

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

**ARTICLE 2.00 GENERAL PROVISIONS**

**2.01 JURISDICTION.**

The jurisdiction of this ordinance shall include all lands and waters within the Village limits of the Village of Slinger, Wisconsin.

**2.02 ZONING ADMINISTRATOR DESIGNATED.**

The Village Building Inspector is hereby designated as the Zoning Administrator. It shall be the duty of the Zoning Administrator, with the aid of the Village police, to enforce the provisions of this ordinance. The Zoning Administrator shall further:

- A. Maintain records of all permits issued, inspections made, work approved, and other official actions.
- B. Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
- C. Establish that all necessary permits that are required for floodland uses by State and Federal Law have been secured.
- D. Inspect all structures, lands, and waters as often as necessary to assure compliance with this ordinance.
- E. Investigate all complaints made relating to the location and use of structures, lands and waters, give notice of all violations of the ordinance to the owner, resident, agent or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.
- F. Assist the village attorney in the prosecution of ordinance violations.
- G. Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If, however, he is refused entry after presentation of his identifications, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
- H. Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection. Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.

### 2.03 COMPLIANCE.

No structure, land, or water shall hereafter be used or developed, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

### 2.04 ZONING PERMIT REQUIRED.

No building shall be erected, moved, placed, altered or enlarged until after the issuance of a Zoning Permit. Applications for a Zoning Permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

- A. Applicant  
Names and addresses of the applicant, owner of the site, architect, professional engineer and/or contractor.
- B. Description of Subject Site  
Description of the Subject Site by lot, block, and recorded subdivision; or by metes and bounds, address of the subject site, type of structure, existing and proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site lies.
- C. Plat  
Plat of Survey prepared by a registered land surveyor, or where deemed appropriate by the Zoning Administrator, a location sketch drawn to scale showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures, existing and proposed easements, streets and other public ways; off-street parking loading areas and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the Plat of Survey shall show the location, elevations, and use of any abutting lands and their structures within 100 feet of the subject site.
- D. Wastewater Disposal  
Municipal sanitary sewerage connections are required where available for all new structures used or intended to be used for human habitation or occupancy except in the agricultural districts.
  - 1. If municipal sewerage service is not available, a proposed sewage disposal plan shall be prepared in accordance with County and State regulations.
- E. Water Service  
If municipal water service is not available, a proposed water supply plan shall be prepared in accordance with County and State regulations.

- F. Miscellaneous Information  
Additional information as may be required by the Village Plan Commission, Village Engineer, or Zoning Administrator.
- G. Zoning Permit  
Zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of the ordinance shall be null and void.

## 2.05 OTHER PERMITS.

It is the responsibility of a permit applicant to secure all other necessary permits required by any State, Federal, or local agency.

## 2.06 SITE RESTRICTIONS.

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or low bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if they so desire. Thereafter, the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

- A. All lots shall abut upon a public street, and each lot shall have a minimum frontage of forty (40) feet.
- B. All principal structures shall be located on a lot; and only one principal structure shall be located on a lot in the R-1, R-2, R-3, R-4, R-5, R-6, and Rd-1 residential districts. The Village Plan Commission may permit more than one structure per lot in other districts where more than one structure is either needed or suitable for the orderly development of the parcel. Where additional structures are permitted, the Village Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements or require a minimum separation distance between principal structures.
- C. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The setbacks on the less restrictive district shall be modified for a distance of not more than sixty (60) feet from the district boundary line so as to equal the average of the street yards required in both districts.
- E. Erosion control performance standards and maintenance control procedures as defined in ILHR 21.125 are adopted by reference and incorporated herein for all Zoning Districts within the Village.

## 2.07 USE RESTRICTIONS.

Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

A. Accessory Uses

Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except for permitted home occupations and professional home offices, as defined in this ordinance. Accessory uses include incidental repairs, storage, parking facilities, gardening, and private emergency shelters.

B. Conditional Uses

Conditional permitted uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 4.00 of this ordinance.

C. Unclassified or Unspecified Uses

Unclassified or unspecified uses may be permitted by the Village Plan Commission provided that such uses are similar in character to the principal uses permitted in the district and shall follow the procedures set forth in Section 4.00 of this ordinance for approval.

D. Temporary Uses

Temporary or seasonal uses of land or structures for brief and/or intermittent periods of time may be approved by the Zoning Administrator. The Zoning Administrator may consult with the Planning Commission prior to approval of Temporary Uses.

E. Home Occupations and Professional Home Offices

Home Occupations and Professional Home Offices are permitted accessory uses in any residential district in accord with the following requirements:

1. The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use. Such use shall not occupy more than 25 percent of the floor area of the dwelling unit inclusive of any floor area in an accessory building used for the home occupation.
2. A home occupation or professional home office may be located in or conducted in an attached or detached accessory structure.
3. No person other than members of the family residing on the premises shall be employed or engaged in such home occupation or professional home office.

