### More information

• 25 ADUs have been built in St. Paul.<sup>26</sup>

https://library.municode.com/mn/st\_paul/codes/code\_of\_ordinances?nodeld=PTIILECO\_TITVIIIZOCO\_CH65ZOCO\_ANUSDEDEST\_ARTVII65.900.ACUS\_S65.913DWUNAC

<sup>&</sup>lt;sup>25</sup> City of St. Paul, Code of Ordinances, Section 65.913

<sup>&</sup>lt;sup>26</sup> DuplexChick, Minneapolis – St. Paul, "Minneapolis Leads the Way in State's ADU Construction" August 5, 2024 <a href="https://duplexchick.com/2024/08/05/minneapolis-leads-the-way-in-states-adu-construction/">https://duplexchick.com/2024/08/05/minneapolis-leads-the-way-in-states-adu-construction/</a>

 The changes to ordinance in 2022 included allowing 2 ADUs for each one-family dwelling on a lot, updating the maximum unit size, and changing the maximum height requirements.<sup>27</sup>

# Cincinnati, OH

### When established

October, 2023 28

### **General requirements**

- The property owner or a designated responsible person is required to reside in either the primary residence or ADU.
  - A "designated responsible person" has the authority for decision making, management, and financial responsibility for the property. Designation of the responsible person occurs through the registration process.
- ADUs may be operated as rental units; both residential and short-term rentals are permitted, provided that the property owner properly registers the ADU and follows all other requirements.
- ADUs may only be added to properties that contain single-family dwellings; lots that contain multi-family buildings cannot add ADUs.
- Only one ADU is permitted per lot.
- ADUs are exempt from off-street parking requirements.

#### More information

- Cincinnati was the first city in Ohio to allow ADUs.
- In the first year ADUs were allowed, four permit requests were submitted to the City.<sup>29</sup>

# Boston, MA

While the State of Massachusetts passed a bill which required that municipalities allow ADUs by right on single-family lots and prohibited municipalities from requiring owner-occupancy, the amended legislative text did not apply to the City of Boston.<sup>30</sup>

<sup>&</sup>lt;sup>27</sup> City of St. Paul, MN, Department of Safety and Inspections, Accessory Dwelling Units https://www.stpaul.gov/departments/safety-inspections/building-and-construction/construction-permits-and-inspections/building-permits-inspections/accessory-dwelling-units

<sup>&</sup>lt;sup>28</sup> City of Cincinnati, City Planning and Engagement, Accessory Dwelling Units <a href="https://www.cincinnati-oh.gov/planning/adus/">https://www.cincinnati-oh.gov/planning/adus/</a>

<sup>&</sup>lt;sup>29</sup> WOUB Public Media, January 8, 2025, "Ohio cities want more housing options. Could the solution be in their backyards?" <a href="https://woub.org/2025/01/08/ohio-cities-want-more-housing-options/#:~:text=Cincinnati%20only%20received%20four%20permit%20requests%20in,according%20to%20reporting%20by%20the%20Cincinnati%20Enquirer.

<sup>&</sup>lt;sup>30</sup> City of Boston, Department of Housing, Frequently Asked Questions "Didn't Massachusetts just legalize ADUs across the state? How does this legislation impact Boston?" https://content.boston.gov/departments/housing/frequently-asked-adu-questions

#### When established

2017: A pilot program for internal ADUs in the City of Boston began.

2023: Internal ADUs were allowed citywide.<sup>31</sup>

2024: External ADUs in the Mattapan neighborhood were permitted.<sup>32</sup>

### General requirements 33

- All ADUs require that the property owner is a resident of one of the units.
- Internal ADUs may be built on all owner-occupied lots that contain 1-, 2-, or 3-family homes.
- External ADUs are only allowed in one specific neighborhood (Mattapan), and only with special zoning approval.
  - In this neighborhood, the ADU can be no more than 75% of the square footage of the principal unit or 1250 square feet, whichever is smaller.

#### More information 34

- In 2023, over 1,000 people attended ADU design workshops but less than 200 ADUs had been built.
- While the promise of permitting ADUs includes wealth generation for low-to-moderate income (LMI) households, data showed projects primarily benefited high-income households.
- The City is currently questioning what more could be done to accelerate ADU production in a way that benefits a diverse range of citizens.

# Pittsburgh, PA

The City of Pittsburgh conducted a pilot program for ADUs in 2018, focused on one neighborhood. This pilot program required, among other restrictions, that the property owner reside on-site, a maximum size of 800 square feet, and that the ADUs could not be leased for less than 30 days.<sup>35</sup>

<sup>&</sup>lt;sup>31</sup> City of Boston, Office of the Mayor "Accelerating production of ADUs through Research Backed Program Design" <a href="https://www.boston.gov/node/28846#:~:text=ADU%203.0%20(2023%2Dpresent),new%20ADU%20financial%20assistance%20program">https://www.boston.gov/node/28846#:~:text=ADU%203.0%20(2023%2Dpresent),new%20ADU%20financial%20assistance%20program</a>.

