

..Number

240999

..Version

SUBSTITUTE 4

..Reference

..Sponsor

ALD. PEREZ AND BAUMAN

..Title

A substitute ordinance relating to zoning regulations for accessory dwelling units.

..Sections

| | |
|---------------------|----|
| 295-201-5 | cr |
| 295-201-607 | am |
| 295-203-1-a | am |
| 295-203-1-L | cr |
| 295-403-2-a (table) | am |
| 295-404-1 (table) | am |
| 295-503-1 (table) | am |
| 295-503-2-f | rn |
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| 295-503-2-g | rn |
| 295-503-2-h | rn |
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| 295-503-2-k | rn |
| 295-503-2-L | rn |
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| 295-503-2-r | rn |
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| 295-503-2-aa | rn |
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| 295-505-2-j-5 | rc |
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| 295-603-1 (table) | am |
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| | |
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| 295-603-2-g | rn |
| 295-603-2-h | rn |
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| 295-603-2-k | rn |
| 295-603-2-L | rn |
| 295-603-2-m | rn |
| 295-603-2-n | rn |
| 295-603-2-o | rn |
| 295-603-2-p | rn |
| 295-603-2-q | rn |
| 295-603-2-r | rn |
| 295-603-2-s | rn |
| 295-603-2-t | rn |
| 295-603-2-u | rn |
| 295-603-2-v | rn |
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| 295-803-2-f | rn |
| 295-803-2-g | rn |
| 295-803-2-h | rn |
| 295-803-2-i | rn |
| 295-803-2-j | rn |
| 295-803-2-k | rn |
| 295-803-2-L | rn |
| 295-803-2-m | rn |
| 295-803-2-n | rn |
| 295-803-2-o | rn |
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| | |
|---------------------|----|
| 295-803-2-q | rn |
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| 295-803-2-s | rn |
| 295-803-2-t | rn |
| 295-803-2-u | rn |
| 295-803-2-v | rn |
| 295-803-2-w | rn |
| 295-803-2-x | rn |
| 295-803-2-y | rn |
| 295-803-2-z | rn |
| 295-803-2-aa | rn |
| 295-803-2-bb | rn |
| 295-803-2-cc | rn |
| 295-803-2-dd | rn |
| 295-803-2-ee | rn |
| 295-803-2-ff | rn |
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| 295-803-2-qq | rn |
| 295-803-2-rr | rn |
| 295-903-2-a (table) | am |
| 295-905-2-a (table) | am |

..Analysis

This ordinance defines an “accessory dwelling unit” 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 also classifies an accessory dwelling unit as a limited use in residential and commercial zoning districts, as well as the industrial-mixed zoning district, with the following limited use standards:

- a. Only one accessory dwelling unit shall be located on the parcel.
- b. For an internal or attached accessory dwelling unit, the parcel shall contain a single-family dwelling. For a detached accessory dwelling unit, the parcel shall contain a single-family or 2-family dwelling.
- c. 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 principal residence.

If any of these limited use standards would not be met, the accessory dwelling unit is classified as a prohibited use.

In addition, an accessory dwelling unit shall meet the design standards set forth in the code. These design standards relate to floor area, building height, setbacks, pedestrian connections to the street, balconies and decks, and vary depending on whether the accessory dwelling unit is internal to the main dwelling unit, attached to it, or detached from it.

...Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-201-5 of the code is created to read:

295-201. Definitions.

5. ACCESSORY DWELLING UNIT means a room or set of rooms with its own cooking, sleeping and sanitary facilities which is located on the same parcel as a single-family or 2-family dwelling and which is smaller in floor area than the largest dwelling unit to which it is accessory. On any property located in a district permitting a 2-family dwelling or multiple principal buildings on one parcel, a principal structure containing 2 dwelling units and meeting required lot area per dwelling unit standards shall be considered a 2-family dwelling and not an accessory dwelling unit for purposes of use classification. The 3 types of accessory dwelling units are:

- a. Internal Accessory Dwelling Unit. This type is located within the walls of an existing or newly-constructed dwelling.
- b. Attached Accessory Dwelling Unit. This type is located in a separate addition to an existing dwelling.
- c. Detached Accessory Dwelling Unit. This type is a freestanding structure located on the same parcel containing a separate principal building.

