

INDEX OF ZONING CODES

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17.01 AUTHORITY, PURPOSE AND INTERPRETATION

- (1) TITLE. This chapter shall be known, referred to, and cited as the Zoning Code of the City of Sparta, Wisconsin.
- (2) LEGAL AUTHORITY. This chapter is enacted pursuant to the authorization contained in Sections 62.23 and 8.30, Wisconsin Statutes.
- (3) JURISDICTION. The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the City of Sparta. The jurisdiction of this Ordinance shall also extend to those lands and waters lying within the unincorporated areas within (1 1/2) miles of the corporate limits in the Towns of Sparta and Angelo that are approved by a majority of the members of the appropriate Joint Extraterritorial Zoning Committee pursuant to Section 62.23 (7a) of the Wisconsin Statutes, and as indicated on the Official Zoning Map for the Extraterritorial area.
- (4) EFFECTIVE DATE. This chapter shall take effect and be in force from and after its passage and publication.
- (5) PURPOSE. The provisions of this Ordinance shall be held to be minimum requirements adopted for the purpose of:
 - (a) Promoting health, safety, morals, and general welfare
 - (b) Securing adequate light, pure air, and safety from fire and other dangers;
 - (c) Conserving the taxable value of land and buildings; and
 - (d) Preserving and enhancing aesthetic values, generally, throughout the City of Sparta.
- (6) INTENT. This Ordinance is intended to establish and accomplish certain standards and objectives by:
 - (a) Dividing the entire City of Sparta into and its extraterritorial area into districts and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures and land for residence, business, manufacturing, or other specified uses;
 - (b) Avoiding or lessening congestion in the public streets by adequate requirements for off-street parking and loading facilities;
 - (c) Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected;

ZONING CODE 17.01(6)(d)

- (d) Establishing, regulating, and limiting the building or setback lines on or along streets, alleys or property lines;
- (e) Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding such buildings;
- (f) Permitting in each of the zoning districts only those uses, buildings, and structures that are compatible with the character of each district;
- (g) Providing controls over additions to and alterations and remodeling of existing buildings and structures;
- (h) Providing controls governing the continuation of those uses, buildings, and structures that are incompatible with the character of the districts in which they are located;
- (i) Providing controls governing the size and location of signs and other forms of outdoor advertising;
- (j) Defining the powers and duties of the administrative officers and bodies for the administration and enforcement of this Ordinance, and;
- (k) Prescribing penalties for the violation of the provisions of this Ordinance or of any amendment thereto.

(7) INTERPRETATION

- (a) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals, and general welfare.
- (b) Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable standards imposed by any other provisions of this Ordinance or of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulation that is more restrictive or that imposes higher standards or requirements shall govern.
- (c) This Ordinance is not intended to abrogate any easement, covenant, or other private agreement, provided that, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

ZONING CODE 17.01(7)(d)

- (d) No building, structure, or use not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this ordinance. To the extent that said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure or use remains unlawful hereunder.
- (e) The language of this chapter shall be interpreted in accordance with the following rules of construction. Words used in the present tense shall include the future, singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure", the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used". The word "may" is permissive and the word "shall" is mandatory and not discretionary. All distances shall be measured horizontally except height which shall be measured vertically.
- (f) With respect to the classification of land uses that are not defined or specifically listed within this chapter, the Zoning Administrator shall make interpretations based on the most recent edition of the Standard Industrial Classification Manual (SIC) published by the U.S. Office of Management and Budget.

(8) SEPARABILITY. It is hereby declared to be the intention of the Common Council of the City of Sparta that the several provisions of this Ordinance are separable, in accordance with the following:

- (a) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- (b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in such judgment.

17.02 ADMINISTRATION AND ENFORCEMENT

(1) OFFICE OF THE ZONING ADMINISTRATOR

- (a) Establishment of Office. There is hereby established the office of Zoning Administrator.

