



2025 ASSEMBLY BILL 449

September 25, 2025 - Introduced by Representatives GOEBEN, BROOKS, KREIBICH, O'CONNOR, KRUG, RIVERA-WAGNER, PIWOWARCZYK, MURPHY, BRILL, KNODL, SUMMERFIELD, BEHNKE and WICHGERS, cosponsored by Senators BRADLEY, FEYEN, ROYS, WALL and CABRAL-GUEVARA. Referred to Committee on Housing and Real Estate.

- 1 **AN ACT** *to create* 59.69 (16), 60.61 (3o) and 62.23 (7) (j) of the statutes; **relating**
2 **to:** local regulation of accessory dwelling units.

Analysis by the Legislative Reference Bureau

This bill requires political subdivisions with zoning ordinances to allow as a permitted use at least one accessory dwelling unit (ADU) on each parcel that is zoned for residential use or mixed use on which an existing single-family dwelling is located. A permitted use under the bill is a use of property that complies with all requirements of the zoning district in which the property is located and for which no conditional use, variance, or special review or approval is required for an accessory dwelling unit. The bill specifically allows political subdivisions to 1) limit the size of an ADU to not larger than the square footage of the existing single-family dwelling, 2) limit the height of an ADU, other than an ADU that is a conversion of an existing legal nonconforming structure, to not greater than the maximum height permitted in the underlying zoning district, 3) require that an ADU satisfy current setback and lot coverage requirements, and 4) prohibit the use of an ADU created on a parcel after the effective date of the bill as a short-term rental.

Because this bill may increase or decrease, directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

ASSEMBLY BILL 449**SECTION 1**

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.69 (16) of the statutes is created to read:

59.69 (16) ACCESSORY DWELLING UNITS. (a) In this subsection, “accessory dwelling unit” means a residential dwelling unit that is located on the same parcel as an existing single-family dwelling and that provides complete independent living facilities for one or more persons and has an entrance separate from the existing single-family dwelling. An accessory dwelling unit may be within, attached to, or detached from a single-family dwelling and may be created by converting an existing structure.

(b) Notwithstanding sub. (4) and subject to par. (c), an ordinance under this section shall allow as a permitted use at least one accessory dwelling unit on each parcel that is zoned for residential use or mixed use on which an existing single-family dwelling is located. Under this paragraph, a permitted use is a use of property that complies with all requirements of the zoning district in which the property is located and for which no conditional use, variance, or special review or approval is required for the accessory dwelling unit.

(c) An ordinance under this section may do any of the following;

1. Limit the size of an accessory dwelling unit to not larger than the square footage of the existing single-family dwelling on the same parcel.

2. Limit the height of an accessory dwelling unit, other than an accessory

ASSEMBLY BILL 449**SECTION 1**

1 dwelling unit that is a conversion of an existing legal nonconforming structure, to
2 not greater than the maximum height permitted in the underlying zoning district.

3 3. Require that an accessory dwelling unit satisfy current setback and lot
4 coverage requirements.

5 4. Notwithstanding s. 66.1014, prohibit the use of an accessory dwelling unit
6 created on a parcel after the effective date of this subdivision [LRB inserts date],
7 as a short-term rental, as defined in s. 66.0615 (1) (dk).

8 **SECTION 2.** 60.61 (3o) of the statutes is created to read:

9 60.61 **(3o)** ACCESSORY DWELLING UNITS. (a) In this subsection, “accessory
10 dwelling unit” means a residential dwelling unit that is located on the same parcel
11 as an existing single-family dwelling and that provides complete independent living
12 facilities for one or more persons and has an entrance separate from the existing
13 single-family dwelling. An accessory dwelling unit may be within, attached to, or
14 detached from a single-family dwelling and may be created by converting an
15 existing structure.

16 (b) Notwithstanding sub. (2) and subject to par. (c), an ordinance under this
17 section shall allow as a permitted use at least one accessory dwelling unit on each
18 parcel that is zoned for residential use or mixed use on which an existing single-
19 family dwelling is located. Under this paragraph, a permitted use is a use of
20 property that complies with all requirements of the zoning district in which the
21 property is located and for which no conditional use, variance, or special review or
22 approval is required for the accessory dwelling unit.

23 (c) An ordinance under this section may do any of the following;

ASSEMBLY BILL 449**SECTION 2**

1 1. Limit the size of an accessory dwelling unit to not larger than the square
2 footage of the existing single-family dwelling on the same parcel.

3 2. Limit the height of an accessory dwelling unit, other than an accessory
4 dwelling unit that is a conversion of an existing legal nonconforming structure, to
5 not greater than the maximum height permitted in the underlying zoning district.

6 3. Require that an accessory dwelling unit satisfy current setback and lot
7 coverage requirements.

8 4. Notwithstanding s. 66.1014, prohibit the use of an accessory dwelling unit
9 created on a parcel after the effective date of this subdivision [LRB inserts date],
10 as a short-term rental, as defined in s. 66.0615 (1) (dk).

11 **SECTION 3.** 62.23 (7) (j) of the statutes is created to read:

12 62.23 (7) (j) *Accessory dwelling units.* 1. In this paragraph, “accessory
13 dwelling unit” means a residential dwelling unit that is located on the same parcel
14 as an existing single-family dwelling and that provides complete independent living
15 facilities for one or more persons and has an entrance separate from the existing
16 single-family dwelling. An accessory dwelling unit may be within, attached to, or
17 detached from a single-family dwelling and may be created by converting an
18 existing structure.

19 2. Notwithstanding par. (b) and subject to subd. 3., an ordinance under this
20 section shall allow as a permitted use at least one accessory dwelling unit on each
21 parcel that is zoned for residential use or mixed use on which an existing single-
22 family dwelling is located. Under this paragraph, a permitted use is a use of
23 property that complies with all requirements of the zoning district in which the

ASSEMBLY BILL 449**SECTION 3**

1 property is located and for which no conditional use, variance, or special review or
2 approval is required for the accessory dwelling unit.

3 3. An ordinance under this section may do any of the following;

4 a. Limit the size of an accessory dwelling unit to not larger than the square
5 footage of the existing single-family dwelling on the same parcel.

6 b. Limit the height of an accessory dwelling unit, other than an accessory
7 dwelling unit that is a conversion of an existing legal nonconforming structure, to
8 not greater than the maximum height permitted in the underlying zoning district.

9 c. Require that an accessory dwelling unit satisfy current setback and lot
10 coverage requirements.

11 d. Notwithstanding s. 66.1014, prohibit the use of an accessory dwelling unit
12 created on a parcel after the effective date of this subd. 3. d. [LRB inserts date],
13 as a short-term rental, as defined in s. 66.0615 (1) (dk).

14 **SECTION 4. Effective date.**

15 (1) This act takes effect on the first day of the 7th month beginning after
16 publication.

17 **(END)**