

**Common Council
City of Waukesha, Wisconsin**

Ordinance No. 2023 – 16

**An Ordinance Amending Sections 22.05(99) and 22.58(2) and Creating
Section 22.05(147a) of the Municipal Code, Regarding Pergolas and Arbors**

Whereas the City Plan Commission determined on September 27, 2023, that clarification of the treatment of pergolas and arbors on residential properties in the City was necessary, and approved amendments to the Municipal Code to accomplish that, and recommended the amendments to the Common Council; and

Whereas notice of the proposed amendments to the zoning code and a public hearing thereon to be held at the Common Council meeting on October 17, 2023 having been published as a Class 2 notice pursuant to Wis. Stat. Chapter 985 on October 3 and October 10, 2023; and

Whereas a public hearing of the proposed amendments having been held pursuant to the notice on October 17, 2023 and the public being given the opportunity to be heard on the proposed amendments; and

Whereas the Common Council having considered the Plan Commission’s recommendation, the statements of City staff, and other pertinent materials presented to them, and having determined that the proposed amendments are in the best interests of the City;

Now, therefore, the Common Council of the City of Waukesha do ordain as follows:

Section 1. Subsection (99) of section 22.05 of the Waukesha Municipal Code is amended to read in its entirety as follows:

(99) “Gazebo.” An Accessory Structure no larger than 150 square feet in footprint area, covered by a roof or shade structure, which may be enclosed with screening, and is intended to be occupied for outdoor living activities.

Section 2. Subsection (147a) of section 22.05 of the Waukesha Municipal Code is created to read in its entirety as follows:

(147a) “Pergola.” A decorative structure consisting of an open roof of cross rafters or latticework supported on posts or columns. *Also* Arbor.

Section 3. Subsection (2) of section 22.58 of the Waukesha Municipal Code is amended to read in its entirety as follows:

(2) Specific Regulations. In addition to the General Regulations in subsection (1), Accessory Uses are further subject to the following specific regulations:

Section 4. Subsection (2)(a) of section 22.58 of the Municipal Code is amended to read in its entirety as follows:

- (a) Garages, garden and utility sheds, Pergolas greater than 50 square feet in footprint area, and Gazebos are permitted upon the issuance of a building permit, subject to the following:

Section 5. New subsection (2)(b) of section 22.58 of the Municipal Code is created to read in its entirety as follows:

- (b) Pergolas no larger than 50 square feet of footprint area, arbors, trellises, and similar decorative structures may be erected in any yard without a building permit, subject to the following:
 - (1) They shall not exceed 10 feet in height or 50 square feet of footprint in area.
 - (2) If they are standalone structures they shall not be located closer than five feet from any lot line.
 - (3) Arbors that are incorporated into a decorative fence may match the setback of the fence, provided that they comply with the traffic-visibility rules in Municipal Code §22.53 and provide a vision triangle 6 feet on the right angle sides at driveways and alleys.

Section 6. Existing subsections (b) through (g) of section 22.58 of the Municipal Code are renumbered to subsections (c) through (h), respectively.

Section 7. All ordinances or parts of ordinances inconsistent with or contravening this ordinance are hereby repealed.

Section 8. This ordinance shall be in effect the day after its publication.

Passed the 7th day of November, 2023.

Shawn N. Reilly, Mayor

Gina L. Kozlik, City Clerk-Treasurer