

**CITY OF WEST ALLIS  
ORDINANCE O-2026-0020**

**ORDINANCE TO AMEND FRONT SETBACK FOR ACCESSORY DWELLING UNITS AND FURTHER DEFINE OTHER RESIDENTIAL  
ACCESSORY STRUCTURES**

**AMENDING SECTIONS 19.16 AND 19.42**

**WHEREAS**, for the purpose of promoting the health, safety, morals or the general welfare of the community, the common council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of Wis. Stat. 62.23; and

**WHEREAS**, the council finds that the amendments within this ordinance are in accordance with the comprehensive plan; and

**WHEREAS**, the amendments within this ordinance have been submitted to the city plan commission for recommendation and report, published as a class 2 notice, and the subject of a public hearing;

**NOW THEREFORE**, the common council of the City of West Allis do ordain as follows:

**SECTION 1:**        **AMENDMENT** “19.16 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

19.16 Definitions

The terms below shall have the following meanings within this chapter:

| <b>Term</b>                     | <b>Definition</b>                                                                                                                                                                                                     |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Accessory Building              | Any building other than the principal building                                                                                                                                                                        |
| Accessory Dwelling Unit         | A dwelling unit other than the principal dwelling unit                                                                                                                                                                |
| Accessory Structure             | Any structure, other than a principal building, <u>that is detached from a principal building, including, but not limited to, a carport, shed, pergola, gazebo, or greenhouse.</u>                                    |
| Accessory Use                   | A subordinate use which is clearly and customarily incidental to the principal use on the lot                                                                                                                         |
| Adult Day Care Center           | The use of a lot in the manner described in <a href="#">Wis. Stat. 49.45(47)(a)</a>                                                                                                                                   |
| Adult-Oriented Entertainment    | The use of a lot in the manner described in <a href="#">WAMC 9.59</a>                                                                                                                                                 |
| Advanced Manufacturing          | The act of converting raw materials into finished products by using manual or mechanized transformational techniques in a manner that does not produce any vibration, odor, emission, or noise outside of a building. |
| Alcohol Beverage Sales          | The retail sale of alcohol beverages in the manner described in <a href="#">Wis. Stat. 125.25</a> and <a href="#">125.51(2)</a>                                                                                       |
| Ambulance Services              | The use of a lot in the manner described under <a href="#">Wis. Stat. 256.01(2)</a>                                                                                                                                   |
| Animal Boarding                 | The use of a lot to shelter, feed, and care for animals at the direction of the animals' owners, for compensation, but not within the practice of veterinary medicine under <a href="#">Wis. Stat. 89.02(6)</a>       |
| Animal Breeding                 | The use of a lot to: - allow animals to copulate for compensation; or - birth the offspring of an animal for compensation                                                                                             |
| Animal Sales                    | The retail sale of a dog, cat, or rabbit, except any sale by a person who is also using the same lot as an animal shelter                                                                                             |
| Animal Shelter                  | The use of a lot by a humane society, animal welfare society, animal rescue group, or other nonprofit group to shelter, feed, and care for animals in a manner that is not an animal boarding service                 |
| Animal Training                 | The use of a lot to teach animals, for compensation, to react in specific manners to a person's commands                                                                                                              |
| Automobile Part Sales           | The retail sale automobile components or accessories                                                                                                                                                                  |
| Bed and Breakfast               | The use of a lot in the manner described in <a href="#">Wis. Stat. 97.01(1g)</a>                                                                                                                                      |
| Bicycle Parking Space (indoor)  | An area measuring at least 2 feet wide and 6 feet long located inside a building and properly designated for the parking of 1 bicycle                                                                                 |
| Bicycle Parking Space (outdoor) | An area measuring at least 2 feet wide and 6 feet long located outside a building that includes an anchored structure designed to allow 1 bicycle to be locked to it using common bicycle locks                       |