ZONING CODE 17.02(1)(b)

- (b) Duties of Zoning Administrator. The Administrator shall properly administer and enforce this chapter. In addition and in furtherance of such authority, the Administrator shall:
1. Receive, review, analyze, and develop written reports on all applications for development permits, certificates of occupancy, appeals, variances, amendments, or other development matters.
 2. Serve as an ex officio non-voting member of the Plan Commission and Board of Appeals.
 3. Issue development permits and certificates of occupancy when the requirements of this chapter have been met, and make and maintain records thereof.
 4. Coordinate official development review processes among governmental offices to the extent feasible.
 5. Conduct inspections to determine compliance with the terms of this chapter and to take remedial action when required.

(2) DEVELOPMENT PERMITS

- (a) Filing. A request to undertake development shall be filed on an official application form.
- (b) Plans With Applications. Every application for a development permit shall be filed with the Zoning Administrator and be accompanied by a fee, legal description, and by plans in triplicate drawn to scale showing the actual shape and dimensions of the subject parcel; reference sketch of site location to two intersecting streets; the exact location, nature, dimensions, and elevations of the existing and proposed development; the proposed occupancy (if applicable), with dimensioned and numbered parking spaces; and such other information as may be necessary for the enforcement of this chapter when requested by the Zoning Administrator.
- (c) Approved Plan. One copy of such plans shall be returned to the developer when such plans have been approved, together with the conditions of such approval, the signature of the Zoning Administrator, and any development permit as may be granted. One copy of the plans, similarly marked, shall be retained by the Zoning Administrator as a permanent record or until such time as the development no longer occupies the subject parcel.

- (d) Zoning Administrator to Act. The Zoning Administrator shall act upon all applications for development permits promptly. Within 15 working days of the time the application is filed in full compliance with the applicable requirements, the Zoning Administrator shall either issue the permit, notify the applicant in writing of his refusal and reasons thereof, set a hearing date, if one is required, or refer the application to the Plan Commission as is appropriate for the type of action requested.
- (e) Issuance of Permits. The Zoning Administrator shall issue a development permit if he or she finds that the development for which the permit is sought constitutes a general development permitted by this chapter or a conditional use has been approved by the Common Council.
- (f) Effect of Permit. The issuance of a development permit authorizes the developer to commence development immediately upon giving of notice by the City, but subject to any lawful conditions attached by the Common Council. A development permit does not authorize occupancy.
- (g) Expiration of A Permit. If the work described in any development permit has not begun within 6 months from the date of issuance, or if the work lies idle for a period of six months or more, or if the work has not been substantially completed in one year of the date of permit issuance thereof, such permit shall expire; it shall be revoked by the Zoning Administrator and written notice thereof shall be given to the persons affected. Such notice shall indicate further work as described on the canceled permit shall not proceed unless a new permit is issued.
- (h) Demolition. In such an event that the work described in any development permit has begun but has not been substantially completed within one year of the date of issuance of a permit or if work has begun without proper development permit, the Zoning Administrator may order demolition of partially completed work.
- (i) Permits Must Conform To Be Valid. All officials and employees of the City vested with the duty or authority to issue permits or licenses shall comply with the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void and of no effect whatsoever.
- (j) General Development Permits Subject To Conditions. The Zoning Administrator may attach to a general development permit conditions relating to:

ZONING CODE 17.02(2)(j)1

1. Compliance with the plans and specifications submitted by the developer to the Zoning Administrator.
 2. Time within which the developer must be commenced or completed.
 3. Protective measures that a developer must undertake for the benefit of neighboring property, such as the construction of fencing or establishment of buffer areas.
- (k) Conditional Use and PUD Permit Conditions. The Common Council may attach to a conditional use and planned unit development permit conditions that may concern any matter subject to regulation under this chapter including means for:
1. Minimizing any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted.
 2. The sequence of development, including when it must be commenced and completed.
 3. Controlling the duration of use of development and the time within which any structures must be removed.
 4. Assuring that development is maintained properly in the future.
 5. Designating the exact location and nature of development.
 6. Establishing more detailed records by submission of drawings, maps, plats, or specifications.