Part 2. Section 295-201-607 of the code is amended to read:

607. SINGLE-FAMILY DWELLING means a building containing one dwelling unit. >>A single-family dwelling may also contain an accessory dwelling unit that meets the use and design standards for accessory dwelling units found within this chapter or an accessory dwelling unit that has been approved by the board.<<

Part 3. Section 295-203-1-a of the code is amended to read:

295-203. Use Definitions.

1. RESIDENTIAL USES.

a. "Single-family dwelling" means a building containing one dwelling unit. >>A single-family dwelling may also contain an accessory dwelling unit that meets the use and design standards for accessory dwelling units found within this chapter or an accessory dwelling unit that has been approved by the board.<<

Part 4. Section 295-203-1-L of the code is created to read:

L. "Accessory dwelling unit" means a room or set of rooms with its own cooking, sleeping and sanitary facilities which is located on the same parcel as a single-family or 2-family dwelling and which is smaller in floor area than the largest dwelling unit to which it is accessory. On any property located in a district permitting a 2-family dwelling or multiple principal buildings on one parcel, a principal structure containing 2 dwelling units and meeting required lot area per dwelling unit standards shall be considered a 2-family dwelling and not an accessory dwelling unit for purposes of use classification. The 3 types of accessory dwelling units are:

L-1. Internal Accessory Dwelling Unit. This type is located within the walls of an existing or newly-constructed dwelling.

L-2. Attached Accessory Dwelling Unit. This type is located in a separate addition to an existing dwelling.

L-3. Detached Accessory Dwelling Unit. This type is a freestanding structure located on the same parcel containing a separate principal building.

Part 5. Table 295-403-2-a of the code is amended to read:

| Table 295-403-2-a NUMBER OF PARKING SPACES, BY USE | |
|---|--|
| Uses | No. of Parking Spaces Required |
| RESIDENTIAL USES | |
| . | . |
| . | . |
| . | . |
| Mobile home | N.A. |
| Watchman/service quarters | None |
| Family day care home | see requirement for dwelling unit type |
| >>Accessory dwelling unit | none<< |
| GROUP RESIDENTIAL USES | |
| Rooming house | one for every 2 rooms |
| Convent, rectory or monastery | one per facility |
| . | . |
| . | . |
| . | . |

Part 6. Table 295-404-1 of the code is amended to read:

| Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE | | |
|--|---|--|
| Use | Long-Term Bicycle Parking Spaces Required | Short-Term Bicycle Parking Spaces Required |
| RESIDENTIAL USES | | |
| . | . | . |
| . | . | . |
| . | . | . |
| Mobile home | None | none |
| Watchman/service quarters | None | none |

| | | |
|-------------------------------|----------------------|---|
| Family day care home | None | none |
| >>Accessory dwelling unit | None | none<< |
| GROUP RESIDENTIAL USES | | |
| Rooming house | one for every 4 beds | one for every 30 beds; min. of 2 spaces |
| Convent, rectory or monastery | None | none |
| . | . | . |
| . | . | . |
| . | . | . |

Part 7. Table 295-503-1 of the code is amended to read:

| Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE | | | | | | | | | |
|--|---------------------------------------|-------------------------|---------|-----|-----|---------|---------|-----|-----|
| Y = Permitted Use S = Special Use | L = Limited Use N = Prohibited Use | Zoning Districts | | | | | | | |
| Uses | RS1-RS5 | RS6 | RT1-RT2 | RT3 | RT4 | RM1-RM2 | RM3-RM7 | R01 | R02 |
| RESIDENTIAL USES | | | | | | | | | |
| . | . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . | . |
| Mobile home | N | N | N | N | N | N | N | N | N |
| Watchman/service quarters | N | N | N | N | N | N | N | N | N |
| Family day care home | L | L | L | L | L | L | L | L | L |
| >>Accessory dwelling unit | ⏟ | ⏟ | ⏟ | ⏟ | ⏟ | ⏟ | ⏟ | ⏟ | ⏟<< |
| GROUP RESIDENTIAL USES | | | | | | | | | |
| Rooming house | N | N | N | N | S | S | S | S | S |
| Convent, rectory or monastery | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| . | . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . | . |

Part 8. Section 295-503-2-f to aa of the code is renumbered 295-503-2-g to bb.