|                                                |                                                                                                                                                                                                              |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bicycle Rack                                   | A structure used to provide bicycle parking space                                                                                                                                                            |
| Building                                       | A structure that shields persons or property from the elements                                                                                                                                               |
| Building Height                                | The vertical distance measured from the average established grade at the front lot line to the highest point of a building, including all appurtenances                                                      |
| Building Area                                  | The total area of a building bounded by its exterior walls                                                                                                                                                   |
| Building Coverage                              | The sum of all building areas on a lot                                                                                                                                                                       |
| Car Wash Service                               | The washing and cleaning of motor vehicles for compensation                                                                                                                                                  |
| Child Care Center                              | The use of a lot in the manner described in <a href="#">Wis. Stat. 49.136(1)(ad)</a>                                                                                                                         |
| Class 1 Collocation of Mobile Service Facility | The use of a lot in the manner described in <a href="#">Wis. Stat. 66.0404(1)(d)</a>                                                                                                                         |
| Class 2 Collocation of Mobile Service Facility | The use of a lot in the manner described in <a href="#">Wis. Stat. 66.0404(1)(e)</a>                                                                                                                         |
| Civic Institution                              | Unless more specifically defined, the use of a lot by a governmental entity                                                                                                                                  |
| Commercial Light Industrial Flex               | The light industrial use of a lot to distribute goods that are also sold in an on-site retail space                                                                                                          |
| Community Living Arrangement                   | The use of a lot in the manner described in <a href="#">Wis. Stat. 46.03(22)</a> , <a href="#">48.743(1)</a> , <a href="#">48.02(6)</a> , or <a href="#">50.01(1)</a>                                        |
| Conditional Use                                | A use that is allowed upon meeting all conditions specified in the code and those imposed by the common council                                                                                              |
| Crematory                                      | The use of a lot in the manner described in <a href="#">Wis. Stat. 440.70(8)</a>                                                                                                                             |
| Donation Center                                | The receiving of donated goods from the public for redistribution to the public at no cost                                                                                                                   |
| Drive-Through Service                          | The delivery of products or services to customers while the customer is inside a vehicle                                                                                                                     |
| Dry Cleaning                                   | The use of a lot in the manner described in <a href="#">Wis. Stat. 77.996(2)</a>                                                                                                                             |
| Dwelling Unit                                  | A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others    |
| Electric Vehicle Charging                      | The use of a lot to supply electrical power in excess of 120 volts to charge fully integrated batteries that set vehicles into motion                                                                        |
| Employment Agency                              | The use of a lot in the manner described in <a href="#">Wis. Stat. 111.32(7)</a>                                                                                                                             |
| Event Space                                    | The use of a lot for the gathering of individuals at a specific time for direct or indirect compensation                                                                                                     |
| Family Child Care Home                         | The use of a lot in the manner described in <a href="#">Wis. Stat. 66.1017(1)(a)</a>                                                                                                                         |
| Floor Area Ratio                               | The numerical value obtained through dividing the gross floor area by the total area of the lot ( <a href="#">diagram</a> )                                                                                  |
| Food Production                                | The use of a lot in the manner described in <a href="#">Wis. Stat. 97.29(1)(g)</a> where processed food is available to be sold or distributed directly to a consumer                                        |
| Fuel Sales                                     | The retail sale of vehicle fuel                                                                                                                                                                              |
| Funeral Establishment                          | The use of a lot in the manner described in <a href="#">Wis. Stat. 445.01(6)</a>                                                                                                                             |
| General Retail                                 | Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of 8,000 square feet or greater                                                                     |
| General Service                                | Unless more specifically defined, the sale of services within a building that has a gross floor area of 8,000 square feet or greater                                                                         |
| Gross Floor Area                               | The sum of all areas within a building designed to carry a vertical load, excluding any area used exclusively for off-street parking or equipment that provides utilities or climate control to the building |
| Group Child Care Center                        | The use of a lot in the manner described in <a href="#">Wis. Stat. 49.136(1)(k)</a>                                                                                                                          |
| Heavy Motor Vehicle Sales                      | The use of a lot in the manner described in <a href="#">Wis. Stat. 218.0101(23)</a> and offering any vehicles having a gross vehicle weight rating of 10,001 pounds or greater                               |
| Heavy Motor Vehicle Service                    | The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,001 pounds or greater for compensation                                                                  |
| Home-Based Business                            | The use of a lot in the manner described in <a href="#">Wis. Adm. Code SPS 361.04(3m)</a> , except a home office                                                                                             |
| Home Office                                    | The accessory use of a dwelling unit to carry on that occupation to carry on an occupation for which clients do not meet at the dwelling unit and no packages are sent from the dwelling unit                |
| Hospital                                       | The use of a lot in the manner described in <a href="#">Wis. Stat. 50.33(2)</a>                                                                                                                              |
| Hotel                                          | The use of a lot in the manner described in <a href="#">Wis. Stat. 97.01(7)</a>                                                                                                                              |
| Industrial                                     | Unless more specifically defined, the use of a lot for creating products by combining or                                                                                                                     |

