

## **Ordinance O-19-11**

### **ORDINANCE AMENDING THE WAUWATOSA MUNICIPAL CODE TO ADD SECTION 24.10.075 ACCESSORY DWELLING UNIT (ADU) REGULATIONS**

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Footnote [7] to the Basic Building Standards table in Subsection 24.02.030 B. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

[7] Accessory building heights of up to 20 feet may be approved by the zoning administrator if the administrator determines that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building.

Part II. Section 24.10.075 of the Wauwatosa Municipal Code is hereby created to read in its entirety as follows:

#### **24.10.75 - Accessory Dwelling Units (ADUs)**

##### **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 predictability and certainty for established neighborhoods.
- 2.** Accessory dwelling units ("ADU") 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

obtain extra income, security, companionship and assistance; and

- e. Promoting a broader range of accessible and more affordable housing.

## **B. General Regulations for all ADUs**

All accessory dwelling units must comply with the regulations of this subsection.

### **1. Zoning District Regulations**

Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this section.

### **2. Where Allowed**

Accessory dwelling units are allowed only on lots occupied by a detached house, semi-detached house or attached house.

### **3. Number**

No more than one accessory dwelling unit is allowed per lot.

### **4. Methods of Creation**

An accessory dwelling unit may be created through any of the following methods:

- a. Converting existing area within the interior of a principal dwelling unit (e.g., attic or basement) to an ADU;
- b. Adding floor area to an existing dwelling unit to accommodate an ADU;
- c. Constructing a detached accessory dwelling unit on a parcel with an existing principal dwelling unit;
- d. Converting space within a detached accessory building; or
- e. Constructing a new principal dwelling unit with an internal or detached accessory dwelling unit.



## **5. Location of Entrances**

Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street, unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created. Detached ADUs are exempt from this regulation.

## **6. Size**

The floor area of an ADU may not exceed 49% of the gross floor area of the principal dwelling unit on the subject lot (excluding any attached garage), or 650 square feet, whichever is less. For purposes of this provision, the following are excluded from the definition of “gross floor area”:

- a.** Garage areas;
- b.** Basement areas where the ceiling height measured from the floor is less than 7 feet; and
- c.** Any other areas of the building where the floor-to-ceiling height is either less than 5 feet or not accessible by a stairway.

## **7. Parking**

No additional parking is required for an accessory dwelling unit. Existing required parking for the principal dwelling unit must be maintained or replaced on-site.

## **8. Building Permit Approval**

Before the issuance of a building permit for the construction of any new accessory dwelling unit, plans must be reviewed and approved by the chief building official to determine compliance with all applicable building and life safety codes.

### **C. Regulations for New Detached ADUs and Building Additions**

The regulations of this subsection apply to all detached buildings and building additions proposed to be occupied by ADUs. These provisions apply only to detached buildings and building additions constructed after INSERT EFFECTIVE DATE OF ADU AMENDMENT.

#### **1. Exterior Finish Materials**

The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the principal dwelling unit.

#### **2. Roof Pitch**

The roof pitch must be the same as the predominant roof pitch of the principal dwelling unit.

#### **3. Trim**

Trim on edges of elements on the building addition to the principal dwelling unit or the accessory structure occupied by the ADU must be the same in type, size and location as the trim used on the principal dwelling.

#### **4. Entrances**

Entrances to ADUs occupying detached accessory structures may not face the nearest side or rear property line unless there is an alley abutting that property line.

#### **5. Setbacks**

A detached accessory dwelling unit must be located at least 10 feet behind the principal dwelling. This required 10-foot separation distance must be free of structures except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

#### **6. Height**

The maximum allowed height of a detached accessory dwelling unit is 20 feet or the height of the principal dwelling building, whichever is less.

Part III. The following definition, in alphabetical order, is hereby added to the list of definitions contained in Section 24.28.020 of the Wauwatosa Municipal Code:

**Accessory Dwelling Unit.** A separate dwelling unit within a detached house, semi-detached house or attached house or a separate dwelling unit that occupies an accessory building that shares a lot with a detached house, semi-detached house or attached house. As the name implies, accessory dwelling units are an accessory use to the principal use of the property (i.e., the principal dwelling unit). (See also the Accessory Dwelling Unit regulations of Sec. 24.10.075)

Part IV. This ordinance shall take effect on and after its date of publication.

Passed and Dated June 18, 2019

Carla A. Ledesma  
City Clerk

Introduced: April 16, 2019

Referred to originating committee

Approved June 19, 2019

Kathleen Ehley  
Mayor

Adopted: June 18, 2019

Page:

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