Part 9. Section 295-503-2-f of the code is created to read:

295-503. Uses.

2. LIMITED USE STANDARDS.

f. Accessory Dwelling Unit. f-1. Only one accessory dwelling unit shall be located on the parcel.

f-2. For an internal or attached accessory dwelling unit, the parcel shall contain a single-family dwelling. For a detached accessory dwelling unit, 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. A person may have only one primary residence. For purposes of this subdivision, "primary residence" means a residence which is the usual place of return for housing as documented by at least 2 of the following or other documentation approved by the commissioner of neighborhood services:

f-3-a. Motor vehicle registration.

f-3-b. Driver's license.

f-3-c. Wisconsin state identification card.

f-3-d. Voter registration.

f-3-e. Federal or state income tax return.

f-3-f. Utility bill.

f-3-g. Verification of eligibility for lottery or gaming credit for tax purposes.

f-4. If any of the standards in subds. 1 through 3 are not met, the accessory dwelling unit is a prohibited use.

Part 10. Table 295-505-2 of the code is amended to read:

| Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS | | | | | | | | | | | |
|---|--|----------------|--------|-------|-------|-------|-------|----------------------|-------|-------|-------|
| | Single-family Districts | | | | | | | Two-family Districts | | | |
| | RS1 | RS2 | RS3 | RS4 | RS5 | RS6 | RT1 | RT2 | RT3 | RT4 | |
| Lot | Lot area, minimum (sq. ft.) <i>detached housing</i> | 20,000 | 12,000 | 9,000 | 7,200 | 6,000 | 3,600 | 7,200 | 4,800 | 3,000 | 2,400 |
| | Lot area, minimum (sq. ft.) <i>attached housing</i> | not applicable | | | | | | 3,600 | 3,000 | 1,800 | 1,800 |
| | Lot area, maximum (sq. ft.) | none | none | none | none | none | none | none | none | none | none |
| | Lot width, minimum (ft.) <i>detached housing</i> | 100 | 100 | 75 | 60 | 50 | 30 | 60 | 40 | 30 | 24 |
| | Lot width, minimum (ft.) <i>attached housing</i> | not applicable | | | | | | 30 | 25 | 18 | 18 |
| | Lot width, maximum (ft.) | none | none | none | none | none | none | none | none | none | none |
| Density | Lot area per dwelling unit, minimum (sq. ft.) >>***<< | none | none | none | none | none | 3,600 | 3,600 | 2,400 | 1,800 | 1,200 |
| | Lot area per roomer or transitional housing client, minimum (sq. ft.) | NA | NA | NA | NA | NA | NA | NA | NA | NA | 600 |
| | Lot coverage, minimum <i>interior lot</i> | none | none | none | none | none | * | none | none | * | * |
| | Lot coverage, maximum <i>interior lot</i> | 15% | 30% | 30% | 30% | 30% | 60% | 30% | 30% | 50% | 70% |
| | Lot coverage, minimum <i>corner lot</i> | none | none | none | none | none | * | none | none | * | * |
| | Lot coverage, maximum <i>corner lot</i> | 15% | 30% | 30% | 30% | 40% | 70% | 40% | 40% | 60% | 85% |
| | Floor area, minimum (sq. ft.) <i>one-story structure</i> | 1,500 | 1,500 | 1,300 | 1,200 | 900 | none | none | none | none | none |
| Floor area, minimum (sq. ft.) <i>split-level or taller</i> | 1,900 | 1,900 | 1,700 | 1,450 | 1,200 | none | none | none | none | none | |
| Height | Height, minimum (ft.) | none | none | none | none | none | ** | none | none | * | * |
| | Height, maximum (ft.) | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 48 |

