

City of Milwaukee

200 E. Wells Street Milwaukee, Wisconsin 53202

Legislation Text

File #: 190982, Version: 1

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-е 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, >><u>arbors</u>, <u>pergolas</u>, << flagpoles, air conditioners >>, <u>open pavilions</u> << 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 >><u>enclosed</u><< 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:

. 45.5 200 000			RE DESIGN STA					
	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 mo than 7 feet abo grade		>> <u>Open pavilion</u> <<
Included in lot calculation?	Yes	Yes	No	No	Yes	Yes	No	>> <u>Yes</u> <<
	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 princ building.	No restriction.	>> <u>Same as</u> principal building. <<
	Same as principal building, but not closer to side street than any existing principal building.		No restrictio n.	Same as principal building.		Same as principal building.	No restriction.	>> <u>No restriction.</u> <<
Minimum rear : setback	Average in accordance with s. 295-505-2-e					No restrictio n.	No restriction.	>> <u>Average in</u> accordance with s. 295- 505-2-e.<<

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Minimum side	Same as	Same	No	Up to	1.5 feet;	Same as princi	Same as	>> <u>Same as</u>
when located in	principal	as	restriction.	property line;	however, all	building.	principal buildin	principal building.
yard	building.	principal		however, all	railings above			<<
		building.		railings	4 feet shall be			
				above 4 feet	at least 50%			
				shall be at	open.			
				least 50%				
				open.				
Minimum side	1.5 feet;	1.5 feet.	No	No	1.5 feet;	1.5 feet; howev	No restriction.	>> <u>1.5 feet.</u> <<
when located in	4 feet if		restriction.	restriction.	however, all	all railings abov		
yard	access				railings above	feet shall be at		
	crosses				4 feet shall be	50% open.		
	side lot				at least 50%			
	line from				open.			
	an alley.							

Table 295-505-3	3 ACCESSORY	STRUCTURE D	ESIGN STANDA	RDS				
	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 mod than 7 feet abov grade		>> <u>Open pavilior</u> :<<
	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 fi if there is no alle		>> <u>1.5 feet.</u> <<
Max. height of s	10 feet	8 feet	No restriction.	No restriction.	No restriction.	10 feet	8 feet	>> <u>Not applicabl</u> .<<
	24 feet or the height of the principal building, whichev er is less	14 feet	Not applicable.	Not applicable.	Not applicable.	14 feet	14 feet	>> <u>10 feet.</u> <<

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

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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