

**VILLAGE OF FREDONIA
OZAUKEE COUNTY, WISCONSIN
ORDINANCE NO. 2017-04
AN ORDINANCE TO CREATE ARTICLE J, SECTION 13-1-187
ALLOWING MODIFICATIONS TO LOTS ABUTTING LOTS WITH A
DIFFERENT ZONING**

WHEREAS, the Village Plan Commission desires to allow, at its discretion and where appropriate, a lot owner which abuts a lot that has a different zoning, to utilize, in a limited manner, the more flexible restrictions of the abutting lot's zoning restrictions; and

WHEREAS, the Village Plan Commission has the authority review accessory structure restrictions, setbacks of structures, and height of proposed accessory structures; and

WHEREAS, the Village Board reviewed the proposed ordinance and believes this ordinance will allow for an appropriate zoning transition between zoning district and will allow for more reasonable zoning restrictions.

NOW, THEREFORE, the Village Board of the Village of Fredonia, Wisconsin do ordain as follows:

SECTION 1. That Article J, §13-1-187 entitled "Abutting Lots in Different Zoning Districts" is hereby created to read as follows:

Sec. 13-1-187. - Abutting Lots in Different Zoning Districts. An owner of a lot sharing a common lot line with a lot in a different zoning district may appeal a building inspector's denial to the Plan Commission as it relates to an accessory structure restriction, structure height restriction or structure setback restriction, if the abutting lot's zoning restrictions would allow for such a structure (principal or accessory). The Plan Commission may grant, in its sole discretion, a building permit if it determines that the structure would be appropriate in the harmonious transition between the two zoning districts. This section shall be narrowly construed in favor of the Village's zoning powers.

SECTION 2. That Article L, § 13-1-224(i) entitled "Appeal of Denial of Accessory Structure on Abutting Lots in Different Districts" is hereby created to read as follows:

Sec. 13-1-224(i). Hearing of Appeal of Denial of Accessory Structure on Abutting Lots in Different Districts. It shall be the duty of the Plan Commission to hear an appeal of the Building Inspector's denial as it relates to an accessory structure restriction, height restriction or structure setback restriction, if the abutting lot's zoning restrictions would allow for such accessory structure. The Plan Commission has the authority to grant a building permit if it determines that the structure is appropriate under Section 13-1-187.

SECTION 3. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication as required by law.

Approved by the Village Board of the Village of Fredonia this _____ day of _____, 2017.

Don Dohrwardt
Village President

ATTEST:

Sandra Tretow
Clerk