*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.
 **A structure shall meet the minimum height requirements of table 295-505-2-i unless it is adjacent to a lot containing a one-story house,
 in which case there shall be no minimum height requirement.
 >>*** Accessory dwelling units shall not be included in lot area per dwelling unit calculations.<<

| Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS | | | | | | | | | | | |
|--|--|--|---|--|---------|---|---------|--|---------|---|---------|
| Single -family Districts | | | | | | | | Two-family Districts | | | |
| | | RS1 | RS2 | RS3 | RS4 | RS5 | RS6 | RT1 | RT2 | RT3 | RT4 |
| Primary Frontage | Front setback, minimum (ft.) (see s. 295-505-2-b) | average or 25 ft., whichever is less | average or 25 ft., whichever is less | average | average | average | average | average | average | average | average |
| | Front setback, maximum (ft.) (see s. 295-505-2-b) | none | none | none | none | average | average | none | none | average but never more than 20 ft. | |
| | Side street setback, minimum (ft.) | 20% of lot width but never more than 20 ft. | | 10% of lot width but never more than 15 ft. | | 10% of lot width but never more than 6 ft. | | 20% of lot width but never more than 20 ft. | | 10% of lot width but never more than 6 ft. | 3 |
| | Side street setback, maximum (ft.) | none | none | none | none | none | none | none | none | none | 15 |
| Side Setback | North or west side setback, minimum (ft.) | 3 | 3 | 3 | 3 | 3 | 1.5 | 3 | 3 | 1.5 | 1.5 |
| | South or east side setback, minimum (ft.) | 6 | 6 | 6 | 6 | 6 | 3 | 6 | 6 | 3 | 3 |
| | Combined side setback, minimum (ft.) | 12 | 12 | 12 | 12 | 12 | 4.5 | 12 | 12 | 4.5 | 4.5 |
| | Maximum depth of building without side setback adjustment | 50 | 50 | 50 | 50 | 50 | 75 | 50 | 50 | 75 | 100 |
| | Max. no. of stories without side or rear setback adjustment | 2 | 2 | 2 | 3 | 3 | 3 | 2 | 2 | 3 | 4 |
| Rear setback | Rear setback, minimum (ft.) <i>interior lot</i> | 25 | 25 | 25 | 20 | 15 | 15 | 25 | 25 | 15 | 15 |
| | Rear setback, minimum (ft.) <i>corner lot</i> | 25 | 25 | 25 | 15 | 10 | 10 | 20 | 20 | 10 | 10 |
| | Rear street setback, minimum (ft.) | average | average | average | average | average | average | average | average | average | average |

| | | | | | | | | | | |
|--|------|------|------|------|------|-------------|------|------|------|---|
| (see s. 295-505-2-e) | | | | | | | | | | |
| Rear street setback, maximum (ft.) | none | none | none | none | none | none | none | none | none | none |
| Multiple principal residential buildings permitted? >>****<< | no | no | no | no | no | same as RT4 | no | no | no | yes, if in existence on Nov. 22, 2003; otherwise, special use |
| >>****In addition to the principal residential building, one detached accessory dwelling unit is permitted on a parcel in any RS or RT district.<< | | | | | | | | | | |

| Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|--|---|---|--|
| Multi-family Districts | | | | | | | | | | Residence & Office | |
| | | RM1 | RM2 | RM3 | RM4 | RM5 | RM6 | RM7 | R01 | R02 | |
| Lot | Lot area, minimum (sq. ft.) <i>detached housing</i> | 3,600 | 3,600 | 3,000 | 2,400 | 2,400 | 2,400 | 2,400 | 3,600 | 2,400 | |
| | Lot area, minimum (sq. ft.) <i>attached housing</i> | 3,000 | 3,000 | 1,800 | 1,800 | 1,800 | 1,800 | 1,800 | 3,000 | 1,800 | |
| | Lot area, maximum (sq. ft.) | none | none | none | none | none | none | none | none | none | |
| | Lot width, minimum (ft.) <i>detached housing</i> | 40 | 40 | 30 | 24 | 24 | 24 | 24 | 30 | 24 | |
| | Lot width, minimum (ft.) <i>attached housing</i> | 25 | 25 | 18 | 18 | 18 | 18 | 18 | 25 | 18 | |
| | Lot width, maximum (ft.) | none | none | none | none | none | none | none | none | none | |
| Density | Lot area per dwelling unit, minimum (sq. ft.) >>***<< | 2,400 | 1,200 | 2,400 ea. (3 or more); 3,600 for 2; 1,800 for 1 | 1,200 | 800 | 400 | 150 | 2,400 | 400 | |
| | Lot area per dwelling unit, permanent supportive housing, minimum (sq. ft.)** | 1,200; 2,400 for a unit with 2 or more bedrooms | 600; 1,200 for a unit with 2 or more bedrooms | 900; 1,800 for a unit with 2 or more bedrooms | 600; 1,200 for a unit with 2 or more bedrooms | 400; 800 for a unit with 2 or more bedrooms | 200; 400 for a unit with 2 or more bedrooms | 75; 150 for a unit with 2 or more bedrooms | 1,200; 2,400 for a unit with 2 or more bedrooms | 200; 400 for a unit with 2 or more bedrooms | |
| | Lot area per roomer or transitional housing client, minimum (sq. ft.)** | 1,200 | 600 | 900 | 600 | 400 | 200 | 75 | 1,200 | 200 | |
| | Lot coverage, minimum interior lot | 15% | 15% | * | * | * | * | 20% | 15% | * | |
| | Lot coverage, maximum interior lot | 30% | 50% | 50% | 70% | 70% | 70% | 85% | 30% | none | |
| | Lot coverage, minimum corner lot | 15% | 15% | * | * | * | * | 20% | 15% | * | |
| | Lot coverage, maximum corner lot | 40% | 60% | 60% | 85% | 85% | 85% | 85% | 40% | none | |

