



Legislation Details (With Text)

**File #:** 190982      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/15/2019      **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:** 11/26/2019

**Effective date:**

**Title:** A substitute ordinance relating to regulations for accessory structures in residential zoning districts.

**Sponsors:** THE CHAIR

**Indexes:** ZONING

**Attachments:** 1. Zoning Code Technical Committee Letter, 2. City Plan Commission Letter, 3. DCD PowerPoint Presentation, 4. Hearing Notice List, 5. Proof of Publication

Date	Ver.	Action By	Action	Result	Tally
10/15/2019	0	COMMON COUNCIL	ASSIGNED TO		
10/17/2019	1	CITY CLERK	DRAFT SUBMITTED		
10/17/2019	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
10/17/2019	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
11/11/2019	1	CITY PLAN COMMISSION	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	6:0
11/13/2019	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
11/13/2019	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
11/19/2019	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
11/26/2019	1	COMMON COUNCIL	PASSED	Pass	14:0
12/4/2019	1	MAYOR	SIGNED		

190982  
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to regulations for accessory structures in residential zoning districts.

- 295-201-7      am
- 295-201-40      cr
- 295-201-412      cr
- 295-201-447.5      cr
- 295-201-544      am
- 295-201-666      cr
- 295-205-15-b      am
- 295-505-3 (table)      am
- 295-505-3-c      am

295-505-3-e am

This ordinance defines 2 types of accessory structures, “open pavilions” and “pergolas,” and establishes the accessory structure design standards (e.g., maximum lot coverage, minimum setbacks and maximum height) for these types of structures.

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

Part 1. Section 295-201-7 of the code is amended to read:

**295-201. Definitions.**

**7. ACCESSORY STRUCTURE** means a structure on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use. An accessory structure may be attached or detached from the principal structure. An accessory structure does not contain habitable space. Examples of accessory structures include, but are not limited to, garages, sheds, decks, fences, trellises, >>arbors, pergolas<< flagpoles, air conditioners >>, open pavilions<< and awnings.

Part 2. Section 295-201-40 of the code is created to read:

**40. ARBOR.** See PERGOLA.

Part 3. Section 295-201-412 of the code is created to read:

**412. OPEN PAVILION** means a freestanding canopy that provides shade or rain coverage over a patio or deck not more than 3 feet above grade.

Part 4. Section 295-201-447.5 of the code is created to read:

**447.5. PERGOLA** means a vertical structure without a solid roof or solid walls, but which may include lattice. It is typically used for decoration, to provide support for plants, or to frame a view.

Part 5. Section 295-201-544 of the code is amended to read:

**544. SHED** means an >>enclosed<< accessory building of not more than 150 square feet in floor area and not more than 14 feet in maximum height.

Part 6. Section 295-201-666 of the code is created to read:

**666. TRELLIS.** See PERGOLA.

Part 7. Section 295-205-15-b of the code is amended to read:

**295-205. Rules of Measurement.**

**15. LOT COVERAGE.**

b. Trellises >>, arbors, pergolas<< and similar structures which do not have solid roofs.

Part 8. 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	[[Open]] >> Pergola, << trellis or arbor	>>Open pavilion <<
Included in lot 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 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 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 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 alley	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	[[Open]] >> 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 structure	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.<<

Part 9. Section 295-505-3-c and e of the code is amended to read:

**295-505. Design Standards.**

**3. ACCESSORY STRUCTURE STANDARDS.**

c. Maximum Lot Coverage. See table 295-505-3 to determine which structures shall be included when calculating the lot coverage of accessory structures. The total lot coverage of all accessory structures which are subject to inclusion in the lot coverage calculation shall not exceed 15% of the lot area. >>Total lot coverage may be increased to 22% if at least 7% of the coverage is for an open pavilion.<<

e. Maximum Size. For any lot occupied solely by a single-family or 2-family dwelling, no garage or deck shall exceed 1,000 square feet in area >>and no open pavilion shall exceed 500 square feet in area<< .

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Dept. of City Development  
LRB175197-2

Jeff Osterman  
10/09/2019