

**ORDINANCE NO. O26-11**

**AN ORDINANCE TO AMEND CHAPTER 15 ZONING OF THE CODE OF ORDINANCES  
RELATING TO DISTRICTS, SITE DESIGN STANDARDS, AND DEFINITIONS**

**WHEREAS**, the Common Council repealed and replaced Municipal Code Chapter 15 Zoning on May 6, 2025 by Ordinance No. 2277, and;

**WHEREAS**, the Common Council amended Municipal Code Chapter 15 Zoning sections relating to fences, vision triangle, temporary signage and signage in the public way on August 5, 2025 by Ordinance No. 2283, and;

**WHEREAS**, the Common Council adopted updated storm water management and erosion control regulations within Chapter 34 of the Municipal Code, duplicating Chapter 15 Zoning section §15.26 Construction Site Erosion and Sediment Control and section §15.27 Post-Construction Stormwater Management on April 21, 2026; and

**WHEREAS**, the proposed zoning amendments are within sections: §15.16 Lots and building regulations, §15.21 Signs, §15.22 Parking and loading Areas, §15.23 Landscaping and screening, §15.26 Construction site erosion and sediment control, §15.27 Post-construction stormwater management, and §15.28 Definitions; and

**WHEREAS**, the proposed zoning amendments are consistent with the Comprehensive Plan 2050, enhance clarity and accessibility of the Zoning Code for the general public, and promote a balanced approach to preserving property values and neighborhood character; and

**WHEREAS**, after Plan Commission meetings held on March 24, 2026 and May 26, 2026, a public hearing held on May 26, 2026, and consideration and review at a meeting of the Plan Commission on July 28, 2026, duly noticed and published by law, a quorum being present and a majority of the commission voting therefore, the Plan Commission recommended the Council amend various sections of Chapter 15 of the Zoning code.

**WHEREAS**, the Common Council finds that the modifications of Chapter 15 of the Municipal Code of Ordinances are necessary and that the regulations herein provided are enacted.

**NOW, THEREFORE**, the Common Council of the City of South Milwaukee does ordain as follows:

Section I: The City hereby amends and repeals various sections of Chapter 15 Zoning of the municipal code describing all zoning chapter changes in Exhibit A, showing additions in underline and deletions in strikethrough.

Section II: Section §15.16 shall be repealed and recreated to read as follows:

**§15.16 Lot and building regulations.****A. Lot and building regulations.**

| Table II-2: Lot and Building Regulations   |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                               |                                          |                                               |                                            |
|--------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------|-----------------------------------------------|--------------------------------------------|
|                                            | Z-1                                                                                  | Z-2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Z-3                                           | Z-4                                      | M-1                                           | PDD                                        |
| Lot Occupation                             |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                               |                                          |                                               |                                            |
| Lot Width (feet)                           | Not applicable                                                                       | 60 min.<br>110 max.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 30 min.<br>90 max.                            | 180 max.                                 | 900 max.                                      | Established<br>during district<br>adoption |
| Maximum<br>Impervious<br>Coverage<br>(%)   | Not applicable                                                                       | 50                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 60                                            | 90                                       | 90                                            |                                            |
|                                            | 40% Maximum front yard impervious coverage for 1- and 2-family residential dwellings |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                               |                                          |                                               |                                            |
| Setbacks — Principal Building              |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                               |                                          |                                               |                                            |
| Street<br>Setback<br>(Principal)<br>(feet) | Regulation<br>s of most<br>restrictive<br>abutting<br>district                       | 24 min.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 6 min.<br>18 max.                             | 2 min.<br>12 max.                        | 24 min.                                       | Established<br>during district<br>adoption |
| Street<br>Setback<br>(Secondary)<br>(feet) |                                                                                      | 8 min.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 6 min.<br>18 max.                             | 2 min.<br>12 max.                        | 12 min.                                       |                                            |
| Side Setback<br>(feet)                     |                                                                                      | 8 min.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3 min.<br>Arterial<br>streets: 0              | 0 min.<br>24 max.                        | 12 min.                                       |                                            |
| Rear Setback<br>(feet)                     |                                                                                      | 8 min.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3 min.                                        | 3 min.                                   | 12 min.                                       |                                            |
| Minimum<br>Frontage<br>Buildout (%)        |                                                                                      | 40                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 60                                            | 80                                       | 40                                            |                                            |
| Setbacks — Accessory Building              |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                               |                                          |                                               |                                            |
| Street Setback<br>(principal)(feet)        | Regulation<br>s of most<br>restrictive<br>abutting<br>district                       | 20 min. +<br>principal<br>building<br>setback                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 20 min. +<br>principal<br>building<br>setback | 40 max.<br>from rear<br>property<br>line | 20 min. +<br>principal<br>building<br>setback | Established<br>during district<br>adoption |
| Street Setback<br>(Secondary)<br>(feet)    | Regulation<br>s of most<br>restrictive<br>abutting<br>district                       | On corner lots accessory buildings and structures shall be set back from the street side lot line not less than the minimum principal secondary street setback requirement. Where the rear lot line of the corner lot abuts the side lot line of an adjacent lot, accessory buildings and structures shall be set back from the side street lot line not less than the front setback of any building situated on the adjacent lot and not less than the minimum principal secondary street setback requirement, whichever is greater. |                                               |                                          |                                               |                                            |

