City of Milwaukee

## 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-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:

File \#: 190982, Version: 1
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:

|  | 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 md than 7 feet abo grade | $\begin{array}{\|l\|} \hline[\text { [Open }]] \gg \\ \text { Pergola, } \ll \text { trell } \\ \hline \text { or arbor } \end{array}$ | >>Open pavilion $\mid \ll$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Included in lot calculation? | Yes | Yes | No | No | Yes | Yes | No | >>Yes<< |
| Minimum front | Same as principal building; if the garage door faces the front of the lot, an additional 4 ft . shall be required. | $\begin{aligned} & \text { Same } \\ & \text { as } \\ & \text { principal } \\ & \text { building. } \end{aligned}$ | No restriction. | Same as principal building. | Same as principal building. | Same as princ building. | No restriction. | >>Same as principal building. |
| Minimum side setback | Same as p building, but closer to sid than any ex principal bu | ipal treet ing. | $\begin{aligned} & \text { No } \\ & \text { restrictio } \\ & \text { n. } \end{aligned}$ | Same as pri building. |  | Same as principal building. | No restriction. | >> No restriction.<< |
| Minimum rear setback | Average in accordance with s. 295-505-2-e |  |  |  |  | $\begin{aligned} & \text { No } \\ & \text { restrictio } \\ & \text { n. } \end{aligned}$ | No restriction. | >>Average in accordance with s. 295-505-2-e.<< |

File \#: 190982, Version: 1

| Minimum side when located ir 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 princ building. | Same as principal buildir | >>Same as principal building. < |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Minimum side when located in 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; howe all railings aboy feet shall be at $50 \%$ 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 mol than 7 feet abov grade | $\begin{aligned} & \mid[[\text { Open }]] \gg \\ & \mid \text { Pergola, } \ll \text { trelli } \\ & \hline \text { or arbor } \end{aligned}$ | >>Open pavilion < |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Min. rear setba | 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 | $\begin{aligned} & \text { No } \\ & \text { restriction. } \end{aligned}$ | 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 ff if there is no alle | No restriction. | >>1.5 feet.<< |
| Max. height of $\$$ | 10 feet | 8 feet | No restriction. | No restriction. | No restriction. | 10 feet | 8 feet | $\begin{array}{\|l\|} \hline \gg \text { Not applicabl } \\ \hline \text { << } \end{array}$ |
| Max. overall he | 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 | >>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

File \#: 190982, Version: 1
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