| | | | | | | | | | |
|---|------|------|------|------|------|------|------|------|------|
| Floor area, minimum (sq. ft.) <i>One-story structure</i> | none |
| Floor area, minimum (sq. ft.) <i>Split level or taller</i> | none |

*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.
 >>*_<<For premises with a mixture of residential types including either permanent supportive housing or transitional housing, the minimum lot area per dwelling unit or per roomer or Transitional housing client shall be calculated pursuant to s. 295-505-2-n
 >>*** Accessory dwelling units shall not be included in lot area per dwelling unit calculations.<<

| Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS | | | | | | | | | | |
|--|---|---|---------|----------------------------------|---------|------------------------------------|---------|---|--------------------|---------|
| Multi-family Districts | | | | | | | | | Residence & Office | |
| | | RM1 | RM2 | RM3 | RM4 | RM5 | RM6 | RM7 | R01 | R02 |
| HEIGHT | Height, minimum (ft.) | none | none | * | * | * | * | 20 | none | * |
| | Height, maximum (ft.) | 45 | 45 | 45 | 60 | 60 | 85 | 85; no limit if floor area ratio is less than 4:1 | 45 | 85 |
| Primary Frontage | Front setback, minimum (ft.) (see s. 295-505-2-b) | average | average | average | average | average | average | average | average | average |
| | Front setback maximum (ft.) (see s. 295-505-2-b) | none | none | average but not more than 20 ft. | | average but never more than 15 ft. | | | none | 15 ft. |
| | Side street setback, minimum (ft.) | 10% of lot width but not more than 15 ft. | | 3 | 3 | 3 | 3 | 3 | same as RM1-RM2 | none |
| | Side street setback, maximum (ft.) | none | none | 15 | 15 | 15 | 15 | 15 | none | none |
| Side Setback | North or west side setback, minimum (ft.) | 3 | 3 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 3 | none |
| | South or east side setback, minimum (ft.) | 6 | 6 | 3 | 3 | 3 | 3 | 3 | 6 | none |
| | Combined side setback, minimum (ft.) | 12 | 12 | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 | 12 | none |
| | Maximum depth of building without side setback adjustment | 50 | 50 | 75 | 100 | 100 | 100 | 100 | 50 | none |
| | Max. no. of stories without side or rear | 2 | 2 | 3 | 4 | 6 | 8 | 8 | 2 | 8 |

| | | | | | | | | | | |
|--|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | setback adjustment | | | | | | | | | |
| Rear Setback | Rear setback, minimum (ft.) <i>interior lot</i> | 25 | 25 | 20 | 15 | 15 | 15 | 10 | 20 | none |
| | Rear setback, minimum (ft.) <i>corner lot</i> | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | none |
| | Rear street setback, minimum (ft.) (see s. 295-505-2-e) | average |
| | Rear street setback, maximum (ft.) | none |
| | Multiple principal residential buildings permitted? >>****<< | no | no | no | yes | yes | yes | yes | yes | yes |
| <u>>>****In addition to the principal residential building, one detached accessory dwelling unit is permitted on a parcel in an RM1, RM2 or RM3 district. In the RM4-RM7 districts and the RO1 and RO2 districts, no new detached accessory dwelling unit is permitted on a parcel that already contains 2 principal residential buildings or a principal residential building and a detached accessory dwelling unit.<<</u> | | | | | | | | | | |

Part 11. Section 295-505-2-j-5 of the code is repealed and recreated to read:

295-505. Design Standards.