|                        |                                                                |   |   |   |   |
|------------------------|----------------------------------------------------------------|---|---|---|---|
| Side Setback<br>(feet) | Regulation<br>s of most<br>restrictive<br>abutting<br>district | 6 | 3 | 3 | 6 |
| Rear Setback<br>(feet) | Regulation<br>s of most<br>restrictive<br>abutting<br>district | 6 | 3 | 3 | 6 |

- B. Contextual street-yard building setbacks. If a primary structure exists on any immediately adjacent parcel, not including parcels separated by a public right-of-way, the street-yard setback for the subject parcel for the principal building shall be the average of the minimum street-yard setback of the subject zone and the setback of the adjacent primary structure(s). In no circumstance shall the street-yard setback exceed the maximum street-yard setback of the subject zone.
- C. Accessory buildings.
- (1) Accessory buildings must be separated by a minimum distance of 10 feet from the principal building on the lot, and may be reduced with fire-rated construction.
  - (2) Accessory building setbacks from the rear lot shall not be less than 8 feet when adjacent to an alley that have an opening directly on an alley.
- D. Setback encroachments. Open or enclosed fire escapes, terraces, and unenclosed stairways may project into a side or rear yard not more than four feet; provided that they are not closer than three feet to any lot line.
- E. Height regulations. The City limits building heights to the maximum principal building height listed in Table II-3 based on the right-of-way type adjacent to the subject property. When the subject property abuts multiple different right-of-way types, the greatest maximum principal building height shall control.

| <b>Table II-3: Height Regulations</b>                  |                                                 |
|--------------------------------------------------------|-------------------------------------------------|
| <b>Right-of-Way Type</b>                               | <b>Maximum Principal Building Height (feet)</b> |
| Major Arterial                                         | 120                                             |
| Minor Arterial                                         | 120                                             |
| Collector                                              | 80                                              |
| Local                                                  | 66                                              |
| Alleys, pedestrian connections, and multi-use pathways | 24                                              |

Figure II-1: Height Regulation Diagram

[Provided by City]

- (1) Accessory building height limitations. No property owner may build an accessory building that exceeds the height of the existing principal building, or 24 feet, whichever is less. A detached accessory structures may exceed the measured height of the principal structure when at least one of the following applies:

- (a) The accessory structure is located at a lower elevation, provided the highest roof point of the accessory structure does not exceed the highest roof point of the principal building as viewed from the public right-of-way; or
  - (b) The accessory structure does not contain more than two stories, the eave height does not exceed 17 feet, and the roof pitch matches the principal building.
- (2) Contextual building heights. If principal building abuts the subject property on any immediately adjacent property, not including properties separated by a right-of-way, the maximum principal building height shall not exceed the multipliers within Table II-4.
- (3) Calculating building heights. Suppose a subject property lies along a minor arterial street, and a principal building exists on an adjacent property within a Z-4 district that is 24 feet tall.
- (a) Example 1: Basic Calculation. The maximum principal building height for the subject property is 96 feet ( $24 \times 4.0 = 96$  feet), because the Z-4 contextual building height multiplier from Table II-4 reduces the subject property's allowable principal building height to a value less than the Right-of-Way Type limits from Table II-3.
  - (b) Example 2: Different Adjacent Zone. If the same 24-foot principal building exists on an adjacent property within a Z-2 *district*, the maximum principal building height for the subject property is 36 feet ( $24 \times 1.5 = 36$  feet), because the Z-2 contextual building height multiplier from Table II-4 reduces the subject property's allowable principal building height to a value less than the Right-of-Way Type limits from Table II-3.
  - (c) Example 3: Different Right-of-Way Type. If the subject property lies along a *collector street*, the maximum principal building height is 80 feet, because the Right-of-Way Type from Table II-3 limits the maximum principal building height to a value less than the Contextual Building Height Limit in Table II-4.

