

..Number
190338
..Version
SUBSTITUTE 1
..Reference

..Sponsor
ALD. BAUMAN

..Title
A substitute ordinance relating to zoning regulations for pergolas.

..Section
295-505-3 (table) am
295-505-3-f-0 am
295-505-3-f-1 am
295-505-3-f-2 am
295-505-3-f-5 am
295-505-3-f-9 am
295-505-3-i am

..Analysis
Under current zoning code provisions, an open-lattice-covered pergola is subject to the accessory structure design standards for an open trellis or arbor. A fully-covered pergola (e.g., one with a corrugated fiberglass roof) is subject to the accessory structure design standards for a shed.

This ordinance provides that the design standards for a fully-covered pergola shall differ from the design standards in the following aspects:

1. A fully-covered pergola shall not be included when calculating lot coverage. A shed shall continue to be included in this calculation.
2. There shall be no minimum rear setback, minimum rear street setback or minimum side street (rear yard) setback for a fully-covered pergola. A shed shall continue to be subject to setback requirements.
3. The maximum sidewall height for a fully-covered pergola shall be 10 feet. The maximum sidewall height for a shed shall continue to be 8 feet.

..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Table 295-505-3 of the code is amended to read:

Table 295-505-3 ACCESSORY STRUCTURE DESIGN STANDARDS							
	Garage	Shed >> <u>or fully-covered pergola</u> <<	Deck/stoop less than one foot above grade	Deck/stoop one to 3 feet above grade	Deck/stoop 3 to 7 feet above grade	Deck/stoop more than 7 feet above grade	Open trellis [or arbor] >> <u>, arbor or open-lattice-covered pergola</u> <<
Included in lot coverage calculation?	Yes	Yes >> <u>except for a fully-covered pergola</u> <<	No	No	Yes	Yes	No
Minimum front setback	Same as principal building; if the garage door faces the front of the lot, an additional 4 ft. shall be required.	Same as principal building.	No restriction.	Same as principal building.	Same as principal building.	Same as principal building.	No restriction.
Minimum side street setback	Same as principal building, but not closer to side street than any existing principal building.		No restriction.	Same as principal building.		Same as principal building.	No restriction.
Minimum rear street setback	Average in accordance with s. 295-505-2-e >> <u>; no restriction for fully-covered pergola</u> <<					No restriction.	No restriction.
Minimum side setback when located in the side yard	Same as principal building.	Same as principal building.	No restriction.	Up to property line; however, all railings above 4 feet shall be at least 50% open.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	Same as principal building.	Same as principal building.

**Table 295-505-3
ACCESSORY STRUCTURE DESIGN STANDARDS**

	Garage	Shed >> <u>or fully-covered pergola</u> <<	Deck/stoop less than one foot above grade	Deck/stoop one to 3 feet above grade	Deck/stoop 3 to 7 feet above grade	Deck/stoop more than 7 feet above grade	Open trellis [or arbor] >> <u>, arbor or open-lattice-covered pergola</u> <<
Minimum side setback when located in the rear yard	1.5 feet; 4 feet if access crosses side lot line from an alley.	1.5 feet >> <u>; no restriction for fully-covered pergola</u> <<.	No restriction.	No restriction.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	No restriction.
Min. rear setback	4 feet; may be reduced to 1.5 feet if there is no alley or no access from an alley	4 feet; may be reduced to 1.5 feet if there is no alley or no access from an alley >> <u>; no restriction for fully-covered pergola</u> <<	No restriction.	No restriction.	1.5 feet; however, all railings above 4 feet shall be at least 50% open	4 feet; may be reduced to 1.5 feet if there is no alley.	No restriction.
Max. height of sidewall	10 feet	8 feet >> <u>;10 feet for fully-covered pergola</u> <<	No restriction.	No restriction.	No restriction.	10 feet	8 feet
Max. overall height	24 feet or the height of the principal building, whichever is less	14 feet	Not applicable.	Not applicable.	Not applicable.	14 feet	14 feet

Part 2. Section 295-505-3-f-0 to 2, 5 and 9 of the code is amended to read:

295-505. Design Standards.

3. ACCESSORY STRUCTURE STANDARDS.

f. Garages ~~[[and]]~~ >>₁<< Sheds >>and Fully-Covered Pergolas<< .

f-1. General. An accessory building that is 150 square feet or less in area >>or a fully-covered pergola of any size<< shall meet the requirements for sheds set forth in table 295-505-3. An accessory building that is greater than 150 square feet in area shall meet the requirements for garages set forth in table 295-505-3. A carport or similar roofed structure shall meet the requirements for either garages or sheds, depending on the size of the structure.

f-2. Location. A garage ~~[[or]]~~ >>₁<< shed >>or fully-covered pergola<< may be located in the rear yard of the principal structure. A garage ~~[[or]]~~ >>₁<< shed >>or fully-covered pergola<< may also be located in the side yard, provided it is not in the required side setback area of the principal structure. Garages ~~[[and]]~~ >>₁<< sheds >>and fully-covered pergolas<< shall not be permitted in front yards.

f-5. Sidewall Height. The maximum height of a garage ~~[[or]]~~ >>₁<< shed >>or fully-covered pergola<< sidewall shall be as specified in table 295-505-3. The height of a sidewall shall be measured from the level of the grade to a horizontal line even with the bottom edge of the fascia board. Where rafter tails are exposed, measurement shall be to a horizontal line even with the bottom edge of the rafters.

f-9. Attachment to Principal Building. A garage ~~[[or]]~~ >>₁<< shed >>or fully-covered pergola<< may be attached to a principal building. If an attached garage ~~[[or]]~~ >>₁<< shed >>or fully-covered pergola<< has no second-floor living space, it shall be included in the lot coverage calculation for accessory structures, rather than the lot coverage calculation for the principal building. In addition, an attached garage ~~[[or]]~~ >>₁<< shed >>or fully-covered pergola<< with no second-floor living space shall be subject to the setback requirements for an accessory building, rather than the setback requirements for a principal building.

Part 3. Section 295-503-3-i of the code is amended to read:

i. Open Trellises ~~[[and]]~~ >>₁<< Arbors >>and Open-Lattice-Covered Pergolas<< . An open trellis ~~[[or]]~~ >>₁<< arbor >>or open-lattice-covered pergola<< may be located in the front yard, side yard or rear yard in accordance with table 295-505-3.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB174383-2

Jeff Osterman

06/03/2019