

CHAPTER XXXI  
ZONING ORDINANCE  
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

**ARTICLE 9.00 PERFORMANCE STANDARDS**

9.01 COMPLIANCE

This ordinance permits specific use in specific districts and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

9.02 AIR POLLUTION

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding state or federal air pollution standards.

9.03 FIRE & EXPLOSIVE HAZARDS

All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.

9.04 GLARE & HEAT

No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

9.05 WATER QUALITY PROTECTION

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum,

color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code.

#### 9.06 NOISE

No activity in an M-1 or M-2 General Manufacturing District shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Frequency (Cycles per Second)</u>	<u>Sound Level (Decibels)</u>
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
Above 4800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

<u>Octave Band Frequency (Cycles per Second)</u>	<u>Sound Level (Decibels)</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

#### 9.07 TRAFFIC NOISE LIMITATIONS

No owner of land adjacent to an existing freeway or adjacent to a planned transportation corridor shall commence or cause to be commenced construction of any structure that will be subject to traffic noise levels that exceed the following sound level measured by a sound

level meter:

A. Construction Restrictions for Habitable and Institutional Structures:

1. No new single or two-family residential structure shall be approved for construction (excluding substantial repair or alteration) if any exterior hourly traffic sound level ( $L_{eq}[h]$ ) anywhere within the proposed outdoor living area is projected to be equal to or in excess of 67 db(A) upon completion of the structure or anytime thereafter.
2. No new multi-family residence, dormitory, mobile home park, transient lodging, school, hospital, nursing home or similar structure, or substantial modification of such existing structure, shall be approved if any exterior hourly traffic level ( $L_{eq}[h]$ ) anywhere within the proposed outdoor living area on the site is projected to be equal to or in excess of 67 db(A) upon completion of the structure or anytime thereafter.
3. Construction otherwise prohibited shall be permitted if there are no outdoor use areas on the site of the proposed structure projected to be exposed to an hourly traffic sound level ( $L_{eq}[h]$ ) equal to or in excess of 67 db(A) provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level ( $L_{eq}[h]$ ) in a habitable room to 52 db(A) upon completion of the structure or anytime thereafter.

B. Construction Restrictions for Commercial and Industrial Structures:

1. No new commercial or industrial structure, or substantial modification of such existing structure, shall be approved if any exterior hourly traffic sound level ( $L_{eq}[h]$ ) anywhere on the site is projected to be equal to or in excess of 72 db(a) upon completion of the structure or anytime thereafter.
2. Construction otherwise prohibited shall be permitted if there are no outdoor use areas on the site of the proposed structure (except parking lots and storage areas) projected to be exposed to an hourly traffic sound level ( $L_{eq}[h]$ ) equal to or in excess of 72 db(A) provided that there is incorporated into the design and construction of the structure such sound attenuation measures as necessary to reduce the maximum interior hourly traffic induced sound level ( $L_{eq}[h]$ ) in an interior work or public area to 59 db(A) upon completion of the structure or anytime thereafter.

C. Noise Attenuation Plans:

1. If the Village of Slinger Planning Commission has reason to believe that a report is necessary to determine whether a project will be exposed to excessive traffic induced sound levels, such report shall be made by the permit applicant prior to the approval of any subdivision, zoning, or building permit approval. The report shall be prepared by a registered professional engineer or other qualified noise control consultant, and shall contain the following information and any other information the Planning Commission may reasonably require:
  - (a) The existing maximum hourly traffic sound level ( $L_{eq}[h]$ ) for a representative sample of locations, measured in accordance with guidelines set forth in "Sound Procedure for Measuring Highway Noise: Final Report," dated August 1981, published by the U.S. Department of Transportation, Federal Highway Administration (FHWA), Arlington, VA, or modeled according to a methodology consistent with the methodology set forth in the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA-RD-77-108);
  - (b) The projected future ( $L_{eq}[h]$ ) at the site resulting from future traffic increases; and
  - (c) Where applicable, plans for sound attenuation measures on the site and/or within the structure proposed to be constructed or altered, and the amount of sound attenuation anticipated as a result of these measures. Sound attenuation may be achieved by separation from noise sources, berms, barriers, landscaping, building construction materials, insulation, and other building measures, or any combination thereof.
2. In determining whether an applicant should be required to submit a noise attenuation plan pursuant to Section 9.07(C) of this Ordinance, the Planning Commission shall consider the Wisconsin Department of Transportation's Administrative Code TRNS 405 and the Federal Highway Administrations Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR Chapter I, Subchapter J, Part 772.

