

ORDINANCE NO. 3034

AN ORDINANCE AMENDMENT RELATED TO MODIFICATIONS TO
CHAPTER 535 ZONING ARTICLE IX OFF-STREET PARKING.

WHEREAS, the Village of Shorewood first enacted off-street parking regulations via Ordinance 688 in 1951 at a time of increasing suburbanization and auto-centricity;

WHEREAS, the majority of Shorewood's development occurred prior to auto-centricity in a human-scaled, dense, walkable and transit-oriented fashion that has made it a desirable place to live;

WHEREAS, the Village of Shorewood Plan Commission identified the need to research/revise off-street parking requirements within both their 2019 and 2020 initiatives;

WHEREAS, the Village undertook a Parking and Transportation Analysis in 2019-2020 that identified available on-street parking and ultimately led to the adoption of Ordinance 3013 amending the Village's night parking regulations, which expanded the availability of on-street parking;

WHEREAS, the review of off-street parking requirements aligns with greater planning principles, which in recent decades has debated both the actual and societal costs of off-street parking regulations;

WHEREAS, current regulations do not align with the village's existing context and particularly do not equitably treat residential development, resulting in less affordable and more land-intensive development;

WHEREAS, the Village of Shorewood Plan Commission discussed the proposed modifications at their June 22, 2021 and July 27, 2021 meetings and ultimately recommended that the Village Board consider the changes via an ordinance amendment;

WHEREAS, a class two public hearing notice was published in the official newspaper on August 18, 2021 and August 25, 2021 to notify all interested parties of a public hearing at the September 8, 2021 Village Board meeting to discuss the matter;

WHEREAS, by a vote of 3-2 with one abstention, the recommended modifications detailed in proposed Ordinance 2028 failed to receive a majority vote of those present at the September 8, 2021 meeting, and staff was directed to bring back the modifications for further discussion;

WHEREAS, further discussion took place within the October 18, 2021 Regular Meeting of the Village Board, upon which staff was directed to bring the proposed modifications back to the Village Board for consideration;

WHEREAS, a class two public hearing notice was published in the official newspaper on October 27, 2021 and November 3, to notify all interested parties of a public hearing at the November 15, 2021 Village Board meeting to discuss the matter;

NOW THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, held on the 15th day of November 2021, by a favorable vote of the members being present and therefore, said Board does ordain as follows:

SECTION 1

That Section 535-45 “Definitions” of Article IX “Off-Street Parking” of Chapter 535 “Zoning” is amended to remove the definition of “Substantial” and replace it with the following definition for “Substantial Enlargement”.

* * *

SUBSTANTIAL ENLARGEMENT

An addition that adds 25% or more to the building’s total floor area or 2,500 sq. ft., whichever is less.

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SECTION 2

That Section 535-46 “Authority to require parking facilities” of Article IX “Off-Street Parking” of Chapter 535 “Zoning” is renamed “Applicability and authority to require parking facilities” and replaced as follows:

§ 535-46. Applicability and authority to require parking facilities.

Unless otherwise specified, the provisions of this chapter related to required parking facilities, lots or spaces shall apply only to new buildings or structures, substantially enlarged buildings or structures or changes in use classification. However, all facilities, lots or spaces used for the parking of vehicles shall be used, maintained, and operated as required under this chapter.

A. Building and occupancy permits.

- (1) No building permit shall be issued for a new building or for a substantial enlargement to any existing building, unless there is included with the application and plans for such structure or enlargement a plan showing the required off-street parking spaces, in accordance with § 535-47 hereof.
- (2) No occupancy permit shall be issued involving a change of use classification, unless the required parking spaces shall have been provided on the approved plan or as hereinafter allowed.
- (3) The maximum number of parking spaces which may be included within a parking lot is 100 parking spaces. Where the total required parking under § 535-

47 exceeds 100 spaces, no permit may be issued unless the plans for construction, alteration or enlargement include a parking structure as part of the plan. At a minimum, 50% of the total required parking spaces shall be in the structure. Where the parking structure borders or fronts the street, at least 50% of the street level area shall be occupied by one or more permitted uses or uses otherwise approved.

