

Sec. 23-55. Accessory dwelling units (attached and detached).

(a) **Purpose.**

- (1) The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting stability for established neighborhoods.
- (2) Accessory dwelling units help advance the City's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the City's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods.
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in Article II of this chapter.

- (1) **Accessory dwelling unit (ADU)** means an attached or a detached dwelling unit, which provides complete independent living facilities for one or more individuals and is located on a lot with a proposed or existing principal residential dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot and in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.
- (2) **Attached accessory dwelling unit** means a dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.
- (3) **Detached accessory dwelling unit** means a freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the

conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.

- (4) **Junior accessory dwelling unit (JADU)** means a dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities or may share bathing and sanitation facilities with the principal residential dwelling unit.
- (5) **Independent living facilities** means a dwelling unit having permanent provisions of all of the following features: living, sleeping, eating, cooking, bathing and sanitation facilities.
- (6) **Established front yard** means the closest distance measured from the principal building to the front lot line(s).
- (7) **Convey, conveyed or conveyance** refers to the act of transferring property from one party to another by a written deed or an equivalent document, including condominium declarations documents. This is completed by recording the document with the County Register of Deeds.
- (8) **Gross floor area** means the sum of the horizontal areas of all floors of a building measured from the exterior face of the exterior walls or from the centerline of a wall separating two (2) dwelling units, but not including finished and unfinished basement areas, attached and detached garages, and any space where the floor-to-ceiling height is less than six (6) feet.
- (9) **Cooking appliances** means including, but not limited to: ovens, convection ovens, stoves, stove top, hot plates, microwave ovens, built in grills or similar appliances.

(c) **Permitted zoning districts.** Accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) **Location.** Accessory dwelling units shall be located on the same lot as the single-family detached dwelling or two-family-zero lot line dwelling.

(e) **Accessory dwelling unit number and type.**

- (1) **Lots with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling are permitted to have a maximum of one (1)**

accessory dwelling unit and one (1) junior accessory dwelling unit per lot under the following options:

- a. **Option 1 (attached ADU and JADU):** A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) attached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter; or
 - b. **Option 2 (detached ADU and JADU):** A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) detached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter.
 - c. Lots with an existing built or proposed to be built single-family detached dwelling or a two-family-zero lot line dwelling shall not be permitted to have both an attached accessory dwelling unit and a detached accessory dwelling unit.
- (f) **Use regulations.**
- (1) **Timing of construction.** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 Districts prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.
 - (2) **Sale of property and tax parcel number.** The accessory dwelling unit or junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the accessory dwelling unit.
 - (3) **Detached accessory building conversion.** Adding on vertically or horizontally to or converting all or a portion of an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit may be permitted, provided all of the provisions of this section are all complied with.
 - (4) **Maximum size of accessory dwelling units.** The total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.
 - (5) **Off-street parking.** No additional off-street parking is required for an attached or detached accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces

required for the principal dwelling unit shall be replaced, and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

(g) **Design requirements for attached and detached accessory dwelling units.** Attached and detached accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

(1) **Compliance with applicable regulations.** Attached and detached accessory dwelling units, including adding on to or converting an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit shall comply with all applicable Municipal Code regulations, including but not limited to, City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Drainage, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws, unless otherwise stated in this section.

(2) **Exterior finish materials.** Exterior finish materials for attached accessory dwelling units must visually be similar to the exterior finish materials of the principal dwelling unit.

a. For the purpose of this subsection, the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

(3) **Orientation of exterior entry doors and stairways.**

a. **New (ADU) exterior entry door.** All new exterior entry doors constructed exclusively to serve the accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the accessory dwelling unit.

b. **Shared use of an existing or proposed (primary dwelling unit or detached garage) exterior entry door.** Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.

c. **Stairways (interior and corner lots).** All new stairways constructed to serve an accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.

- d. **Stairways (double frontage lots).** A new stairway constructed to serve an accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.
- (4) **Foundation design.** Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.
- (5) **Water meter and service connection.** A new separate water meter and service connection to the public water main is not required for accessory dwelling units, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.
- (6) **Separate electrical service.**
- a. **Detached accessory dwelling units.** Detached accessory dwelling units shall have a separate electric meter and electrical panel independent from the principal dwelling unit.
- b. **Attached accessory dwelling units.** A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for an attached accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the attached accessory dwelling unit.
- (h) **Setbacks.**
- (1) **Attached accessory dwelling units shall comply with the following setback requirements:**
- a. **Minimum front lot line setback (street and alley):** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- b. **Minimum side lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- c. **Minimum rear lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- d. **Minimum separation between all buildings:** Ten (10) feet.