| Table II-4: Contextual Building Height Limits |                                             |
|-----------------------------------------------|---------------------------------------------|
| Adjacent Zone                                 | Increase Above Structure on Adjacent Parcel |
| Z-1                                           | No limit                                    |
| Z-2                                           | 1.50x                                       |
| Z-3                                           | 2.0x                                        |
| Z-4                                           | 4.0x                                        |
| M-1                                           | No limit                                    |

- (4) Measuring Height. The City measures height as the vertical distance from the average ground elevation along the structure's base to the highest point of the subject structure. The average ground elevation is the midpoint between the highest and lowest ground elevations along the exterior building wall.
- (a) Exceptions. Chimneys, cooling towers, elevators, necessary mechanical appurtenances, and public utility structures not intended for human occupancy may exceed the limitations of this chapter.

Section III: Subsection 15.21 C. (8) shall be amended to read as follows:

- (8) Flags, up to a maximum of three per lot or parcel. The length of the hoist side of any flag shall not exceed 20% of the vertical height of the pole. Maximum height 35 feet. Property owners must fly

U.S. flags in accordance with protocol established by the U.S. Congress. The City considers any flag that does not meet these requirements a sign subject to the requirements of this chapter.

Section IV: The table within Subsection §15.21 H shall be amended to read as follows:

| Table IV-1 Sign Regulations |                                                                                                                                                      |                                               |                             |                                                                    |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------|--------------------------------------------------------------------|
| Sign Type                   | Number Allowed                                                                                                                                       | Sign Area (Maximum)                           | Sign Height (Maximum, feet) | Where Allowed                                                      |
| Ground                      | 1 per street yard                                                                                                                                    | 1 square foot per linear foot of lot frontage | 10                          | Street yard                                                        |
| Wall                        | No maximum so long as the total square feet of signage per storefront facade does not exceed 1 square foot per linear foot of tenant building facade |                                               | N/A                         | Street-facing building facade                                      |
| Projecting                  | 1 per business                                                                                                                                       | 12 square feet                                | N/A                         | Within 6 feet of entrance                                          |
| Wayfinding                  | No limit                                                                                                                                             | 6 square feet                                 | 5                           | No limit                                                           |
| Sandwich Board              | 1 per building, business, or tenant space as applicable                                                                                              | 12 square feet                                | 4                           | Street yard or public sidewalk within 10 feet of business entrance |

Section V: Subsection §15.21 J.(1) shall be amended to read as follows:

- (1) Signable area. The signable area of a building is designated as the area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which signs may be displayed.

Section VI: Subsection §15.22 G. shall be amended to read as follows:

- G. Use of motor vehicle parking areas. Property owners may only park licensed, operable motor vehicles in outdoor off-street motor vehicle parking spaces with the exception of typical vehicle maintenance, not to exceed 24 hours. They may not work on any motor in any outdoor motor vehicle parking space. They may not use any motor vehicle parking spaces for storing, displaying, or selling any goods or materials unless specifically approved by the Zoning Administrator.

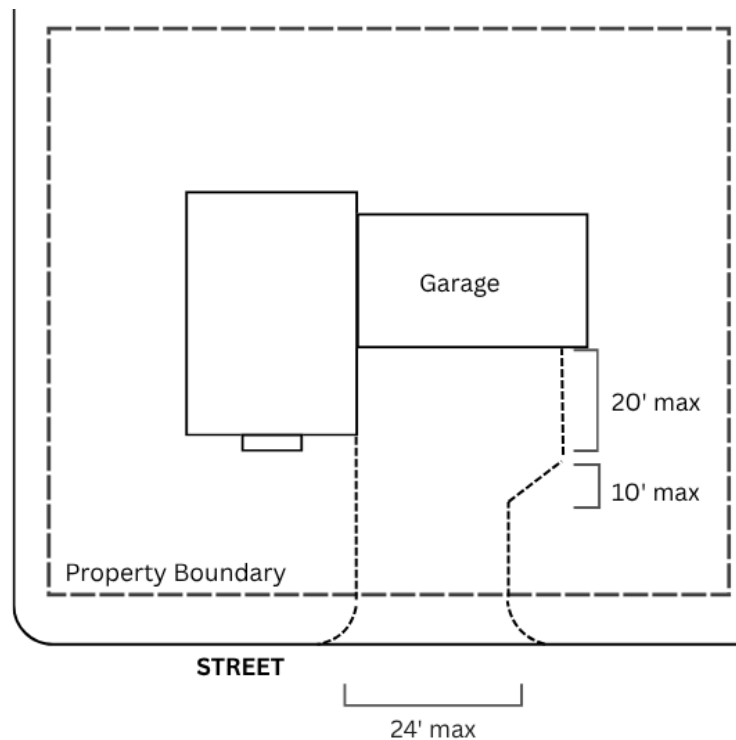
Section VII: Subsection §15.22 I.(6) and (7) shall be added to read as follows, reformatting (7) through (11) to (8) through (12) and adding graphic figures:

- (6) Driveways

- (a) Driveway width. The maximum width of driveways at the point of connection to the right of way is 24 feet for two-way travel and 12 feet for one-way travel. A three-foot taper is permitted to either side of the driveway approach in the public way.

- [1] For R-1 uses, driveways shall not exceed 24 feet in width at the property line.
  - [2] Driveways shall be the width of the garage, as measured from the garage door(s) plus an additional three (3) feet on either side of the garage door(s).
  - [3] Driveways may exceed 24 feet in width only for the minimum distance necessary to align with the width of the garage door opening(s), approved by the City Engineer.
- [a] The maximum length of a driveway width extension shall be 20 feet from the garage doors.
- [b] The driveway width extension shall taper, within 10 feet, back to the maximum driveway width.

Figure IV-1. Driveway Extension



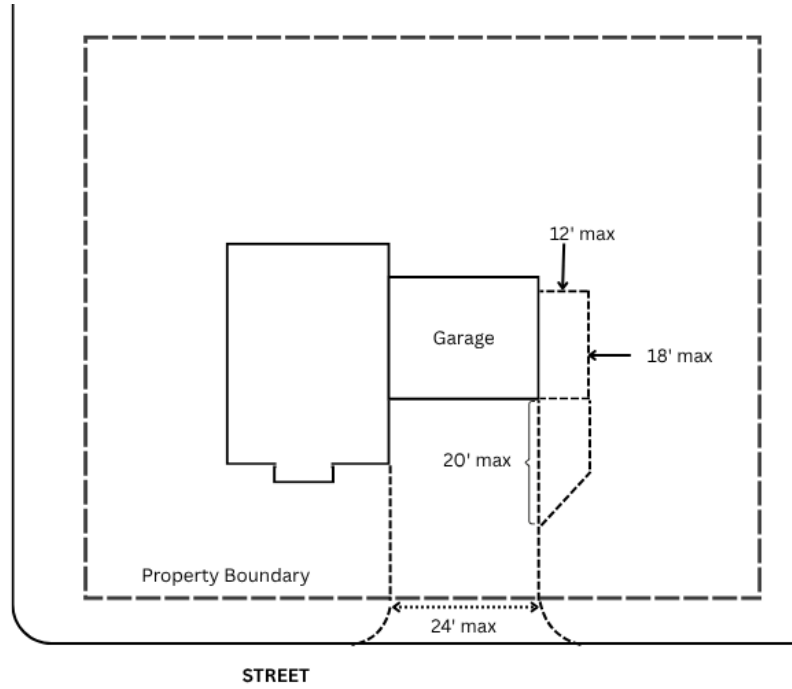
(7) Improved parking spaces.

- (a) In addition to an allowable driveway of one- or two-family dwellings:

- [1] One (1) uncovered parking space is permitted alongside an attached or detached garage and not located between the building and front lot line. For a corner lot, an uncovered parking space located in any yard area that abuts a street requires screening.
- [2] The size of an uncovered parking space alongside a garage shall not be less than eight (8) feet or exceed 12 feet in width and 18 feet in depth.

The portion of the parking pad adjacent to the driveway extension shall have a maximum length of 20 feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the 20-foot maximum.

Figure IV-2 Improved Parking Pad



Section VIII: Subsection §15.23 A.(8)(a) shall be amended to read as follows:

Landscaped areas. Property owners must plant 50% of landscaped areas with the plants listed under Subsection A(8)(m).