- B. A permit shall be obtained by an owner or agent for the construction of any parking space, parking lot, parking facility, or appurtenance thereto, and for any driveway. A permit fee as provided by the Village Fee Schedule shall be payable upon the filing of an application for such permit.

SECTION 3

That Section 535-47 "Schedule of requirements" of Article IX "Off-Street Parking" of Chapter 535 "Zoning" is replaced as follows:

§ 535-47. Schedule of requirements.

A. Dwelling and lodging uses.

- (1) Apartment hotels, hotels, motels and private clubs: one parking space per room or suite of rooms comprising a lodging unit, plus such additional spaces as may be required herein for affiliated uses, such as restaurant and bar facilities, meeting rooms and retail sales areas.
- (2) Multifamily dwelling units: 1.00 parking space per dwelling unit.
 - (a) A minimum of 50% of parking in the B-4 District shall be underground or in an enclosed parking facility.
 - (b) All required parking for multifamily dwelling units, except guest parking, shall be provided in an approved garage, except in the B-4 District.
- (3) One- and two-family dwellings:
 - (a) There shall be a minimum of one parking space per dwelling unit in an approved garage.
 - (b) No vehicle except an automobile may be parked in the front setback or between adjacent residences when the parking area parallels an existing residence on the adjoining property. In addition, on corner lots, no vehicle except an automobile may be parked within the front setback of the property where located nor within the front setback of any adjacent property.

- B. Educational, Institutional and Other Assembly Uses.
- (1) Assembly and institutional uses, including churches, libraries and funeral homes, and auditoriums, gymnasiums, stadiums, grandstands, meeting halls, exhibition halls and said categories as accessory uses.
 - (a) One parking space for every 500 sq. ft. of floor area or five seats at maximum capacity in the main area of assembly, whichever is most applicable, unless specifically listed.
 - (b) When such facilities for public assembly are accessory to a school, church or other institution, and when approved by the Planning and Development Department, the required number of parking spaces may be reduced by the number of spaces provided as herein required for the applicable school, church or other institution.
 - (2) Hospitals and nursing homes: one parking space for each four beds, plus one parking space for each four employees.
 - (3) Schools.
 - (a) Primary schools (junior high schools, elementary schools and nursery schools): one parking space for each faculty member or other employee.
 - (b) Secondary schools (colleges, universities, junior colleges, high schools and other institutions for higher learning): one parking space for every seven students, based upon the maximum number of students that can be accommodated in accordance with designed capacity, and one space for each four faculty members or other employees.
- C. Business district uses: one parking space per 500 square feet of floor area above 2,500 sq. ft. for retail, service or office uses not specifically listed below.
- (1) Automobile service stations: one parking space for each island of gasoline pumps, plus three parking spaces for each service stall.
 - (2) Medical, dental, and veterinary clinics: subject to review by the Plan Commission as a conditional use, as applicable, with general guidance of four spaces per doctor, dentist or veterinarian.
 - (3) Other uses. Parking spaces for other uses that are not retail or office, or not listed herein shall be provided in accordance with the requirements of the use most similar to the use proposed, to be determined by the Planning and Zoning Administrator or their designee.
- D. Adjustments to Requirements. For any use except one- and two-family dwellings, the

number of parking spaces required for a particular use may be reduced in accordance with the following credit:

- (1) One space for each newly created on-street parking space that is located immediately adjacent to the site of the use, provided that such on-street space is available for public use during the hours of operation of the use. To qualify for this credit, an on-street parking space shall be in compliance with all village parking regulations and shall measure at least 20 feet long if a parallel space.

SECTION 4

That Subsection 535-49A within Section 535-49 “General requirements for all parking areas” of Article IX “Off-Street Parking” of Chapter 535 “Zoning” is replaced as follows:

- A. All parking spaces shall be directly accessible to driveways, alleys or streets without passing through other parking spaces, unless controlled by the same household/dwelling unit. Driveways, truck loading spaces and other required work and open spaces shall not be considered as parking spaces.