- e. The minimum front, side and rear lot line setbacks for accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.
- (2) Detached accessory dwelling units shall comply with the following setback requirements:
- a. **Minimum front lot line setback (street and alley):** Shall not be located in the established front yard, except for double frontage lots.
 - b. **Minimum front lot line setback (double frontage lots):** The minimum setback shall be what is required in the underlying zoning district for the principal dwelling unit for the yard opposite the front yard from which the principal dwelling unit is addressed.
 - c. **Minimum side lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - d. **Minimum rear lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - e. **Minimum separation between all buildings:** Ten (10) feet.
 - f. The minimum side and rear lot setbacks for detached accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2) and (4) of this Chapter.
- (i) **Maximum lot coverage.** Attached and detached accessory dwelling units shall be included in the calculation of maximum lot coverage that is required in the underlying zoning district that it is located in. The maximum lot coverage percentage as established for the underlying zoning district shall not be exceeded.
- (j) **Building height.**
- (1) Attached accessory dwelling units shall not exceed the maximum building height limit is required in the underlying zoning district for the principal dwelling unit.
 - (2) Detached accessory dwelling units shall not exceed the height of the principal dwelling unit.
- (k) **Exceptions.**
- (1) Accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(1) **Building permit application process.** Application, review, and approval of an accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

(1) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsection (f)(2) above.

(2) Addressing. Accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

Sec. 23-56. Junior accessory dwelling units (JADU).

(a) **Purpose.** This section provides standards for the establishment of Junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit and shall not be considered a separate dwelling unit.

(1) Junior accessory dwelling units help advance the City's housing and land use goals and policies by:

a. Accommodating additional housing units while preserving the character of existing neighborhoods.

b. Allowing efficient use of the City's existing housing stock and infrastructure.

c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.

d. Providing a means for residents to remain in their homes and neighborhoods, and

e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** See Section 23-55(b).

(c) **Permitted zoning districts.** Junior accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) **Maximum number.** A maximum of one (1) Junior accessory dwelling unit shall be permitted per residential lot in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(e) **Use regulations.**

(1) **Timing of construction.** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.

(2) **Sale of property and tax parcel number.** The junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the junior accessory dwelling unit.

(3) **Maximum size.** A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size. In addition, the total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.

(4) **Off-street parking.** No additional off-street parking is required for a junior accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

(f) **Design requirements for a junior accessory dwelling unit.** Junior accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

(1) **Compliance with applicable regulations.** Junior accessory dwelling units shall be considered to be a part of the principal dwelling unit on the lot and shall comply with all applicable Municipal Code regulations, including but not limited to, City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

- (2) **Location of junior accessory dwelling unit.** A junior accessory dwelling unit shall be attached to a single-family detached dwelling or two-family zero lot line dwelling, may be created in any part of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, and may be created in an addition to a single-family detached dwelling.
- (3) **Orientation of exterior entry doors and stairways.**
- a. **New (JADU) exterior entry door.** All new exterior entry doors constructed exclusively to serve the junior accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the junior accessory dwelling unit.
 - b. **Shared use of an existing or proposed (primary dwelling unit or detached garage) exterior entry door.** Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the junior accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.
 - c. **Stairways (interior and corner lots).** All new stairways constructed to serve a junior accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.
 - d. **Stairways (double frontage lots).** A new stairway constructed to serve a junior accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.
- (4) **Entry connections.**
- a. **Junior accessory dwelling units that contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will not be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Junior accessory dwelling units that do not contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Two (2) interior doors may be installed within one (1) frame for noise reduction.**
- (5) **Foundation design.** Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.
- (6) **Water meter and service connection.** A new separate water meter and service connection to the public water main is not required for a junior accessory dwelling unit, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

(7) **Separate electrical service.**

- a. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for a junior accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the junior accessory dwelling unit.

(8) **Kitchen area.** A junior accessory dwelling shall contain a kitchen area which includes a sink, cooking appliance, any size refrigerator, counter surface, and storage cabinets.

(9) **Bathing and sanitation.** Junior accessory dwelling units may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal dwelling unit.

(10) **Setback and other zoning regulations.** For purposes of setbacks and other zoning regulations, the junior accessory dwelling unit shall be considered to be a part of the principal dwelling unit of subject site and shall be subject to the requirements of the underlying zoning district.

- a. The minimum front, side and rear lot line setbacks for junior accessory dwelling units constructed or established on nonconforming lots of record, may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.

(g) **Exceptions.**

(1) Junior accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Junior accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(h) **Building permit application process.** Application, review, and approval of a junior accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

- (1) Prior to issuance of a building permit for the junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that: includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsections (e)(2) above.

- (2) **Addressing.** Junior accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

OTHER CODE SECTIONS TO BE AMENDED:

Sec. 23-43 (d)(7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Section 23-55 are met.

Sec. 23-92(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-92(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-93(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-93(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-94(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-94(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

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