2. PRINCIPAL BUILDING STANDARDS.

j. Multiple Principal Buildings.

j-5. Lot Coverage. On a parcel having multiple principal residential buildings or an accessory dwelling unit, in the RS1 to RS5 and RT1 to RT3 districts, maximum lot coverage may be increased by up to an additional 15%. In the RT4 and RS6 districts, a parcel having multiple principal residential buildings or an accessory dwelling unit, maximum lot coverage may be increased by up to an additional 15% as long as the accessory structure lot coverage is reduced by a corresponding amount.

Part 12. Section 295-505-2-L-5 of the code is created to read:

L. Design Features.

L-5. Exterior Fire Escape Stairs. Fire escape stairs are not permitted above the second floor on the façade facing the street of a residential building with one to 4 dwelling units.

Part 13. Section 295-505-2.5 of the code is created to read:

2.5. ACCESSORY DWELLING UNITS. The design standards for accessory dwelling units are set forth in table 295-505-2.5.

| 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 [August 2, 2025]; 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. | Not greater than the height of the principal building on the parcel. |
| 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. |

Part 14. Table 295-603-1 of the code is amended to read:

| Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE | | | | | | | | |
|---|-----------------------------------|------------------|-----|-----|-----|-----|-----|-----|
| Y=Permitted Use S=Special Use | L=Limited Use N=Prohibited Use | Zoning Districts | | | | | | |
| Uses | NS1 | NS2 | LB1 | LB2 | LB3 | RB1 | RB2 | CS |
| RESIDENTIAL USES | | | | | | | | |
| . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . |
| Mobile home | N | N | N | N | N | N | N | N |
| Watchman/service quarters | N | N | N | N | N | N | N | N |
| Family day care home | L | L | L | L | L | L | L | L |
| >>Accessory dwelling unit | L | L | L | L | L | L | L | L<< |
| GROUP RESIDENTIAL USES | | | | | | | | |
| Rooming house | S | S | S | S | S | S | S | S |
| Convent, rectory or monastery | Y | Y | Y | Y | Y | Y | Y | Y |
| . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . |

Part 15. Section 295-603-2-c to gg of the code is renumbered 295-603-2-d to hh.

Part 16. Section 295-603-2-c of the code is created to read:

295-603. Uses.

2. LIMITED USE STANDARDS.

c. Accessory Dwelling Unit. c-1. Only one accessory dwelling unit shall be located on the parcel.

c-2. The parcel shall contain a single-family or 2-family dwelling.

c-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. A person may have only one primary residence. For purposes of this subdivision, “primary residence” means a residence which is the usual place of return for housing as documented by at least 2 of the following or other documentation approved by the commissioner of neighborhood services:

- c-3-a. Motor vehicle registration.
- c-3-b. Driver’s license.
- c-3-c. Wisconsin state identification card.
- c-3-d. Voter registration.
- c-3-e. Federal or state income tax return.
- c-3-f. Utility bill.
- c-3-g. Verification of eligibility for lottery or gaming credit for tax purposes.
- c-4. If any of the standards in subds. 1 through 3 are not met, the accessory dwelling unit is a prohibited use.

Part 17. Section 295-605-2.5 of the code is created to read:

295-605. Design Standards.

2.5. ACCESSORY DWELLING UNITS. The design standards for accessory dwelling units are set forth in table 295-505-2.5.

Part 18. Table 295-703-1 of the code is amended to read:

| Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE | | | | | | | | |
|---|-----------------------------------|-----|------------------|-----|-----|-----|-----|-----|
| Y=Permitted Use S=Special Use | L=Limited Use N=Prohibited Use | | Zoning Districts | | | | | |
| Uses | C9A | C9B | C9C | C9D | C9E | C9F | C9G | C9H |
| RESIDENTIAL USES | | | | | | | | |
| Transitional housing | S | S | S | S | S | S | S | N |
| Attached single-family dwelling | Y | Y | L | L | L | L | L | N |
| Live-work unit | Y | Y | L | L | L | L | L | S |
| Mobile home | N | N | N | N | N | N | N | N |
| Watchman/service quarters | N | N | N | N | N | N | N | Y |
| Family day care home | L | L | L | L | L | L | L | N |
| >>Accessory dwelling unit | N | N | N | N | N | N | N | N<< |
| GROUP RESIDENTIAL USES | | | | | | | | |

| | | | | | | | | |
|-------------------------------|---|---|---|---|---|---|---|---|
| Rooming house | S | S | S | S | S | S | S | N |
| Convent, rectory or monastery | Y | Y | Y | Y | Y | Y | Y | N |
| . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . |
| . | . | . | . | . | . | . | . | . |