SECTION 5

That Subsection 535-49G within Section 535-49 “General requirements for all parking areas” of Article IX “Off-Street Parking” of Chapter 535 “Zoning” is replaced as follows:

- G. Parking lots shall conform to the following additional requirements and regulations:
 - (1) It shall be a violation of this article if any vehicle is not parked within the lines of a marked parking space or if parked in more than one marked space. Excepted from the parking space dimensions set forth herein shall be spaces located in the parking lots not governed by the use requirements of § 535-47 of this article. In such cases, market considerations shall control the size of parking spaces in parking lots as determined by the Planning and Development Department of the Village but subject to approval of the Village Board.
 - (2) The premises shall be screened from any public street upon which it abuts or from any adjoining residential property, except for openings for ingress and egress, by a decorative wall or fence, or a substantial growth of shrubbery, or a berm; provided, however, that the height of said screening shall be approximately 42 inches, but in no event more than 48 inches, provided, further, that any wall or fence constructed hereunder shall be of a natural or manufactured material which shall be compatible with adjacent or adjoining structures, so that such wall or fence will not adversely affect the aesthetic quality or character of the area.

Such screening as required hereunder shall be required upon construction or new occupancy and shall be subject to the approval of the Design Review Board. Where a solidly constructed decorative wall or fence is provided along

the interior lot line, the minimum setback for the parking area shall be five feet from said lot line. That fence shall be located a minimum of one foot from said lot line.

SECTION 6

That Subsection 535-49H within Section 535-49 “General requirements for all parking areas” of Article IX “Off-Street Parking” of Chapter 535 “Zoning” is amended to read as follows:

H. Other requirements.

* * *

- (3) Outdoor parking spaces other than approved driveways shall not be constructed in the front yard or side yard of a lot; provided, however, that on corner lots outdoor parking spaces may be constructed in a the street side yard of a lot.
- (4) Parking spaces for up to two motor vehicles may be permitted in the R-1 through R-6 Residential Districts, subject to required green space requirements. Outside parking spaces in the R-1 through R-6 Residential Districts shall only be permitted if they are in addition to the required parking in an approved garage.
- (5) Parking spaces within the street side yard of a corner lot shall be screened as provided in Subsection G(2) of this section.

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SECTION 7

That Section 535-50 “Applicability” of Article IX “Off-Street Parking” within Chapter 535 “Zoning” is renamed “Reserved” and its current contents are deleted.

SECTION 8

That Subsection 535-51B within Section 535-51 “Special exceptions” of Article IX “Off-Street Parking” within Chapter 535 “Zoning” is inserted as follows and the remaining subsections are re-lettered sequentially.

§ 535-51. Special exceptions.

* * *

- B. Notice and public hearing required. The Village Clerk shall give notice of the required public hearing through publication of a Class II Notice, under Chapter 985 of the Wisconsin Statutes in the official Village newspaper. To the extent practical, the Planning and Development Department shall also provide notice to the owners of record of properties within 200 feet of the property for which

the special exception is being considered at least seven days prior of the hearing; however, compliance with this neighboring property owner notice shall not be a requirement for providing proper legal notice in order to take action, nor shall its noncompliance invalidate any action taken.

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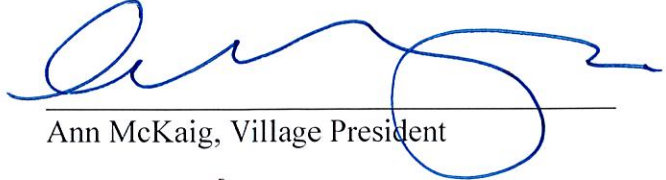
SECTION 9

That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby to such extent repealed.

SECTION 10

That this Ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, this 15th day of November 2021.



Ann McKaig, Village President

Countersigned:



Toya Harrell, Village Clerk