

ORDINANCE NO. 3029

AN ORDINANCE AMENDMENT RELATED TO MODIFICATIONS TO FRONT AND STREET SIDE YARD PATIO REQUIREMENTS, AS DETAILED IN 535-9F(2) OF CHAPTER 535 ZONING.

WHEREAS, the Village of Shorewood currently regulates the construction of front yard and street side yard patios within 535-9F(2) of Chapter 535 Zoning of the Shorewood Village Code;

WHEREAS, the interpretation of the Code with respect to screening requirements was challenged to the Board of Appeals at its July 13, 2021;

WHEREAS, the Village of Shorewood Design Review Board, who has the authority to approve front yard and street side yard patios, reviewed the Code and discussed proposed modifications to clarify the definition, placement and screening requirements at their July 22, 2021 and August 12, 2021 meetings and ultimately recommended that the Village Board consider the changes via an ordinance amendment;

WHEREAS, the Village of Shorewood Plan Commission, who serves an advisory role the Village Board with respect to zoning matters, discussed the proposed modifications at their August 24, 2021 meeting 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 September 15, 2021 and September 22, 2021 to notify all interested parties of a public hearing at the October 4, 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 4<sup>th</sup> day of October 2021, by a favorable vote of the members being present and therefore, said Board does ordain as follows:

**SECTION 1**

That Subdivision (a) of Paragraph (2) "Patios" of Subsection F "Decks, patios, porches and driveways" of Section 535-9 "Site restrictions" of Article III "General Provisions" of Chapter 535 "Zoning" is replaced as follows:

- (a) Patios, which are defined to include any hard-surfaced outdoor area with minimum dimensions of greater than 6 ft. in length and width and an area of 64 sq. ft. or greater, excluding driveways, may be located in the front yard or street side yard, only when constructed within the following parameters:

**SECTION 2**

That Subdivision paragraph [2] of Subdivision (a) of Paragraph (2) "Patios" of Subsection F "Decks, patios, porches and driveways" of Section 535-9 "Site restrictions" of Article III

“General Provisions” of Chapter 535 “Zoning” is replaced as follows:

[2] One entire side of a patio must be adjacent to the principal structure of the lot.

**SECTION 3**

That Subdivision paragraph [4] of Subdivision (a) of Paragraph (2) “Patios” of Subsection F “Decks, patios, porches and driveways” of Section 535-9 “Site restrictions” of Article III “General Provisions” of Chapter 535 “Zoning” is replaced as follows:

[4] A scaled drawing of the proposed layout of the front yard or street side yard patio must be completed, along with a list of proposed materials to be used in construction, all of which shall be submitted to the Design Review Board for review and approval. All materials must be of high quality, such as cut stone, Lannon or blue stone, or decorative concrete. In addition, the patio surface shall be screened from public view by year-round, continuous, natural vegetation of at least 18 inches in height, such as shrubs, ornamental grasses or perennial plants that provide screening through the winter months. High quality, decorative masonry or concrete walls, and permanent planters, no higher than 3 ft. as measured from the surface of the patio, may be used in combination with natural vegetation to achieve year-round screening. No fences shall serve as the primary screening materials.

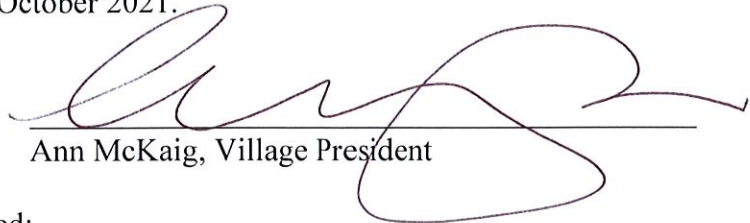
**SECTION 4**

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

**SECTION 5**

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 4<sup>th</sup> day of October 2021.

  
Ann McKaig, Village President

Countersigned:

  
Rebecca Ewald, Interim Village Clerk