#### D. Appeals

Any person aggrieved by a decision of the Village of Slinger Planning Commission to prohibit a use or structure by reason of its excessive hourly traffic sound level ( $L_{eq}[h]$ ); or by a decision of the Planning Commission to require a Noise Attenuation Plan may appeal such decision to the Board of Zoning Appeals in accordance with Section 11.00 of this Ordinance. Such appeal shall be made within 30 days following the Planning Commission decision.

#### 9.08 ODORS

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor

measurement and control shall be Chapter NR 154 of the Wisconsin Administrative Code and amendments thereto.

## 9.09 RADIOACTIVITY & ELECTRICAL DISTURBANCES

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or would adversely affect the use of neighboring premises.

## 9.10 VIBRATION

No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

<u>Cycles Per Second</u>	<u>Outside the Premises</u>	<u>Outside the District</u>
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and Over	.0002	.0001

## 9.11 LIGHTING

No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill-over on operators of motor vehicles, pedestrians, and uses of land in the vicinity of light source. These requirements shall not apply to lighting placed in a public right-of-way for public safety.

### A. Orientation

No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaires, or luminaires with cutoff optics, and careful fixture placement is encouraged so as to facilitate compliance with this requirement.

### B. Minimum Lighting Standards

All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles, exclusive of approved anti-vandal lighting.

### C. Intensity of Illumination

The intensity of illumination measured at the property line, shall not exceed 0.5 footcandles.

D. Location

Light fixtures shall not be permitted within required setbacks.

E. Flashing, Flickering, and Other Distracting Lighting

Flashing, flickering and other distracting lighting which may distract motorists are prohibited.

F. Accent Lighting

Accent lighting and low voltage lighting (12 volts or less) is exempt from these requirements.

G. Nonconforming Lighting

All lighting fixtures approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.

## 9.12 LANDSCAPING

The Village of Slinger requires all new developments, including substantial exterior modifications of existing developments, to submit and have approved a landscape plan as specified in Article 10, Section 10.02, "Development Review Information." Approved landscape plans shall be completed within twelve (12) months of an occupancy permit being granted, unless otherwise set forth in an agreement between the developer and the Village.



A. Basic Requirements:

Requirement	Rm-1	Rm-2 PUD	B-1	B-2	B-3	B & LM-1	M-1	M-2	I-1
Green Space	55%	55%	N/A	25%	25%	25%	25%	25%	25%
Street Trees Every	35 ft.	35 ft.	Note 1	50 ft.					
Front Yard Plantings	1 tree per unit	1.5 trees per unit	Note 1	4 trees per 100 feet of building	6 trees per 100 feet of building	6 trees per 100 feet of building	6 trees per 100 feet of building	4 trees per 100 feet of building	4 trees per 100 feet of building
Front Building Corners	N/A	Required	Note 1	Required	Required	Required	Required	Required	Required
Front Yard Foundations	Required	Required	Note 1	Required	Required	Required	Required	Required	Required
Front Yard Building Entry	Required	Required	Note 1	Required	Required	Required	Required	Required	Required
Landscaped Parking Islands	N/A	Required	Required	Required	Required	Required	N/A	N/A	Required
Side Yard Foundation	Required	Required	Note 1	Note 2	Note 2	Note 2	N/A	N/A	Required
Dumpster Area	Required	Required	Required	Required	Required	Required	Required	Required	Required
Buffer to Restrictive Uses	N/A	Required	Required Note 3	Required Note 3	Required Note 3	Required Note 3	Required Note 3-4	Required Note 3-4	N/A

Note 1: The Planning Commission may require landscaping dependent upon each development's specific circumstances.

Note 2: Required if abutting a residential land use.

Note 3: Required if abutting any residential land use.

Note 4: Required if abutting any commercial land use.

B. Requirement Specifications: Further information regarding planting types and sizes can be found in Appendix A, "A Tree and Shrub Selection Guide for Landscape Planting in the Village of Slinger," of A Land Use and Street System Plan for the Village of Slinger: 2010, adopted May 10, 1995 by the Planning Commission.

1. **Green Space:** Areas without structures, parking surfaces, patios, decks, pools, driveways, accessory structures and shall include lands in the Conservancy, Floodplain and Shoreland Zoning classifications. However, Conservancy, Floodplain and Shoreland classified areas shall only comprise 30% of total Green Space required by this Ordinance.
2. **Street Trees:** Required plantings dependent upon Zoning Classification utilizing the recommended species or cultivars listed below at a minimum 2½" caliper size, balled and burlapped. The overuse of any tree type should

be avoided.

