

..Number

240999

..Version

SUBSTITUTE 1

..Reference

..Sponsor

ALD. PEREZ AND BAUMAN

..Title

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

..Sections

295-201-5	cr
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
295-503-2-f	cr
295-503-2-g	rn
295-503-2-h	rn
295-503-2-i	rn
295-503-2-j	rn
295-503-2-k	rn
295-503-2-L	rn
295-503-2-m	rn
295-503-2-n	rn
295-503-2-o	rn
295-503-2-p	rn
295-503-2-q	rn
295-503-2-r	rn
295-503-2-s	rn
295-503-2-t	rn
295-503-2-u	rn
295-503-2-v	rn
295-503-2-w	rn
295-503-2-x	rn
295-503-2-y	rn
295-503-2-z	rn
295-503-2-aa	rn
295-505-2.5	cr
295-505-2.5 (table)	cr
295-603-1 (table)	am
295-603-2-c	rn
295-603-2-c	cr
295-603-2-d	rn
295-603-2-e	rn
295-603-2-f	rn
295-603-2-g	rn
295-603-2-h	rn

295-603-2-i	rn
295-603-2-j	rn
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
295-603-2-w	rn
295-603-2-x	rn
295-603-2-y	rn
295-603-2-z	rn
295-603-2-aa	rn
295-603-2-bb	rn
295-603-2-cc	rn
295-603-2-dd	rn
295-603-2-ee	rn
295-603-2-ff	rn
295-603-2-gg	rn
295-605-2.5	cr
295-703-1 (table)	am
295-803-1 (table)	am
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, with the following limited use standards:

- a. Only one accessory dwelling unit shall be located on the lot.
- b. The lot shall contain a single-family or 2-family dwelling.
- c. The creation of an accessory dwelling unit shall not result in the creation of a separate tax parcel.
- d. The property owner shall reside in either the main dwelling or the accessory dwelling unit. This restriction shall be recorded on the deed for the property.
- e. The accessory dwelling unit shall meet the design standards set forth in the code. These design standards relate to floor area, building height, setbacks, entrances, windows, exterior

stairways, 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 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 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 lot as the principal dwelling unit.

Part 2. Section 295-203-1-L of the code is created to read:

295-203. Use Definitions.

1. RESIDENTIAL USES.

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 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 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 lot as the principal dwelling unit.

Part 3. 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	
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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
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Part 4. 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		
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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
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Part 5. 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									
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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	L	L	L	L	L	L	L	L	L<<

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
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Part 6. Section 295-503-2-f to aa of the code is renumbered 295-503-2-g to bb.

Part 7. 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 lot.

f-2. The lot shall contain a single-family or 2-family dwelling.

f-3. The creation of an accessory dwelling unit shall not result in the creation of a separate tax parcel.

f-4. The property owner shall reside in either the main dwelling or the accessory dwelling unit. This restriction shall be recorded on the deed for the property.

f-5. The accessory dwelling unit shall meet the design standards set forth in table 295-505-2.5.

Part 8. Section 295-505-2.5 of the code is created to read:

295-505. Design Standards.

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

	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	800 sq. ft., but not larger than the main dwelling unit; may exceed 800 sq. ft. if structure existed as of January 1, 2025; shall be located entirely on one level and shall not exceed the area of the first floor	800 sq. ft., but not larger than the main 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 main dwelling unit; combined footprint of the accessory dwelling unit and any other parking areas on site shall not exceed 800 sq. ft. or 10% of the lot area, whichever is greater
Height, maximum	Same as principal structure	Same as principal structure	21 ft.
Front setback, minimum	Same as principal structure	Same as principal structure	Shall be located to the rear of the

			main dwelling
Side setback, minimum	Same as principal structure	Same as principal structure	3 ft. if located in the rear 40 ft. of the lot, except where vehicle access doors face an interior side lot line, in which case no reduction of the required yard is permitted
Rear setback, minimum	Same as principal structure	Same as principal structure	5 ft. if vehicle access doors face the rear lot line; 3 ft. if vehicle access doors do not face the rear lot line
Distance from main dwelling, minimum	Not applicable	Not applicable	10 feet from the habitable portion of the main dwelling
Entrances	No new entrance to the accessory dwelling unit shall face a public street	No new entrance to the accessory dwelling unit shall face a public street	Entrances facing a public street or alley shall be encouraged
Windows	Not applicable	Not applicable	A minimum of 10% of the entire elevation facing an alley or public street shall be windows
Exterior materials	Shall match the principal dwelling	Shall match the principal dwelling	Shall match the principal dwelling
Stairways	Shall be enclosed or located entirely to the rear of the principal dwelling	Shall be enclosed or located entirely to the rear of the principal dwelling	Permitted if the railing finish matches the trim or finish of the accessory dwelling unit and is not raw or unfinished lumber
Balconies and decks	No balcony shall face an interior side lot line; a deck attached to an accessory dwelling unit, including a rooftop deck, shall be located not less than 5 feet from an interior side property line		

Part 9. 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								
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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
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Part 10. Section 295-603-2-c to gg of the code is renumbered 295-603-2-d to hh.

Part 11. 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 lot.
- c-2. The lot shall contain a single-family or 2-family dwelling.
- c-3. The creation of an accessory dwelling unit shall not result in the creation of a separate tax parcel.
- c-4. The property owner shall reside in either the main dwelling or the accessory dwelling unit. This restriction shall be recorded on the deed for the property.

c-5. The accessory dwelling unit shall meet the design standards set forth in table 295-505-2.5.

Part 12. 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 13. 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
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Part 14. 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					
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Mobile home		N	N	N	N
Watchman/service quarters		Y	Y	Y	Y

Family day care home	N	N	N	L	N
>>Accessory dwelling unit	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N<<</u>
GROUP RESIDENTIAL USES					
Rooming house	N	N	N	S	N
Convent, rectory or monastery	N	N	N	L	N
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Part 15. Table 295-903-2-a of the code is amended to read:

Table 295-903-2-a PARKS DISTRICT USE TABLE		Zoning District
Y=Permitted Use	L=Limited Use	PK
S=Special Use	N=Prohibited Use	
Uses		
RESIDENTIAL USES		
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.		.
Mobile home		N
Watchman/service quarters		N
Family day care home		N
>>Accessory dwelling unit		<u>N<<</u>
GROUP RESIDENTIAL USES		
Rooming house		N
Convent, rectory or monastery		N
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Part 16. Table 295-905-2-a of the code is amended to read:

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE		Zoning District
Y=Permitted Use	L=Limited Use	TL
S=Special Use	N=Prohibited Use	
Uses		
RESIDENTIAL USES		
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.		.
.		.
Mobile home		N
Watchman/service quarters		Y
Family day care home		N
>>Accessory dwelling unit		<u>N<<</u>
GROUP RESIDENTIAL USES		
Rooming house		S

Convent, rectory or monastery	Y
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..LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date: 1/10/2025

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

Office of the City Attorney
Date: _____
..Requestor

..Drafter
LRB180262-2
Jeff Osterman
01/10/2025