(3) CERTIFICATE OF ZONING COMPLIANCE

- (a) Certificate of Zoning Compliance Required. It shall be unlawful to use, occupy or permit the occupancy of any building or parcel or both, or part thereof hereafter developed until a "Certificate of Zoning Compliance" shall have been issued therefor by the Zoning Administrator stating the proposed use conforms to the requirements of this chapter. The certificate shall state that the development complies with all City building, housing and health laws, and this chapter. Any lawful conditions of occupancy shall be attached to or referred to on the certificate.

ZONING CODE 17. 02(3)(b)

- (b) Application and Records. A Certificate of Zoning Compliance shall be applied for coincident with an application for a development permit form the Zoning Administrator. The Zoning Administrator shall issue the Certificate within 10 days after finding that the development is in full compliance with this chapter and after the Inspector determines that the development is in compliance with City building, health and housing codes. The Zoning Administrator shall maintain records of all Certificates of Zoning Compliance and a copy shall be furnished upon request to any person upon payment of a reasonable fee.
- (c) Temporary Certificate. A temporary certificate may be issued for a period not to exceed six months during alterations or partial occupancy of a building, or pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the developer or the City, and shall not be issued except under such restrictions as shall adequately ensure the safety of the occupants.

(4) METHODS OF ENFORCEMENT

- (a) Notification. Upon finding that any of the provisions of this chapter are being violated or upon finding a condition which may lead to a violation, the Zoning Administrator shall notify in writing the person responsible for such violation or condition, ordering the action necessary to correct such condition or violation. The Zoning Administrator may order discontinuance of illegal uses of structures and land and order removal of illegal structures or additions, or may order discontinuance of illegal work being done. Further, the Zoning Administrator may take any other action authorized by this chapter to ensure compliance with or to prevent violations of this chapter, including, but not limited to, calling upon the City Attorney to institute legal proceedings and calling upon the Chief of Police for assistance.
- (b) Resumption of Work. When any work shall have been stopped for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed and written approval to proceed has been received from the Zoning Administrator.

(5) FEES

- (a) Application and Permit Fees. Fees for zoning amendments, conditional uses, development permits, certificates of zoning compliance, appeals and other types of administrative permits and procedures required by this chapter may be set by the Common Council. Such fees shall cover the costs of administering this chapter.

ZONING CODE 17.02(5)(b)

(b) Review Costs. The Zoning Administrator or Plan Commission may request the City Engineer, City Attorney, City Planner, or other consultant or expert to review applications for development permits or other types of permits required by this chapter. The cost of all such reviews shall be borne by the applicant. The City reserves the right to require an escrow account be established for the purpose of providing funds for anticipated review costs.

(c) Fee Schedule:

Conditional Use Permit:	\$75.00
Zoning Variance	\$250.00 (Amended # 804, 3/16/2010)
Request for Zoning Change	\$75.00
Development Review (business)	\$75.00
Subdivision Plat Review	\$150.00
PUD Review	\$150.00
Lot Division CSM Approval	\$50.00
Grading/Filling/Stormwater	\$50.00
ET Zoning Permit Residential	\$50.00
ET Zoning permit Accessory	\$25.00
ET Zoning Permit Business, Industrial, Manufacturing	\$75.00

(6) BOARD OF APPEALS

(a) Creation and Membership. A Board of Appeals is hereby established. The word "Board" when used in this section shall be construed to mean the Board of Appeals. The Board of Appeals shall consist of five members appointed by the Mayor subject to confirmation of the Common Council for terms of three years, except that of those first appointed one shall serve for one year, two for two years, and two for three years. The members of the Board shall receive compensation as set by the Common Council, if called at the request of an appellant or appellants, and shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one of the members as chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Mayor may appoint, for staggered terms of three years, two alternate members of such Board, in addition to the five members above provided for. Annually, the Mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

- (b) Meetings. Meetings of the Board shall be held at least once a month, unless there is nothing to come before it. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board and vote of each member upon each question considered. The presence of four members shall be necessary to constitute a quorum. Special meeting shall be called by the chairman.
- (c) Powers of the Board of Appeals. The Board of Appeals shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto.
 2. To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass.
 3. To authorize upon appeal in specific cases such variances from the terms of the chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. The Board may not permit as a variance any use that is not permitted under the chapter for property in the zone where the affected person's land is located.
- (d) Zoning Administrator's Report Required. The Zoning Administrator shall review the evidence of an appeal or request for variance and make a report of facts to the Board within seven days of the request.
- (e) Board of Appeals Actions Limited. The Board shall make no decisions except in a specific case and after a public hearing conducted by the Board. Nothing herein contained shall be construed to give or grant to the Board the powers or authority to alter or change the Zoning Code or the Zoning Map or to permit the establishment of a nonconforming use. No member of the Board shall hear or vote upon an appeal or variance in which he or she is directly or indirectly interested in a personal or financial way.