4. Home occupations shall use only household equipment and no stock in trade shall be kept or sold except that is made on the premises.
5. No traffic shall be generated by the home occupation or professional home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
6. No outdoor storage of equipment or product shall be permitted.
7. Home occupations, which comply with the conditions set forth above, may include, but are not limited to babysitting, canning, crafts, desktop publishing and other computer services, dressmaking, insurance sales, laundering, millinery, piano instruction, real estate sales and word processing.
8. Home occupations shall not include auto repair or service, barbering, beauty shops, construction trades, dance studios, photographic studios or other uses that the Zoning Administrator determines to be similar in impact to the uses listed above.
9. An Occupancy Permit is not required for a home occupation or professional home office. If certain facilities need to be constructed to accommodate the home occupation or home office, a building permit may be required as determined by the Building Inspector.

F. Swimming Pools

Private Swimming Pools are a permitted accessory use in any Residential District provided that:

1. All swimming pools shall be surrounded by a fence not less than four(4) feet nor more than six (6) feet in height. Sidewalls of above-ground pools four(4) feet high may be used in lieu of a fence.
2. Access to the swimming pool shall be controlled by a self-latching gate and all such gates shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. for an above-ground pool, a tip-up ladder may be provided in lieu of a gate.
3. Swimming pools shall not be constructed directly over or under electric transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or the surrounding fence pursuant to NEC- Chapter 680.

4. No lighting installed around swimming pools shall throw rays onto adjacent properties.
5. Swimming pools and pool decks shall comply with the yard requirements for principal structures in the district in which they are located.

G. Storage of Junk Vehicles

No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or allowed to remain in the open upon private property in the Village of Slinger within ten(10) days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle in an approved garage unless one or more of the following occurs:

1. A conditional use permit has been issued under Article 4 of this Chapter;
2. The property is a nonconforming salvage operation which had a State of Wisconsin Salvage License prior to June 7, 1993.
3. The vehicle is being held as a part of an automotive sales or repair business enterprise located with in a properly zoned area with the following restrictions:
  - (a) Sale of vehicles shall be operable and reasonably unblemished.
  - (b) No vehicle shall be kept on the premises for the cannibalization of spare parts.
  - (c) Damaged vehicles to be repaired shall be restricted to the current business operation.
  - (d) Impounded vehicles shall be located in an enclosed area approved by the Plan Commission.

H. Accumulation or Storage of Miscellaneous Items

The accumulation or storage of miscellaneous items, such as tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, junk, wood, brick, cement block, similar materials, or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be allowed to remain in the open upon private property in the Village of Slinger within ten(10) days after receiving written notice from the Zoning Administrator to remove or enclose such material in an approved building unless one or more of the following occurs:

1. A conditional use permit has been issued under Article 4 of this Chapter;
2. The tractor or machinery is being held as part of an equipment sales or repair business enterprise located with a properly zoned area.
3. Firewood cut to use length and neatly stacked for personal use.

I. Solar Energy Systems Permitted as an Accessory Use

Solar energy systems as defined herein are permitted in residential, commercial, manufacturing or institutional zoning districts. They are classified as an accessory use because they are not the principal use of the property. Commercial-scale solar energy systems which are the principal use or the only use of a property are not

permitted or regulated by the provisions of this Section J. Small solar energy systems with a total aggregate panel area on any one property not exceeding 12 Sq. Ft. in area are exempt from the requirements of this Section J. Also exempt are solar-powered lighting fixtures not connected to the electrical system on the property.

1. **DEFINITION.** Solar energy system means any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for producing electricity. Such systems may be mounted on a building or on the ground.
2. **PERMITS AND FEES REQUIRED.** Permits as necessary shall be obtained prior to installing or constructing a Solar Energy System. Depending on the type and location of the solar energy system, such permits may include a building permit, electrical permit, HVAC or other mechanical permits. Permit applications shall be made on forms provided by the Building Inspection Department. The application shall be accompanied by detailed plans for the installation and location of the solar energy system. The plans shall include the exact location of the system depicted on a current survey drawing of the lot and detailed mechanical specifications sufficient to determine compliance with all applicable requirements in building, electrical, HVAC, zoning and State codes. The application shall be accompanied by all required initial fees. Should a hearing be held in accord with Wisconsin Statutes 66.0403 (3) and (4), fees for the hearing and required notices shall be paid prior to the scheduling of the hearing.
3. **DESIGN, INSTALLATION AND OPERATION.** Solar energy systems shall be designed, installed and operated in accord with standards and requirements in the Wisconsin Administrative Code (Commerce 71) titled Solar Energy Systems and Wisconsin Statutes 66.0403 titled Solar and Wind Access Permits, and Statute 700.35 titled Renewable Energy Resource Easements, and Statute 700.41 titled Solar and Wind Access, all of which as may be amended and/or renumbered from time to time.
4. **BUILDING-MOUNTED SOLAR ENERGY SYSTEMS.** Such systems are considered attached accessory structures and may be mounted on a roof or wall of principal buildings in accord with the following provisions:
  - a. They shall be located on the side or rear of a building and not directly facing a public or private street.
  - b. If installed on a sloped roof, they shall not extend vertically above the peak of the roof.
  - c. If installed on a flat roof, they shall not extend vertically more than 5 feet above the surface of the roof.
  - d. They may be installed on attached or detached accessory buildings or structures provided the requirements described above are met.

