August 29th, 2019

Village of Egg Harbor
Zoning Administrator
7860 STH 42
Egg Harbor, WI 54209

RE: ADVISORY DETERMINATION OF USE – Accessory Uses – Solar Panels

TO WHOM IT MAY CONCERN:

Many different uses may be considered accessory to the primary use, building or structure within the Village of Egg Harbor. Chapter 152 of the Village of Egg Harbor Municipal Code (the Zoning Ordinance) does not list solar panels as either a primary or an accessory use. When there is a question of whether a use is considered primary or accessory to a primary use the Zoning Administrator must make a determination.

Therefore, the following determination for how the use of solar panels in the Village of Egg Harbor are permitted will be confirmed in writing. The advisory determination does not pertain to solar power generation (i.e. a solar farm) as a primary use of the property.

Each zoning district, which includes, rural residential, residential, recreational, and multi-use has a list of uses permitted by right and by conditional use permit. In all districts, and by interpretation of the uses within the commercial district, accessory uses are by right use. Accessory use is defined in Chapter 152 Zoning Section 152.021 Use Requirements as follows:

(B) Accessory uses. Uses accessory to the principal use and their associated structures are permitted in their respective district, but not until their principal structure is present or under construction. Residential accessory uses shall not include the conduct of any business, trade, industry, or supplemental living quarter. Residential accessory uses include any non-habitable building or structure that is accessory to the principal use. Accessory uses or structures requiring sanitary sewer shall be made to comply with the sanitary sewer laws of the Wisconsin Administrative Code.

An interpretation and determination were made by the Zoning Administrator, to allow solar panels as an accessory use to dwelling units and commercial buildings which would be the primary use, building or, structure on many parcels in the Village of Egg Harbor.

With this advisory determination, I am confirming, in writing, the previous interpretation that solar panels are an accessory use to a permitted primary use, building or structure and permitted by right in all zoning districts. A zoning amendment is not needed to allow solar panels in all zoning districts.

Brett Guilette
Zoning Administrator