Section IX: Subsection §15.23 B.(3) shall be repealed and recreated to read as follows:

(3) Materials.

- (a) Required materials. Property owners may construct screening structures of masonry, stone, metal, wood, or gabions filled with stone material. The Zoning Administrator may approve the use of alternative materials provided that the materials are equivalent in suitability, strength, and durability.

[1] R-1 uses may use vinyl and composite material. Chain-link material allowed in rear yards only.

[2] R-2 and R-3 uses may use vinyl, composite and chain-link in rear yards only.

[3] Masonry. Property owners must construct masonry walls of attractive, high-quality, durable-finish materials such as brick, cast stone, decorative block, or stucco over standard concrete masonry blocks. The color, texture, and type of materials used on masonry walls must match or complement the materials used on the principal building on the subject lot.

- [4] Ornamental metal fence. Ornamental metal fences must have decorative metal pickets at least 0.75 inches wide spaced no farther apart than an average six inches on center. Ornamental metal fences may include masonry, stone, or wood piers.
- [5] Opaque fences. Opaque fences shall completely obscure the view of the screened area. Property owners may construct an opaque fence of masonry, stone, metal, wood, vinyl or composite material, gabions filled with stone material, or a combination of such materials. The City does not consider chain-link fences with slats or mesh screening opaque fences.

Section X: The City hereby repeals Section 15.26, Construction Site Erosion and Sediment Control of Chapter 15 Zoning Article IV Site Design Standards that was relocated to Chapter 34 Article II.

Section XI: The City hereby repeals Section 15.27, Post-Construction Storm Water Management of Chapter 15 Zoning Article IV Site Design Standards that was relocated to Chapter 34 Article III.

Section XII: The City hereby adds and amends the following terms from Section 15.28 Chapter 15 Zoning Article V Definitions.

IMPROVED PARKING AREA -- That portion of a front or side yard which is paved with asphalt, concrete or stone and devoted to a driveway, and that portion of a rear yard which has been improved for parking purposes by paving with stone, asphalt or concrete.

VEHICULAR USE AREA — A vehicular use area is an outdoor area on a lot used for the storage and operation of motor vehicles, including parking lots, vehicle storage areas, vehicle display areas, loading areas, driveways, and drive-through lanes.

Section XIII: The City hereby repeals the following terms from Section 15.28 Chapter 15 Zoning Article V Definitions that are duplicated, superseded, or otherwise addressed within Chapter 34 Storm Water.

ADEQUATE SOD or SELF-SUSTAINING VEGETATIVE COVER  
ADMINISTERING AUTHORITY  
AGRICULTURAL FACILITIES AND PRACTICES  
ATLAS  
AVERAGE ANNUAL RAINFALL  
BMP (BEST MANAGEMENT PRACTICE)  
CEASE AND DESIST ORDER  
COMBINED SEWER SYSTEM  
CONNECTED IMPERVIOUSNESS  
CONSTRUCTION SITE  
DESIGN STORM  
DIRECT CONDUITS TO GROUNDWATER  
DRAINAGE SYSTEM  
EFFECTIVE INFILTRATION AREA  
EROSION  
EROSION AND SEDIMENT CONTROL PLAN  
EXCEPTIONAL RESOURCE WATERS  
FILTERING LAYER  
FINAL STABILIZATION  
FINANCIAL GUARANTEE  
INFILTRATION

INFILTRATION SYSTEM  
LAND-DISTURBING CONSTRUCTION ACTIVITY  
LANDOWNER  
MAXIMUM EXTENT PRACTICABLE  
NRCS MSE3 OR MSE4 DISTRIBUTION  
POLLUTANT  
POLLUTION  
PREVENTIVE ACTION LIMIT  
RUNOFF  
SEDIMENT  
SEPARATE STORM SEWER  
STORMWATER MANAGEMENT PLAN  
STORMWATER MANAGEMENT SYSTEM PLAN  
TOP OF THE CHANNEL  
TOTAL MAXIMUM DAILY LOAD or TMDL  
TP-40  
TR-55  
TSS  
TYPE II DISTRIBUTION

Section XIV. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Section XV. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section XVI. This ordinance shall take effect on and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of South Milwaukee, Milwaukee County, Wisconsin this 4<sup>th</sup> day of August, 2026.

**CITY OF SOUTH MILWAUKEE**

ADOPTED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Steven Braatz, City Clerk

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Brett Briesemeister, Mayor

