

**ORDINANCE NO. 192****AN ORDINANCE TO CREATE SECTION 17.14 (3), TO REPEAL AND RECREATE SECTION 17.66 (2)(c) AND MODIFY SECTION 17.55 OF THE VILLAGE OF NASHOTAH CODE OF ORDINANCES REGULATING ZONING**

**WHEREAS**, Chapters 17 of the Village of Nashotah Code provides standards regulating zoning for the Village of Nashotah; and

**WHEREAS**, the Plan Commission for the Village of Nashotah has recommended that the Village Board revise Chapter 17 of the Village of Nashotah Code of Ordinances to update various regulations of the Code sections, and

**WHEREAS**, following a Class 2 notice, the Village Board of the Village of Nashotah held a public hearing on March 5, 2014 concerning the recommendations of the Plan Commission, as provided for in Section 17.90 of the Village of Nashotah Code of Ordinances; and

**WHEREAS**, the Village Board has determined that the adoption of the Plan Commission's recommendation will promote the public health, safety and general welfare of the community, lessen congestion in the streets and highways; further the orderly layout and use of the land; to secure safety from fire, panic and other dangers; to provide adequate light and air; including access to sunlight for solar collectors and to wind for wind energy systems; to prevent the overcrowding of land; to avoid undue concentration of population; facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger tracts into smaller parcels of the municipality with a view of conserving the value of the buildings placed upon land; providing the best possible environment for human habitation, and for encouraging the most appropriate use of the land throughout the municipality, and further finds that these amendments will be consistent with the Village of Nashotah Comprehensive Plan,.

**NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF NASHOTAH DO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** Chapter 17 of the Village of Nashotah Municipal Code entitled "ZONING CODE", subsection 17.14 entitled "SETBACK AND YARD REQUIREMENTS," subsection (3) entitled "SETBACK AND YARD REQUIREMENT EXCEPTIONS FOR DOUBLE AND TRIPLE FRONTAGE LOTS," shall be created as follows:

(3) SETBACK AND YARD REQUIREMENT EXCEPTIONS FOR DOUBLE AND TRIPLE FRONTAGE LOTS.

(a) *Determination of Direction a Structure Shall Face*

1. Where a lot that has more than one street yard is improved after an adjacent lot that has more than one street yard has been improved, and the lots abut all of the same streets, the structure shall face the same direction as the adjacent structure. Where a lot that has more than one street yard is improved after an adjacent lot that has more than one street yard has been improved, and the lots do not abut all of the same streets, the Village Zoning Administrator shall determine which street the structure shall face.
3. Where a lot and one or more adjacent lot(s) have more than one street yard,

regardless of whether they abut all of the same streets, and two or more lots adjacent to the applicant's lot have existing structures that face different streets, the Village Zoning Administrator shall determine which street the structure shall face.

4. Where a lot and an adjacent lot have more than one street yard, but neither lot is improved, the Village Zoning Administrator shall determine which street the structure shall face.
5. In all other situations where a lot has more than one street yard, the Village Zoning Administrator shall determine which street the structure shall face.

(b) *Determination of Front, Rear and Side Yards; and Exceptions.* The front yard of a principal structure on a double or triple frontage lot shall be the yard which the front door of the structure is facing. The yard opposite the front yard shall be considered the rear yard. In the case of a triple frontage lot, there are two (2) street yards and one rear yard similar to the corner lot illustration No. 1 shown in Section 17.09 of this Code. The yard that is not considered front or rear shall be considered a side yard. No driveway access shall be allowed from an arterial street if the lot also abuts a collector street or minor street. Accessory structures permitted by Section 17.34 of this Chapter may be permitted in the rear yard, or, in the case of triple frontage lots, in the side yard provided that the owner receives Plan Commission approval and meets all the conditions set forth below:

1. The accessory structure is for a single family or two-family home.  
The accessory structure is located in such a way to not impact the right of way or future right of way, traffic, easements, sidewalk or future sidewalk, or drainage.
3. The accessory structure is adequately landscaped and screened from all views opposite the frontage of the structure.
4. The accessory structure fits within the design and presentation of the neighborhood.
5. There shall be no driveway access to the accessory structures from streets other than the street on which the main driveway to the principal structure is located. No access shall be provided to any arterial road.
6. The accessory structure setbacks shall follow at a minimum, the rear yard setback limits (or side yard limits in the case of a triple frontage lot) for the district in which the structure is located.

**SECTION 2:** Chapter 17 of the Village of Nashotah Municipal Code entitled "ZONING CODE", subsection 17.66 entitled "CONDITIONAL USES PERMITTED," subsection (2) entitled "PUBLIC AND SEMI-PUBLIC USES," subsection (c) shall be repealed and recreated as follows:

- (c) Public, parochial, and private elementary and secondary schools and churches in the RE-1 Rural Estate, R-1 Single Family, and R-2 Single Family districts provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet away from any lot line.

**SECTION 3:** Chapter 17 of the Village of Nashotah Municipal Code entitled "ZONING CODE", subsection 17.55 entitled "SUMMARY OF LOT AREA, WIDTH SETBACK AND YARD REQUIREMENTS shall be modified as follows:

Delete the column titled "Minimum Corner Side Yard."

**SECTION 4: Severability**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 5: Effective Date**

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 5TH day of MARCH, 2014.

BY THE VILLAGE BOARD OF THE  
VILLAGE OF NASHOTAH:

*Richard Lartz*

Richard Lartz, Village President

ATTEST:

*Cynthia M. Pfeifer*

Cynthia M. Pfeifer, Village Clerk