

## Village of Menomonee Falls Ordinance No. 796-O-20

### AN ORDINANCE AMENDING SECTION 122-622 OF THE MUNICIPAL CODE OF THE VILLAGE OF MENOMONEE FALLS RELATING TO ACCESSORY USES AND DETACHED ACCESSORY STRUCTURES

**WHEREAS**, it is deemed to be in the best interest of the Village of Menomonee Falls that the Municipal Code of the Village of Menomonee Falls be further modified and amended in the manner hereinafter more particularly set forth;

**NOW, THEREFORE**, the Village Board of the Village of Menomonee Falls do ordain as follows:

**Section 1.** Section 122-622 [Yards.] of Chapter 122 [Zoning] of the Municipal Code is amended as set out below by deleting the language highlighted using the strikethrough feature (~~delete~~) and adding the language highlighted by the underline feature (addition):

#### **Sec. 122-622. - Yards.**

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- (1) Encroachments.
  - (a) Uncovered stairs, landings, and fire escapes may project into any yard but not to exceed six feet and not closer than ten feet to any lot line.
  - (b) Cornices, eaves, sills, leaders, beltcourses, chimneys and similar features may project into any yard.
  - (c) Steps and unenclosed stoops; ground-mounted air conditioner compressors; planter boxes; and bay, bow or similar windows may project up to three feet into any yard.
  - (d) Decks attached to a principal structure may project into any required minimum side or rear yard but not to exceed five feet and not closer than five feet to any lot line. On lots with a secondary street yard, the deck may encroach five feet into the required minimum secondary street yard.
- (2) Accessory uses and detached accessory structures in residential districts.
  - (a) Except for recreational vehicles regulated under section 122-646, and subparagraphs (b) and (c) below, accessory uses and detached accessory structures are permitted in the rear yard only with no encroachment into street or side yards; shall not exceed 15 feet in height; and the total area of all accessory structures shall not exceed 60 percent of the floor area of the principal building, or occupy more than 20 percent of the rear ~~or secondary street yard area, whichever is less~~.

Exception: In the secondary street yard the structure may be located no closer than the minimum street yard required for a principal structure.
  - (b) Detached accessory structures (sheds) of 120 square feet or less are permitted in the rear yard and the secondary street yard only; shall not exceed 15 feet in height; and ~~in any residential district, they~~ shall not be located closer than five feet to any rear or side lot line.

Exception: In the secondary street yard the structure may be located no closer than the minimum street yard required for a principal structure.

(c) Detached garages shall be permitted, provided that they are set back not less than the principal structure, and meet the area and height regulations of subparagraph (a) above~~do not exceed 60 percent of the floor area of the principal building on the lot or ten percent of the total lot area, whichever is less and do not exceed 15 feet in height~~. On lots in districts where the minimum side yard is less than 15 feet, a detached garage which is set back not less than one and one-half times the minimum front yard requirement may be built to within three feet of the side and rear lot lines and to within five feet of an alley line.

Exception: In the secondary street yard the structure may be located no closer than the minimum street yard required for a principal structure.

- (3) ~~Out of doors merchandise display areas where permitted in the C-1, C-2 or C-3 business districts, but shall not be closer than ten feet to any public right of way.~~Parcels located in an Agricultural Zoning District having less than 3 acres, and utilized for Residential purposes, shall meet the requirements of paragraph (2) above.
- (4) Essential services, only utility poles, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter. Power substations, telephone equipment buildings, gas metering and pressure stations, etc., must comply with all yard requirements of the district in which located.
- (5) Landscaping and vegetation are exempt from the yard requirements of this chapter.
- (6) Underground tunnels connecting buildings on adjoining parcels in all commercial, industrial and institutional districts are permitted with a zero offset for a side or rear yard.
- (7) *Reserved.*
- (8) *Reserved.*

**Section 2.** Except as specifically modified and amended by this ordinance, the Municipal Code of the Village of Menomonee Falls shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

**Section 3.** This ordinance shall take effect and be in full force from and after its passage and publication.

**Section 4. SEVERABILITY.** If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Adopted by the Board of Trustees of the Village of Menomonee Falls on the 8th day of September, 2020.

David Glasgow, Village President

Date Posted: 9/11/2020 to 9/24/2020

Janice Moyer, Village Clerk