|                                       |                                                                                                                                                                                                                                                                                                                                                            |
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|                                       | connecting other materials                                                                                                                                                                                                                                                                                                                                 |
| Instruction/Training                  | The use of a lot for teaching one particular skill or conducting a class on one subject                                                                                                                                                                                                                                                                    |
| Large Retail Development              | The use of a lot or combination of lots for retail sales with a display area of 50,000 square feet or more                                                                                                                                                                                                                                                 |
| Laundry (self-service)                | The use of a display area laundry services performed by the customer through the use of self-service machines                                                                                                                                                                                                                                              |
| Light Industrial                      | The use of a lot for creating products by combining or connecting other materials, but only if 1) no noise, vibration, or odor is reasonably detectible from off the lot, 2) no hazardous materials are stored or processed on the lot, 3) no industrial activities take place outside a building, and 4) no material is disbursed in the air from the lot |
| Light Motor Vehicle Sales             | The use of a lot in the manner described in <a href="#">Wis. Stat. 218.0101(23)</a> and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less                                                                                                                                                                               |
| Light Motor Vehicle Sales (indoor)    | The use of a lot in the manner described in <a href="#">Wis. Stat. 218.0101(23)</a> and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less entirely within a building                                                                                                                                                    |
| Light Motor Vehicle Service           | The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,000 pounds or less for compensation                                                                                                                                                                                                                   |
| Light Motor Vehicle Service (limited) | Auto glass services including glass repair, replacement, tint, & vinyl graphic enhancements for motor vehicles having a gross weight rating of 10,000 pounds or less for compensation                                                                                                                                                                      |
| Limited Use                           | A use that is allowed upon meeting all conditions specified in the code                                                                                                                                                                                                                                                                                    |
| Lodging House                         | Conducting the activities described in <a href="#">Wis. Stat. 779.43(1)(b)</a>                                                                                                                                                                                                                                                                             |
| Lot                                   | A distinct parcel, tract, or area of land established by plat, subdivision, or other instrument recorded in the office of the register of deeds                                                                                                                                                                                                            |
| Lot Coverage                          | The percentage of the lot which is occupied by buildings ( <a href="#">diagram</a> )                                                                                                                                                                                                                                                                       |
| Lot Line, Front                       | If one street borders a lot, the portion of a lot that borders that street. If multiple streets border a lot, the portion of a lot that borders the street deemed primary by the manager of planning and zoning                                                                                                                                            |
| Lot Line, Rear                        | The portion of a lot that borders an alley. If no alley exists, the portion of a lot opposite a front lot line.                                                                                                                                                                                                                                            |
| Lot Line, Side                        | The portion of a lot that is not a front or rear lot line                                                                                                                                                                                                                                                                                                  |
| Lot Width                             | The shortest distance between side lot lines at a point midway between the front and rear lot lines                                                                                                                                                                                                                                                        |
| Massage Therapy                       | The use of a lot in a manner described in <a href="#">Wis. Stat. 460.01(4)</a> for compensation                                                                                                                                                                                                                                                            |
| Medical Clinic                        | The use of a lot for the provision of outpatient nursing, medical, podiatric, dental, chiropractic, or optometric care and treatment outside of a residence or a hospital                                                                                                                                                                                  |
| Medical Services                      | The use of a lot for blood or blood plasma donation, kidney dialysis, birth center services, or treatment of sexually transmitted diseases outside of a residence or a hospital                                                                                                                                                                            |
| Mobile Service Support Structure      | The use of a lot in a manner described in <a href="#">Wis. Stat. 66.0404(1)(n)</a>                                                                                                                                                                                                                                                                         |
| Narcotic Treatment Service            | The use of a lot in a manner described in <a href="#">Wis. Stat. 51.4224(1)(a)</a> outside of a hospital                                                                                                                                                                                                                                                   |
| Neighborhood Retail                   | Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of less than 8,000 square feet                                                                                                                                                                                                                    |
| Neighborhood Service                  | Unless more specifically defined, the sale of services within a building that has a gross floor area of less than 8,000 square feet                                                                                                                                                                                                                        |
| Nicotine Sales                        | The use of 10% or more of a gross floor area for the retail sale of any cigarettes, tobacco products, nicotine products, and any electronic nicotine delivery system or other device used to ingest cigarettes, tobacco products, or nicotine products                                                                                                     |
| Nominal Price Retail                  | The retail sale of primarily inexpensive general merchandise at a price of \$10.00 per item or less                                                                                                                                                                                                                                                        |
| Outdoor Dining                        | The use of a lot for consumption of food outside of a building on the premises of a restaurant                                                                                                                                                                                                                                                             |
| Outdoor Display                       | The presentation outside of a building of goods offered for retail sale or examples of goods offered for retail sale                                                                                                                                                                                                                                       |
| Outdoor Storage                       | Except for outdoor displays, the placement of any items outside a building for the purpose of storing the items for more than 24 consecutive hours                                                                                                                                                                                                         |
| Parking Lot                           | A structure that is not a building which is built at grade and used to facilitate the ingress, egress, and parking of motor vehicles                                                                                                                                                                                                                       |
| Parking Structure                     | A building used to facilitate the ingress, egress, and parking of motor vehicles                                                                                                                                                                                                                                                                           |
| Pawnbroker                            | The purchasing and selling of articles or jewelry in a manner described in <a href="#">Wis. Stat. 134.71(1)(e)</a>                                                                                                                                                                                                                                         |
| Payday Lender                         | The use of a lot in a manner described in <a href="#">Wis. Stat. 62.23(7)(hi)1.b.</a>                                                                                                                                                                                                                                                                      |

