

STATE OF WISCONSIN

WAUKESHA COUNTY

VILLAGE OF ELM GROVE

**AN ORDINANCE TO AMEND CHAPTER 335-39  
OF THE VILLAGE OF ELM GROVE CODE OF ORDINANCES  
ARTICLE V EXCEPTIONS**

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

**Section 1:** §335-39 of the Village of Elm Grove Code of Ordinances, entitled "Yards," is hereby amended by the ~~deletion~~ of text and the addition of underlined text as follows:

ARTICLE V, Exceptions

§ 335-39. Yards.

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

H. Flag Lots.

(1) After \_\_\_\_\_, 2008 the creation of a flag lot is prohibited unless all of the following conditions are satisfied:

- a) The flagpole portion of the lot, as depicted in Illustration No. 2 of § 335-94, must be owned in fee along with the flag portion of the lot; and
- b) It must be shown to the satisfaction of the Plan Commission that the parcel has an environmental or topographical hardship which prevents a non-flag configured division of the property.
- c) It must be shown to the satisfaction of the Plan Commission that the proposed flag lot will not, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or for any other reason be harmful to the health, safety or welfare of the property owner, adjacent land owners, or the community.

(2) No more than one flag lot may be created through the division of a single parcel.

(3) Flag lots must be created in accordance with all ordinances of the zoning district in which they are located and in accordance with all applicable land division ordinances except for, the flagpole portion of the lot shall have a minimum width of thirty (30) feet.

(4) The Plan Commission shall designate the property line from which the depth of the street yard on a flag lot will be measured after considering the optimum orientation of the principal dwelling to minimize negative impacts on surrounding properties. The designated property line shall serve as the abutting street right-of-way for building setback purposes. (See Illustration No. 2, § 335-94).

(5) The lot area requirements of the applicable zoning district must be satisfied by the flag portion of the lot, exclusive of the flagpole portion of the lot.

I. Existing substandard lots.

**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

\_\_\_\_\_  
Neil H. Palmer, Village President

\_\_\_\_\_  
Mary S. Stredni, Village Clerk