<sup>&</sup>lt;sup>32</sup> Boston Planning and Development Agency, Plan: Mattapan Zoning Amendment Fact Sheet <a href="https://www.bostonplans.org/getattachment/ab34351e-5285-4282-8ae8-6df9699fed20">https://www.bostonplans.org/getattachment/ab34351e-5285-4282-8ae8-6df9699fed20</a>

<sup>&</sup>lt;sup>33</sup> City of Boston, Department of Housing, "Accessory Dwelling Units in Boston" https://www.boston.gov/departments/housing/accessory-dwelling-units-adus-boston

<sup>&</sup>lt;sup>34</sup> City of Boston, Office of the Mayor "Accelerating production of ADUs through Research Backed Program Design" <a href="https://www.boston.gov/node/28846#:~:text=ADU%203.0%20(2023%2Dpresent),new%20ADU%20financial%20assistance%20program.">https://www.boston.gov/node/28846#:~:text=ADU%203.0%20(2023%2Dpresent),new%20ADU%20financial%20assistance%20program.</a>

<sup>&</sup>lt;sup>35</sup> City of Pittsburgh, Planning Commission Presentation, April 3, 2018 "ADU Overlay District" https://apps.pittsburghpa.gov/redtail/images/2204\_ADU\_PC\_\_Hearing\_and\_Action\_Presentation.pdf

#### When established

A permanent policy is not yet established; a draft policy is under consideration.<sup>36</sup>

## General requirements (draft policy under consideration)

- ADUs are allowed on any lot where the primary use is residential, community center, or religious assembly.
- There is no requirement that the property owner reside on-site.
- The maximum height of an ADU is 15 feet in a residential zoning district or 20 feet in a nonresidential zoning district, except that a single story above a garage may be permitted to a total height no greater than 30 feet.
- The maximum area of an ADU is 1,000 square feet.
- A maximum of two ADUs are allowed per zoning lot when accessory to a residential use.
  There is no limit to the maximum number when accessory to a community center or religious assembly use.

#### More information

- During the 24-month pilot program initiated in 2018, only two permits were issued and no construction of ADUs occurred.<sup>37</sup>
- From the pilot program, advocates learned that fewer zoning code restrictions were needed, and additional support for homeowners would facilitate additional ADUs.<sup>38</sup>
- Differences between the pilot program and the proposed policy include:
  - The new policy does not require that the owner reside on-site.
  - The new policy does not prohibit short-term rentals.
  - The maximum size increased from 800 to 1000 square feet.

# Philadelphia, PA

### When established

2019: ADUs were first allowed, but only within historic structures or districts.

2021: ADUs were also allowed on very large residential single family lots or in CMX-1 Commercial Mixed-Use zoning districts.<sup>39</sup>

<sup>&</sup>lt;sup>36</sup> City of Pittsburgh, draft amendment to the Zoning Code https://engage.pittsburghpa.gov/download\_file/10462/1705

Public Source, October 20, 2022 "City looks to 'in-law suites' to shrink affordable housing deficit" <a href="https://www.publicsource.org/pittsburgh-affordable-housing-accessory-dwelling-units-in-law-granny-flats/">https://www.publicsource.org/pittsburgh-affordable-housing-accessory-dwelling-units-in-law-granny-flats/</a>
 City of Pittsburgh, Implementing the Housing Needs Assessment, Accessory Dwelling Units <a href="https://engage.pittsburghpa.gov/implementing-housing-needs-assessment/accessory-dwelling-units-adus">https://engage.pittsburghpa.gov/implementing-housing-needs-assessment/accessory-dwelling-units-adus</a>
 Console Matison LLP, Attorneys at Law, May 18, 2022, "Accessory Dwelling Units ("ADUs") in Philadelphia <a href="https://consolematison.com/2022/05/18/accessory-dwelling-units-adus-in-philadelphia/">https://consolematison.com/2022/05/18/accessory-dwelling-units-adus-in-philadelphia/</a>

## General requirements <sup>40</sup>

- The property owner must live in the principal dwelling unit or the ADU, and a deed restriction must be recorded stating as such.
- ADUs are only permitted:
  - Within historic structures or historic districts.
  - o On large lots, with area at least 1,600 square feet, in 2 specific zoning districts.
  - Within particular council districts.<sup>41</sup>
- ADUs are allowed only on lots occupied by a single-family use.
- Only one ADU is allowed per lot.
- The ADU floor area may not exceed 800 square feet.

Please let me know if you would like any additional information on this topic.

LRB180635-1

<sup>&</sup>lt;sup>40</sup> Philadelphia, PA Code of Ordinances, Title 14. Zoning and Planning, Chapter 14-600. Use Regulations, Section 14-604-11 Accessory Uses and Structures – Accessory Dwelling Units

https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia pa/0-0-0-292755

<sup>&</sup>lt;sup>41</sup> Philadelphia City Planning Commission, Zoning Code Quick Guide, September 2022, pages 10 and 24, https://www.phila.gov/media/20220909084529/ZONING-QUICK-GUIDE\_PCPC\_9\_9\_222.pdf