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|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permitted Use                       | A use that is allowed without any specified conditions                                                                                                                                                                                             |
| Principal Building                  | The building on a lot in which a principal use is primarily conducted                                                                                                                                                                              |
| Principal Dwelling Unit             | The dwelling unit or units located within the principal building                                                                                                                                                                                   |
| Principal Use                       | A primary or predominant use of a premises                                                                                                                                                                                                         |
| Production/Repair                   | The accessory use of a lot to produce or service items similar to those sold on-site at retail as a principal use                                                                                                                                  |
| Public Park                         | A lot that is primarily used for recreational activity and open to the public at no cost                                                                                                                                                           |
| Public Utility Service Structure    | A structure that is exclusively used to provide public utilities                                                                                                                                                                                   |
| Recovery Residence                  | The use of a lot in a manner described in <a href="#">Wis. Stat. 46.234(1)</a>                                                                                                                                                                     |
| Recreation                          | The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants                                                                                                                                   |
| Recreation (indoor)                 | The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants entirely within a building                                                                                                        |
| Religious Institution               | The use of a lot for the assembly of persons for religious purposes and related use for religious ceremonies, purposes, and events                                                                                                                 |
| Research Laboratory                 | The use of a lot for testing, investigation, development, or verification of scientific processes to advance technology                                                                                                                            |
| Residential Care Service            | The use of a lot as a nursing home as described in <a href="#">Wis. Stat. 50.01(3)</a> , a hospice as described in <a href="#">Wis. Stat. 50.90(1)</a> , or a residential care apartment complex as described in <a href="#">Wis. Stat. 50.034</a> |
| Restaurant                          | The use of a lot in the manner described in <a href="#">Wis. Stat. 97.01(14g)</a>                                                                                                                                                                  |
| Restricted Manufacturing            | The preparation, processing, assembling, or packing of a product that may be lawfully advertised as blind-made under <a href="#">Wis. Stat. 47.03(3)(a)</a>                                                                                        |
| Rummage Sales                       | The sale of tangible goods from a lot used for residential purposes only if, in a calendar year, the seller's total revenue from all sales on that lot does not exceed \$2,000 and goods are offered for sale not more than 5 days                 |
| School                              | The use of a lot for teaching more than one skill or conducting classes on more than one subject                                                                                                                                                   |
| Secondhand Article or Jewelry Sales | The purchasing and selling of articles or jewelry in the manner described in <a href="#">Wis. Stat. 134.71(1)(g)</a> or <a href="#">(h)</a>                                                                                                        |
| Self-Service Storage                | A type of light industrial use of a lot in a manner described in <a href="#">Wis. Stat. 704.90(1)(g)</a>                                                                                                                                           |
| Setback                             | The distance between a lot line and a building or structure                                                                                                                                                                                        |
| Short-Term Rental                   | The use of a lot in a manner described in <a href="#">Wis. Stat. 66.0615(1)(dk)</a>                                                                                                                                                                |
| Site Plan                           | A document or set of documents that show the physical layout of a lot, landscaping arrangement and description, and architectural drawings of any structures located on the lot                                                                    |
| Sport Shooting Range                | The use of a lot in the manner described in <a href="#">Wis. Stat. 66.0409(1)(c)</a>                                                                                                                                                               |
| State Fair Use                      | The use of a lot in a manner authorized under <a href="#">Wis. Stat. 42.01</a>                                                                                                                                                                     |
| Structure                           | Any object that is affixed to the ground and not created by nature                                                                                                                                                                                 |
| Substation                          | A structure used for the transmission or distribution of electrical power, light, heat, water, gas, sewer, telegraph or telecommunication services                                                                                                 |
| Tavern                              | The retail sale of alcohol beverages in the manner described in <a href="#">Wis. Stat. 125.26</a> and <a href="#">125.51(3)</a>                                                                                                                    |
| Theater                             | The use of a lot for the exhibition of a motion picture or performing arts to the public                                                                                                                                                           |
| Thrift Retail                       | The receiving of donated goods from the public for on-site sale of those goods to the public                                                                                                                                                       |
| Use                                 | A constant, occasional, or isolated act taking place with or without the knowledge of any person occupying a lot                                                                                                                                   |
| Utility Pole                        | A structure described in <a href="#">Wis. Stat. 66.0414(1)(x)</a> or any structure designed solely for the collocation of small wireless facilities                                                                                                |
| Veterinary Services                 | The use of a lot for the practice of veterinary medicine under <a href="#">Wis. Stat. 89.02(6)</a>                                                                                                                                                 |
| Warehousing, Private                | A type of light industrial use of a lot for the storage of property owned by the operator and intended for wholesale or retail distribution                                                                                                        |
| Warehousing, Public                 | A type of light industrial use of a lot in the manner described in <a href="#">Wis. Stat. 99.01(3)</a>                                                                                                                                             |
| Waste Services                      | The use of a lot as a solid waste facility under <a href="#">Wis. Stat. 289.01(35)</a> , pyrolysis facility under <a href="#">Wis. Stat. 289.01(27m)</a> , or gasification facility under <a href="#">Wis. Stat. 289.01(9m)</a>                    |
| Wireless Support Structure          | A structure described in <a href="#">Wis. Stat. 66.0414(1)(zp)</a> that actually used to support small wireless facilities                                                                                                                         |
|                                     |                                                                                                                                                                                                                                                    |