Part 19. Table 295-803-1 of the code is amended to read:

| Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE | | | | | |
|---|---------------------------|-------------|------------------|----------|----------|
| Y=Permitted Use S=Special Use | L=Limited N=Prohibited | | Zoning Districts | | |
| Uses | | I01/ I02 | IL1/ IL2 | IC | IM IH |
| RESIDENTIAL USES | | | | | |
| . | | . | . | . | . |
| . | | . | . | . | . |
| . | | . | . | . | . |
| Mobile home | | N | N | N | N |
| Watchman/service quarters | | Y | Y | Y | Y |
| Family day care home | | N | N | N | L |
| >>Accessory dwelling unit | | <u>N</u> | <u>N</u> | <u>N</u> | <u>L</u> |
| GROUP RESIDENTIAL USES | | | | | |
| Rooming house | | N | N | N | S |
| Convent, rectory or monastery | | N | N | N | L |
| . | | . | . | . | . |
| . | | . | . | . | . |
| . | | . | . | . | . |

Part 20. Section 295-803-2-b to rr of the code is renumbered 295-803-2-c to ss.

Part 21. Section 295-803-2-b of the code is created to read:

295-803. Uses.

2. LIMITED USE STANDARDS.

b. Accessory Dwelling Unit. b-1. Only one accessory dwelling unit shall be located on the parcel.

b-2. The parcel shall contain a single-family or 2-family dwelling.

b-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. A person may have only one primary residence. For purposes of this subdivision, “primary residence” means a

residence which is the usual place of return for housing as documented by at least 2 of the following or other documentation approved by the commissioner of neighborhood services:

b-3-a. Motor vehicle registration.

b-3-b. Driver's license.

b-3-c. Wisconsin state identification card.

b-3-d. Voter registration.

b-3-e. Federal or state income tax return.

b-3-f. Utility bill.

b-3-g. Verification of eligibility for lottery or gaming credit for tax purposes.

b-4. If any of the standards in subds. 1 through 3 are not met, the accessory dwelling unit is a prohibited use.

Part 22. Table 295-903-2-a of the code is amended to read:

| Table 295-903-2-a PARKS DISTRICT USE TABLE | | |
|---|------------------|-----------------|
| Y=Permitted Use | L=Limited Use | Zoning District |
| S=Special Use | N=Prohibited Use | |
| Uses | | PK |
| RESIDENTIAL USES | | |
| . | | . |
| . | | . |
| . | | . |
| Mobile home | | N |
| Watchman/service quarters | | N |
| Family day care home | | N |
| >>Accessory dwelling unit | | N<< |
| GROUP RESIDENTIAL USES | | |
| Rooming house | | N |
| Convent, rectory or monastery | | N |
| . | | . |
| . | | . |
| . | | . |

Part 23. Table 295-905-2-a of the code is amended to read:

| Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE | | |
|---|------------------|-----------------|
| Y=Permitted Use | L=Limited Use | Zoning District |
| S=Special Use | N=Prohibited Use | |
| Uses | | TL |

| RESIDENTIAL USES | |
|-------------------------------|-----|
| . | . |
| . | . |
| . | . |
| Mobile home | N |
| Watchman/service quarters | Y |
| Family day care home | N |
| >>Accessory dwelling unit | N<< |
| GROUP RESIDENTIAL USES | |
| Rooming house | S |
| Convent, rectory or monastery | Y |
| . | . |
| . | . |
| . | . |

..LRB
APPROVED AS TO FORM

K. Broadnax

 Legislative Reference Bureau
 Date: 06/16/2025

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

 Office of the City Attorney
 Date: _____
 ..Requestor

..Drafter
 LRB180262-10
 Jeff Osterman
 06/16/2025