



Department of City Development
City Plan Commission
Redevelopment Authority of the City of Milwaukee
Neighborhood Improvement Development Corporation

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CITY PLAN COMMISSION ZONING REPORT

File No: [240999](#)

Proposal: This file relates to zoning regulations for accessory dwelling units (ADUs). This ordinance defines an ADU as “a room or set of rooms with its own cooking, sleeping and sanitary facilities which is located on the same lot as a single-family or 2-family dwelling and which is smaller in area than the main dwelling to which it is accessory.” The ordinance classifies an ADU as a limited use in residential and commercial zoning districts, subject to certain design and limited use standards. The ordinance would permit internal, attached, and detached accessory dwelling units that meet these limited use and design standards.

Analysis: This ordinance creates definitions and use and design standards for accessory dwelling units (ADUs), which are not currently defined within Milwaukee’s Zoning Code.

The ordinance creates definitions for “internal” ADUs located within the walls of an existing dwelling, “attached” ADUs added as an addition to an existing dwelling, and “detached” ADUs, which are free standing structures located on the same parcel as a separate principal building.

ADUs would be classified as limited uses within all residential zoning districts. If the limited use standards are met, the ADU would be permitted. If the limited use standards are not met, the ADU would be prohibited.

The proposed limited use standards for ADUs are that:

- f-1. Only one accessory dwelling unit shall be located on the parcel.
- f-2. The parcel shall contain a single-family or 2-family dwelling.
- f-3. At the time a building permit application is submitted for an accessory dwelling unit accessory to an existing principal dwelling unit, at least one owner of the existing principal dwelling unit shall occupy the existing principal dwelling unit as the owner’s primary residence, except the owner is not required to occupy a dwelling unit on the property at the time a permit application is submitted when a structure containing an accessory dwelling unit is being constructed simultaneously with a new principal dwelling unit structure.

The ordinance also defines specific criteria for confirming an individual's primary residence for the purposes of administering this section.

There are no minimum parking requirements proposed for ADUs, and they do not count towards calculation of minimum lot area per dwelling unit requirements. The ordinance would also prohibit fire escape stairs above the second floor on the street facing façade of a 1-4 unit residential building.

The proposed ordinance would establish specific design standards for ADUs:

Table 295-505-2.5 ACCESSORY DWELLING UNIT DESIGN STANDARDS			
	Internal Accessory Dwelling Unit	Attached Accessory Dwelling Unit	Detached Accessory Dwelling Unit
Floor area, minimum	300 sq. ft.	300 sq. ft.	300 sq. ft.
Floor area, maximum	1,000 sq. ft., but not larger than the largest dwelling unit; may exceed 1,000 sq. ft. if structure existed as of the effective date of this ordinance [city clerk to insert date]; shall be located entirely on one level and shall not exceed the area of the first floor.	1,000 sq. ft., but not larger than the largest dwelling unit.	1,300 sq. ft. of habitable and parking areas on all levels, or 16% of the lot area, whichever is greater, but not to exceed 1,600 sq. ft. or the floor area of the largest dwelling unit.
Height, minimum	none	none	none
Height, maximum	Same as principal building.	Same as principal building.	Same as principal building.
Front setback, minimum	Same as principal building.	Same as principal building.	Not less than the front setback of the principal building on the parcel.
Side setback, minimum	Same as principal building.	Same as principal building.	3 ft.
Rear setback, minimum	Same as principal building.	Same as principal building.	4 ft. from the alley lot line if the accessory dwelling unit building includes a garage with an overhead door facing the alley; 3 ft. if the accessory dwelling unit does not include a garage or includes a garage but the overhead door does not face the rear lot line.
Distance from main dwelling, minimum	Not applicable.	Not applicable.	The front-to-back minimum distance between the 2 buildings shall be 10 ft. The side-to-side minimum distance between the 2 residential buildings shall be 5 ft.
Pedestrian connections to street frontage	An accessory dwelling unit entry within a rear or side yard shall be connected to a street frontage by a paved walkway or access drive.	An accessory dwelling unit entry within a rear or side yard shall be connected to a street frontage by a paved walkway or access drive.	An accessory dwelling unit entry within a rear or side yard shall be connected to a street frontage by a paved walkway or access drive.
Balconies and decks	Same as principal building.	Same as principal building.	Same as principal building.

Public Engagement: DCD Planning has carried out significant public engagement over the past 18 months during the development of the pending update to the Housing element of the City's Comprehensive Plan. There has been support for permitting Accessory Dwelling Units, particularly given their potential to support intergenerational living, aging in place, and allowing existing homeowners the ability to add an ADU to generate additional rental income.

There have also been concerns expressed about the potential that absentee landlords will add ADUs that may result in substandard living conditions or encourage speculative investors acquiring property to add ADUs that may otherwise facilitate homeownership opportunities. There have also been concerns that allowing internal attic ADUs may result in unattractive fire stairs being placed on the front façade of homes.

The proposed ordinance includes provisions that are responsive to these concerns, including the requirement that at least one owner of the existing dwelling unit must be an owner occupant in order to add an ADU to an existing residence, and by prohibiting external fire stairs on front facades.

Consistency with the Comprehensive Plan:

Implementing strategies to facilitate additional housing diversity and neighborhood scale housing are consistent with the recommendations of the Comprehensive Plan, including the Citywide Policy Plan and the Climate & Equity Plan. The Citywide Policy Plan recommends to *"Improve the quality, diversity, and affordability of housing stock within the City... an increasing diversity of households and family structures requires greater housing choices that reflect these changing demographics, socioeconomics, and different lifestyle preferences."*

The Plan also recommends adopting *"standards that allow residents to age in place and remain in homes through different life stages."*

Zoning Code Technical Committee:

The Zoning Code Technical Committee (ZCTC) reviewed the initial draft of this proposed ordinance on February 5th, 2025. DCD and City Attorney's Office representatives to ZCTC raised a number of technical concerns with the initial draft of the ordinance. ZCTC found that the that draft version of the ordinance did not meet the ZCTC review criteria with respect to legality and enforceability, administrative efficiency, and consistency with the format of the Zoning Code.

After review by ZCTC, an updated version of the ordinance has been drafted and submitted for CPC review ("Proposed Substitute A"). The "Proposed Substitute A" includes adjustments that address the concerns raised at ZCTC.

Staff

Recommendation:

This proposed ordinance to permit ADUs subject to certain limited use and design standards would support overall City efforts to increase housing choice. ADUs already exist in many Milwaukee neighborhoods, and permitting them as proposed in this ordinance would provide additional options for a variety of household types and styles, including supporting intergenerational living.

The proposal to permit ADUs is consistent with national best practices recommendations published by groups including the American Planning Association, AARP, and the National League of Cities for how municipalities can update zoning codes to support housing choice, affordability, and “incremental” density.

The provisions of the proposal related to the primary residence requirement for addition of an ADU and prohibiting exterior fire stairs on front facades respond to some of the most frequent concerns that have been expressed about permitting ADUs. The “Proposed Substitute A” version of the proposed ordinance incorporates adjustments that address the concerns raised by ZCTC. Therefore, staff recommends approval of this item.