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| Yard        | Any part of a lot that is not within a building                                                       |
| Yard, Front | The part of a lot from the front lot line to the principal building and any adjacent land (see image) |
| Yard, Rear  | The part of a lot from the rear lot line to the principal building and any adjacent land (see image)  |
| Yard, Side  | The part of a lot that is not a rear or front yard                                                    |

**SECTION 2:** **AMENDMENT** “19.42 Residential Accessory Buildings” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 19.42 Residential Accessory Buildings

1. Location and Size. No residential accessory building may exceed the minimum and maximum standards set forth in the table below. If any cell is blank, no limit is imposed.

|                                             | Accessory Dwelling Unit                              | <u>Detached Garage</u>                          | Other Accessory Building |
|---------------------------------------------|------------------------------------------------------|-------------------------------------------------|--------------------------|
| Exterior Wall Height (maximum)              | 20'                                                  | 10'                                             | 10'                      |
| Height (maximum)                            | Height of principal building, not to exceed 20'      | Height of principal building, not to exceed 18' | 15'                      |
| Building Coverage (maximum)                 | 50% of principal building, not to exceed 800 sq. ft. | 1,000 sq. ft.                                   | 300 sq. ft.              |
| Setback from Principal Building (minimum)   | 10'                                                  | 10'                                             | 10'                      |
| Front Setback (minimum)                     | <u>See WAMC 19.41<del>60'</del></u>                  | 60'                                             | 60'                      |
| Rear Setback - abutting alley (minimum)     | 5'                                                   | 5'                                              | 5'                       |
| Rear Setback - not abutting alley (minimum) | 3'                                                   | 3'                                              | 3'                       |
| Side Setback (minimum)                      | 3'                                                   | 3'                                              | 3'                       |

2. Design Standards. Any residential accessory building in excess of 150 square feet shall be designed and constructed to be compatible with the appearance and construction style of the principal building, including exterior building materials, roof style, and colors.

**SECTION 3:** **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COMMON COUNCIL  
FEBRUARY 24, 2026.

|                      | AYE      | NAY   | ABSENT | ABSTAIN |
|----------------------|----------|-------|--------|---------|
| Ald. Ray Turner      | <u>X</u> | _____ | _____  | _____   |
| Ald. Kimberlee Grob  | <u>X</u> | _____ | _____  | _____   |
| Ald. Chad Halvorsen  | <u>X</u> | _____ | _____  | _____   |
| Ald. Marissa Nowling | <u>X</u> | _____ | _____  | _____   |
| Ald. Suzette Grisham | <u>X</u> | _____ | _____  | _____   |
| Ald. Danna Kuehn     | <u>X</u> | _____ | _____  | _____   |
| Ald. Dan Roadt       | <u>X</u> | _____ | _____  | _____   |
| Ald. Patty Novak     | <u>X</u> | _____ | _____  | _____   |
| Ald. Kevin Haass     | <u>X</u> | _____ | _____  | _____   |
| Ald. Marty Weigel    | <u>X</u> | _____ | _____  | _____   |

Attest

Presiding Officer

*Tracey Uttke*

Tracey Uttke, City Clerk, City Of West Allis

*Dan Devine*

Dan Devine, Mayor, City Of West Allis