SPECIES	REMARKS	MATURE HEIGHT	MATURE WIDTH	GROWTH RATE
<b>TALL TREES</b>	<b>For use in areas without space limitations or overhead wires.</b>			
Norway Maple <u>Acer platanoides</u>	Adapted to urban conditions; salt tolerant; dense foliage; competitive roots; yellow fall color; species not recommended			
‘Cleveland’	Oval-upright	50’	40’	F
‘Emerald Lustre’	Oval; more winter hardy	50’	40’	F
‘Emerald Queen’	Oval; crisp foliage	50’	40’	F
‘Deborah’	Oval; new foliage reddish – bronze by summer; an improved ‘Schwedleri’	50’	40’	F
‘Columnare’	Columnar – only use in spaces with limited widths; uniform, dense foliage	50’	15’	F
‘Superform’	A rapid growing selection noted for its straightness and form. Yellow Fall Color.	50’	60’	F
‘Royal Red’	Round; best and hardiest of purple foliated Norway Maples.	45’	45’	S
Common Hackberry <u>Celtis occidentalis</u>	Vase; tolerates alkaline, poor, and dry soils; sensitive to salt; “witches brooms”	50’	40’	M
‘Prairie Pride’	Vase; no “witches brooms”; glossier leaves	50’	40’	M
White Ash <u>Fraxinus americana</u>	Adapted to urban conditions; salt tolerant; purple fall color; species not recommended			
‘Autumn Purple’	Round; seedless	60’	50’	M
‘Skyline’	Oval/upright; seedless	60’	40’	M
Green Ash <u>Fraxinus pennsylvanica</u>	Adapted to urban conditions; salt tolerant; yellow fall color; species not recommended			
‘Marshall’s Seedless’	Oval; seedless	60’	45’	F
‘Patmore’	Oval; seedless	60’	45’	F
‘Summit’	Upright; fine textured foliage	50’	35’	F
Black Ash <u>Fraxinus nigra</u>	Selection from Canada.			
‘Fallgold’	Upright; seedless; golden yellow Fall color.	50’	50’	F
Ginkgo <u>Ginkgo biloba</u>	Adapted to urban conditions; salt tolerant; <b>Plant male trees only</b> ; yellow fall color	60’	35’	S
Red Oak <u>Quercus rubra</u>	Adapted to urban conditions; salt tolerant; Needs well drained soil; red fall color	60’	45’	M
Redmond Linden <u>Tilia x ‘Redmond’</u>	Pyramidal; adapted to urban conditions; salt tolerant; yellow fall color	50’	45’	M

<b>LOW TREES</b>	<b>For use in limited spaces or under overhead wires.</b>	<b>Mature Height</b>	<b>Mature Width</b>	<b>Growth Rate</b>
Flowering Crabapple <u>Malus</u> sp.	Adapted to urban conditions; should be selected for disease resistance and small, persistent fruit first; then for flowers			
‘Donald Wyman’	Rounded-spreading; disease resistant; 3/8” persistent bright red fruit; white flowers	20’	20’	M
‘Indian Summer’	Rounded; disease resistant; 5/8” persistent red fruit; rose-red flowers	20’	20’	M
“Ormiston Roy’	Rounded; disease resistant to scab; slightly susceptible to fire blight; 3/8” persistent yellow fruit, white flowers	25’	25’	M
Ironwood <u>Ostrya virginiana</u>	Tolerates dry soil and shade; elm-like leaves; yellowish fall color	25’	20’	S
Callery Pear <u>Pyrus calleryana</u>	Sterile, white flowers; red fall color; species not recommended			
‘Autumn Blaze’	Round; most winter hardy	25’	20’	M
‘Chanticleer’	Upright	25’	15’	M
Japanese Tree Lilac <u>Syringa reticulata</u>	Large, pyramidal, cream-white flowers in June; species not recommended			
‘Ivory Silk’	Oval; straight single trunk	20’	15’	S

- (a) The Planning Commission reserves the right to substitute with species not on this list if deemed necessary.
- (b) Developer may substitute with an equivalent species upon receiving written notification from a professional landscaper or landscape architect. The notification should state the reason for the substitution and a description of the new species in comparison to the original approval.
  - (1) Written notification of a substitution will be reviewed by Village staff and filed with the original approval made by the Planning Commission.
  - (2) Village Staff may return the Developer to the Planning Commission for final approval of this amendment if necessary.
3. Front Yard Plantings: Based upon the requirements contained in Subsection "A" above, trees shall be planted of a minimum 2½" caliper size, balled and burlapped.
4. Front Building Corners: Each building corner shall have a minimum landscaped area of 50 square feet. The landscaped area shall include any combination of deciduous/evergreen shrubs, flowering trees, and annual plantings.