5. **GROUND-MOUNTED OR POLE-MOUNTED SOLAR ENERGY SYSTEMS.** Ground-mounted or pole mounted systems shall be considered detached accessory structures and shall be located in accord with the following provisions:
  - a. They may be located in any residential, commercial, manufacturing, or institutional district.
  - b. Shall be located only in a rear yard or interior side yard not facing a public or private street.
  - c. Shall be setback from all property lines a distance of one foot for each one foot of the total height of the solar energy system. In all cases, a minimum 10 foot setback shall be required.
  - d. Shall not be located within utility or drainage easements, or under any overhead utility lines.
  - e. Ground mounted systems shall not exceed 12 feet in height above the average nearby ground grade elevation.
  - f. Pole-mounted systems shall not exceed 20 feet in height above the average nearby ground grade elevation.
  - g. Shall be anchored into the ground in accord with applicable state requirements and industry standards.
  
6. **CONSIDERATION OF ADJACENT PROPERTIES.** Solar energy systems shall be installed and operated in consideration of adjacent properties in accord with the following provisions:
  - a. A solar energy system shall be designed, located and operated in a manner that does not create a public nuisance.
  - b. Solar energy systems shall be located to ensure that any glare is directed away from adjacent properties.
  - c. No adjacent property owner(s) shall be required to remove vegetation or structures that may block sunlight to the solar energy system during the initial installation of a system.
  - d. Once the Building Inspector has determined that all permit requirements have been met, the Village shall notify the applicant and inform him that before approval can be granted, it is the applicant's duty to deliver a notice to the owners of any property which may be restricted by the permit. This notice shall be delivered either by certified mail or by hand and the applicant shall submit to the Village a copy of a signed receipt for every notice delivered. The notice shall state that the potentially affected property owner has the right to request a hearing within 30 days after receipt of the notice, in accordance with WI Statute 66.04.03(3) and (4).
  
7. **VARIANCES.** May be requested in accord with procedures in Section 12.00. Any application for a variance shall include all of the information required in Section J. 3. and Section J. 4. In addition, the application shall also include valid factual reasons why a variance is required to install and utilize a solar energy system on the subject property.

J. Outdoor Sale and/or Consumption of Alcoholic Beverages

The outdoor sale and/or consumption of alcoholic beverages, in circumstances where a license is required under Chapter 125 of the Wisconsin Statutes, is prohibited, except where such outdoor sale and consumption of alcohol is specifically referenced within the regulations herein specified for the district in which such use is located, and subject to Section 4.02 (G) of this Code. Notwithstanding the foregoing, this prohibition does not apply under circumstances where the activity is controlled pursuant to a license described in Wisconsin Statutes Sections 125.26(6) and 125.51(10) (known as a picnic license). Nothing herein shall be interpreted as prohibiting outdoor sale or consumption of alcohol under circumstances allowed by Wisconsin Statutes Section 125.06(6) (public park municipal exemption).

K. Chicken Keeping in Certain Zoning Districts as an Accessory Use

Hen chickens for egg production for personal use may be kept as an Accessory Use in the A-1 Agricultural District and in the R-1 Single-Family Residential District in accord with the following requirements and standards:

1. A minimum lot area of 2.0 acres is required.
2. A maximum of 6 hens may be kept, no roosters.
3. Chickens shall be kept in a coop which may have an adjacent fence enclosed area. A coop shall be located in the rear yard only, and shall not exceed 50 Sq. Ft. in area or 8 Ft. in height, and the coop or fenced area shall not be closer than 25 feet to any lot line. Such facilities shall not conflict with any public or private utilities, drainageways or any easements related thereto.
4. Chickens keeping shall not cause a public nuisance due to noise, odors, unsanitary conditions or any operational features as described in Chapter 10 titled Public Nuisances. The Village may take enforcement actions as necessary to abate any public nuisances.
5. It shall be the property owners responsibility to verify that chicken keeping and chicken coops are permitted uses in any deed restrictions or covenants applicable to the subject property.
6. Prior to establishing the use, a permit shall be obtained from the Building Inspector for chicken keeping and construction of the coop and related fencing. The application for the permit shall include a location sketch of the coop and fencing showing property lines and nearby structures and design information for the coop. A fee shall be paid with submittal of the application in accord with the Village's Fee Schedule.

## 2.08 REDUCTION OR JOINT USE.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.