



STAFF REPORT
WEST ALLIS PLAN COMMISSION
Wednesday, January 28, 2026
6:00 PM

9. Ordinance to amend zoning rules for residential accessory buildings.

Overview

There are two parts to the proposed ordinance amendment. A summary of this ordinance amendment was before the Common Council Economic Development Committee on January 20, 2026 and the committee favored the change and directed staff to prepare a zoning ordinance amendment. As with all potential ordinance amendments, part of the process requires Planning Commission consideration. Your recommendation will be forwarded to the Common Council and a public hearing will be conducted prior to Council action.

Part 1 ADU's

West Allis' zoning code allows **Accessory Dwelling Units (ADU's)** in all residential districts and in most commercial districts when accessory to, and on the same property as the existing dwelling (single- or two-family house). ADU's are defined as a dwelling unit other than the principal dwelling unit.



What's intended with this change?

Section [19.42](#) of the zoning code regulates the size, location, and height of ADU's. The red and green notes within the existing table are the areas of proposed change as follows:

Proposed Ordinance amendment

[19.42 Residential Accessory Buildings](#)

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	Detached Garage	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)	60' <small>Per Zoning District</small>	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'

- Unless otherwise described, detached structures like car ports, sheds, pergolas, gazebos, greenhouses are considered "Other accessory buildings."
- Residential Accessory Structures over 150-sf shall require a building permit. The design and construction of any accessory building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to the main building or shall be commonly associated with residential construction.
- When constructed to be physically attached to the principal building, accessory dwelling units, garages and/or other accessory buildings are subject to the specific zoning district setback and lot coverage requirements within WAMC sec. 19.41.

- Currently an accessory dwelling must be setback at least 60-ft from the front lot line. While ADU's are allowed in front, side, and rear yards, the 60-ft setback requirement in most cases forces an ADU to be situated in the rear yard.
- The amendment if passed would establish the front yard setback for an ADU to be compatible to the minimum front yard setback to what's allowed in the subject zoning district (see table 19.41 below). This would allow more flexibility in placement of the ADU within the yard area.

[19.41 Building Size And Location](#)

No building, except a 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.

Buildable Space (click link for diagram)	RA-1	RA-2	RA-3	RB	RC	C-1	C-2	C-3	C-4
Height (maximum)	35'	35'	35'	40'	85'	65'	85'	85'	105'
Front Setback (maximum)				40'	30'	20'	0'	10'	20'
Front Setback (minimum)	30'	25'	20'	10'					10'
Rear Setback (minimum)	25'	25'	10'	10'					See (1)
Side Setback (minimum)	8'	5'	3'	3'					See (1)
Density	RA-1	RA-2	RA-3	RB	RC	C-1	C-2	C-3	C-4
Floor Area Ratio (maximum)									
Lot Coverage (maximum)	40%	40%	50%	60%					
Lot Size	RA-1	RA-2	RA-3	RB	RC	C-1	C-2	C-3	C-4
Lot Width (maximum)		150'	100'	80'					
Lot Width (minimum)	75'	50'	40'	30'					

Comparison with other Codes

Our code currently requires a 60-ft distance from the front yard lot line, and in most cases this prohibits development of an ADU alongside the main home. This limitation was not the intended outcome when we crafted this section of the code in 2022. Our code currently mirrors what we typically allow for a detached garage and other accessory buildings, which was perhaps an oversight since we otherwise allow ADU's to be located in any yard according to section 19.43. The attached ordinance eliminates the 60-ft setback for an ADU building and simply allows construction of an ADU in alignment with the zoning district.

By comparison, Wauwatosa's zoning code for ADU's doesn't require a front yard setback requirement (other than indicating not in front of the primary house).

Best practices: flexibility with neighborhood context & compatibility in mind. This permits homeowners more flexibility while prescribing a 60-ft front yard setback across the board. The reduction in setback also reduces costs to the property owner when considering the distance to hook-up into utilities.

Part 2 Other Accessory Buildings

Code Enforcement has suggested we consider adding some language into our code on car ports, and further clarifying the part of sec. 19.42 classified as "Other Accessory Buildings."

Certain accessory structures like carports can be relatively inexpensive structures that may be [purchased online](#) from a variety of retailers. The purpose of the ordinance amendment is not to prohibit such accessory structures but rather update the zoning code to clarify their place, size, design. *In general*, the design and construction of any garage, carport, or storage building shall be like or compatible with the design and construction of the main building.

In addition to the ordinance (if passed), Planning and Code Enforcement will also update the existing customer handout on residential accessory structures which currently covers accessory buildings like garages and sheds to include some language on car ports, pergolas, and similar. For example, this would likely include prohibited materials (see Green Bay), monolithic slab with continuous rebar in a thickened perimeter, or just installed per manufacturer requirements as well as a parking slab consisting of concrete, and prohibition on storage of items that are not designed for the outside elements. Code Enforcement shared a [policy flyer that Green Bay uses](#). It is worth noting that GB allows car ports, but not the metal or plastic types shown.

Recommendation: Common Council approval of an ordinance to amend zoning rules for residential accessory buildings., subject to Common Council public hearing and approval (schedule to be determined).

