

..Number
211967
..Version
SUBSTITUTE 1
..Reference

..Sponsor
THE CHAIR

..Title
A substitute ordinance relating to zoning regulations for open pavilions.

..Section
295-505-3 (table) am

..Analysis
Currently, the zoning code establishes a maximum overall height of 10 feet for an accessory-structure open pavilion in a residential zoning district. This ordinance provides that the maximum overall height for an open pavilion that is accessory to a permitted non-residential use shall be 14 feet or the height of the principal building, whichever is less.

..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	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	Pergola, trellis or arbor	Open pavilion
Included in lot coverage calculation?	Yes	Yes	No	No	Yes	Yes	No	Yes
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.	Same as principal building.
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.	No restriction.
Minimum rear street setback	Average in accordance with s. 295-505-2-e					No restriction.	No restriction.	Average in accordance with s. 295-505-2-e.
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.	Same as principal building.
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.	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.	1.5 feet.

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

	Garage	Shed	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	Pergola, trellis or arbor	Open pavilion
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	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.	1.5 feet
Max. height of sidewall	10 feet	8 feet	No restriction.	No restriction.	No restriction.	10 feet	8 feet	Not applicable.
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	10 feet >>*<<

>>* Maximum overall height for an open pavilion that is accessory to a permitted non-residential use shall be 14 feet or the height of the principal building, whichever is less.<<

..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

Department of City Development

..Drafter

LRB177336-2

Jeff Osterman

05/12/2022