

STATE OF WISCONSIN

WAUKESHA COUNTY

VILLAGE OF ELM GROVE

CHAPTER 335-39  
OF THE VILLAGE OF ELM GROVE CODE OF ORDINANCES  
ZONING, ARTICLE V EXCEPTIONS

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

**Section 1:** §335-39 Average street yards of the Village of Elm Grove Code of Ordinances is hereby amended by the ~~deletion~~ of text and the addition of underlined text.

ARTICLE V, Exceptions

§ 335-39. Yards.

E. Average street yards. ~~The required street yard may be increased or decreased in any district as follows:~~ The following rules apply to required street yard setback calculations:

- (1) The required street yard may be decreased in any area of existing development to the average of the existing street yards of the abutting structures on each side, but in no case less than 40 feet in any residential district.
- (2) The required street yard shall be increased in any area of existing development in such a manner that the street yard for new development does not deviate more than 30 feet from the average of the existing street yards of the abutting structures on each side. For corner lots, the street yard toward which the principle structure's primary façade is facing shall be subject to this subsection(2.); street yard(s) toward which the principle structure's side or rear facades are facing are not subject to this subsection (2.).

**Section 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

**Section 3:** This ordinance shall take effect and be in full upon passage.

VILLAGE OF ELM GROVE

Passed and approved this 28<sup>th</sup> day of October 2008

VILLAGE OF ELM GROVE

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Neil H. Palmer, Village President

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Mary S. Stredni, Village Clerk