Residential Accessory Buildings



Any building, or structure, or dwelling other than the principal building



19.42 Residential Accessory Buildings Ordinance amendment consideration

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1. Unless otherwise described, detached structures like car ports, sheds, pergolas, gazebos, greenhouses are considered “Other accessory buildings.”
2. Residential Accessory Structures over 150-sf shall require a building permit. The design and construction of any accessory building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to the main building or shall be commonly associated with residential construction.
3. When constructed to be physically attached to the principal building, accessory dwelling units, garages and/or other accessory buildings are subject to the the specific zoning district setback and lot coverage requirements within WAMC sec. 19.41.

1. ADU's

- Existing code sec. 19.42 requires a 60-ft front yard setback (like a garage).
- ADU's otherwise allowed in front, side, and rear yards per 19.43
- Consideration of amending ordinance to reduce setback requirement consistent with zoning district.

2. Other Accessory Buildings/structures

- Added clarifications (notes 1-3)
 1. Carports are “Other Acc. Bldgs.”
 2. Design criteria (of note a policy document (like the Green Bay example) could be developed w/ garage/shed handout.
 3. If attached zoning district rules apply when part of main building envelope.



PROHIBITED



Round Top Shelters or Portable structures, enclosed by walls of fabric or plastic film AND metal carports are prohibited in residential districts of the City of Green Bay, per Section 44-590, Green Bay Zoning Code.

Structures will be ordered to be taken down



ADU, Existing Zoning Code example 6105 W Lapham St.

Existing 58x120-ft lot zoned RB/residence
Existing 1,676-sf duplex (main/principal building)

Proposal to build a 16x25-ft home

- 400-sf footprint
- w/ second floor and basement
- New construction to require design review and a building permit

- Under existing zoning code, the proposed ADU would need to be setback 60-ft from the north/front lot line.



ADU, Amended Zoning Code example 6105 W Lapham St.

Existing 58x120-ft lot zoned RB/residence
Existing duplex (main/principal building & use)

- Effect of zoning ordinance amendment
 - 60-ft front yard setback reduced to be compatible with zoning district. In this case, 10-ft front yard setback RB zoning.
 - All other requirements for ADU's stay the same.
 - New construction to require design review and a building permit



6105-07 W. Lapham St

Prepared For: Remodeling by Mac & Miller Residences

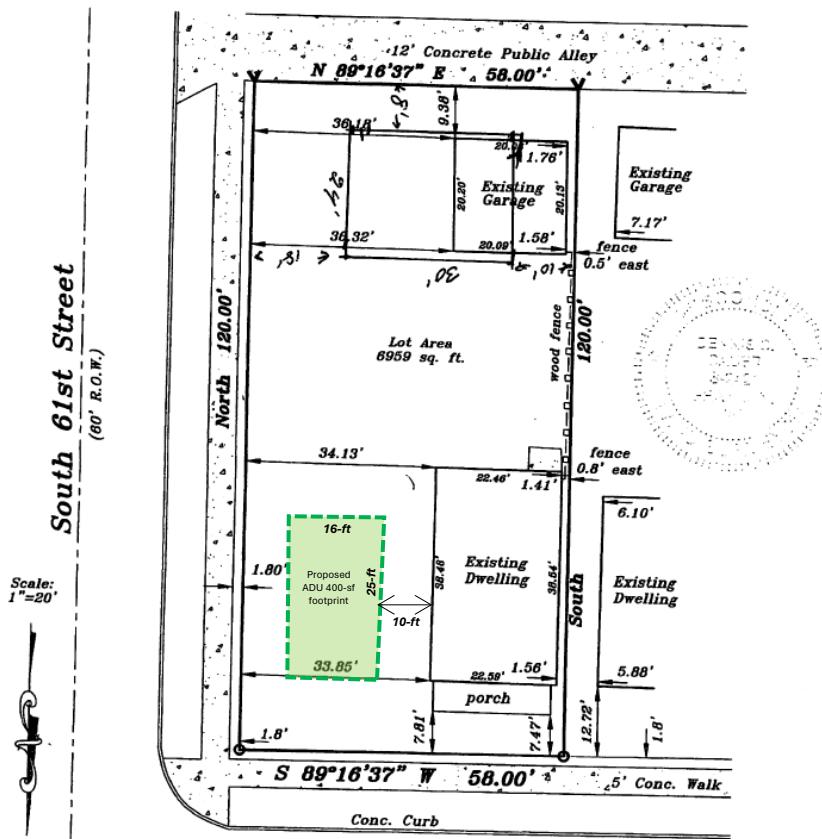
PLAT OF SURVEY

LOCATION: 6105 West Lapham Street, West Allis, Wisconsin

LEGAL DESCRIPTION: Lots 1 & 2 in Block 2 in **CENTRAL IMPROVEMENT CO.**
SUBDIVISION NO. 2, being a Subdivision of a part of the Northeast 1/4
of Section 3, Town 6 North, Range 21 East, in the City of West Allis,
Milwaukee County, Wisconsin.

July 17, 2015

Survey No. 105851



West Lapham Street

60' ROW

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION

Basic Steps to construct an ADU:

- Updated Plat of Survey required
- Planning and Zoning Design Review permit
- Building permit