5. Front Yard Foundations: Shall be "broken-up" with the planting of low to medium sized deciduous/evergreen shrubs whereas no expanse of foundation visible shall exceed ten(10) feet.
6. Front Yard Building Entry: Shall be framed with any combination of deciduous/evergreen shrubs, flowering trees and annual plantings.
7. Landscaped Parking Islands: Shall include a combination of low to medium shrubbery and medium trees.
8. Side Yard Foundation: Shall be "broken-up" with the planting of low to medium sized deciduous/evergreen shrubs whereas no expanse of foundation visible shall exceed twenty(20) feet.
9. Dumpster Area: Shall be densely screened with any combination of privacy fencing and medium sized deciduous/evergreen shrubs.
10. Buffer to More Restrictive Uses:
  - (a) Commercial to Residential: Shall be buffered utilizing a dense screen of medium sized deciduous/evergreen shrubs.
  - (b) Manufacturing to Residential: Shall be buffered utilizing a minimum finished elevation three(3) foot earthen berm, with a dense screen of medium to tall sized deciduous/evergreen shrubs, or medium evergreen trees.
  - (c) Manufacturing to Commercial: Shall be buffered utilizing a minimum dense screen of medium sized deciduous/evergreen shrubbery.

### 9.13 PERFORMANCE STANDARDS

- A. Intent and Compliance. It is the intent of this Ordinance to describe performance standards for the regulation of industrial and commercial uses in the B&LM-1 Business and Light Manufacturing District. These performance standards are intended to restrict the impacts of those uses to their premises and restrict and prohibit their impacts outside the B&LM-1 zoning district. In addition, these performance standards are intended to comply with other applicable, local, state and federal codes and standards. All uses, structures, land, air and water in the B&LM-1 District shall hereafter comply with the following performance standards.
- B. Control of Hazardous Air Pollutants and Emissions. Operations or activities which emit into the ambient air from any direct or portable source any matter that will affect air quality shall perform in accord with the limitations and procedures established in Ch.NR400 through NR449, Wis.Adm. Code or other applicable laws

or regulations. Hazardous pollutants are specifically controlled in accord with NR445.

C. Control of Particulate Emissions and Dust.

1. Operations or activities which emit into the ambient air from any direct or portable source any particulate emissions shall perform in accord with the limitations and procedures established in Ch.NR415, Wis.Adm. Code, or in accord with other applicable laws or regulations which regulate particulate emissions.
2. Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards and roads or parking lots shall be kept to a minimum by appropriate paving, spraying/watering, application of suitable chemicals, landscaping, or other acceptable and environmentally safe methods in accord with Ch. NR415.04 Wis. Adm, Code or other applicable laws or regulations.

D. Control of Odors. No operation or activities shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Ch. NR429, Wis. Adm. Code or other applicable laws or regulations.

E. Control of Fire and Explosive Hazards.

1. All uses involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices as may be required by the Fire Code and/or Fire Department.
2. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system.
3. The storage of fuels and other materials that produce flammable or explosive vapors shall be permitted only after review and approval by the Fire Department and in accord with their requirements to minimize fire and explosive hazards.

F. Glare, Heat and External Lighting.

1. No operation or activity shall produce any intense lighting, glare or heat with the source directly visible beyond the boundary of the B&LM-1 Business Park District. Operations producing light, glare, or heat shall be conducted entirely within an enclosed building.
2. External lighting shall be shielded so that light rays do not adversely affect adjacent uses.

G. Water Quality Standards.

1. No activity shall locate, store, or permit the discharge of any treated,

untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life.

2. No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in Wis. Adm. Code NR 102 or in other applicable laws or regulations which regulate water quality.
3. Operations in the B&LM-1 District which may discharge wastewater other than toilet wastewater to the Municipal Wastewater Treatment Plant shall install a sampling manhole to allow monitoring of wastewater discharges.

H. Noise. No operation or activity shall transmit any noise beyond the boundaries of the B&LM-1 District so that it becomes a nuisance. Also see Section 9.07 for traffic noise limitations that may apply to uses in B&LM-1 that may be subject to traffic noise.

I. Vibration.

1. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by such direct means such as, but not limited to, sensation by touch or visual observation of moving objects.
2. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.