- (f) Board of Appeals Hearings. The Board shall fix a reasonable time for a public hearing by publication in the official newspaper at least ten days prior to said hearing, as well as written notice to the Chairman of the Plan Commission and appellant. In the matter of hearings for variance, the City Clerk shall send by regular mail, at least 10 days before the date of such hearing, written notice of such hearing to the owners of record listed in the best available records, of all lands for which the variance is requested and all lands wholly or partly within 100 feet of the other perimeter of the subject property.

At the hearing, any party may appear in person or through an agent or attorney. The Board shall decide the application for variance or appeal within a reasonable time not to exceed 30 days.

- (g) Board of Appeals Vote Required. The concurring vote of the four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter. The grounds of every determination shall be stated.
- (h) Time Limit for Board of Appeals Actions. The Board shall decide all appeals and requests for variance within 30 days after the date of the required hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant and to the Zoning Administrator. Such decisions shall be binding upon the Zoning Administrator and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.
- (i) Validity of Permits Approved By the Board of Appeals. Permits for the occupancy of land or construction, reconstruction, or occupancy of buildings approved by the Board of Appeals shall be void after one year from the date of such approval unless, in cases of new construction, work shall be done above the foundation walls, and in cases of occupancy of land or reconstruction or occupancy of buildings, the operations called for by such permit shall be well under way at the end of such one year period.
- (j) Initiation of Appeals to the Board of Appeals. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days by filing with the officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- (k) Effect of Appeals. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.
- (l) Decision on Appeal. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination appealed from as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken and may issue or direct the issue of a permit.

(7) VARIANCES

- (a) Initiation. A request for variance shall be made to the City Clerk on an official application form furnished by the Zoning Administrator.
- (b) Findings Required. No variance from the terms of this chapter shall be authorized unless all of the following facts and conditions exist:

Exceptional Circumstances. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.

1. Natural Causes. That the alleged difficulty or hardship has not resulted from the actions of the applicant.
2. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity including, but not limited to, the use of solar energy systems.
3. Absence of Detriment. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this chapter or the public interest.

4. General Nature. No variance shall be authorized unless the Board specifically finds that the condition, situation, or intended use of the subject property is not so general or recurrent in a nature as to make reasonably practicable the formulation of a general regulation to cover such cases.
 5. Minimum Variance Required. The Board shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure. The Board shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.
- (c) Subject To Conditions. In granting any variance under the provisions of this section, the Board of Appeals shall designate such conditions that will secure substantially the objectives of the regulations or provisions in the application of which the variance is granted as to light, access to direct sunlight for solar energy systems, air, character of the neighborhood, conformity to the master plan, and generally, the public health, safety, comfort, convenience, and general welfare.
- (d) Variances Void After 1Year. If an applicant fails to act on a variance granted within 6 months of the date the variance was approved, the variance shall be null and void.

(8) DISTRICT BOUNDARY CHANGES AND TEXT AMENDMENTS

- (a) Common Council Authorized to Amend Zoning Ordinance Text and Map. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Common Council may by ordinance, after recommendation thereon by the Plan Commission, amend the regulations or change the Zoning Map. The Plan Commission shall submit to the Common Council its recommendations regarding all applications for amendments or changes within 60 days after referral to the Plan Commission.
- (b) Initiation of Amendment. An amendment or change may be initiated by motion of the Common Council, by motion of the Plan Commission, or, in the case of district boundary changes or uses, by filing an application therefor by owners of 50% or more of the area of the properties proposed to be changed.
- (c) Application for Amendment. Application for any change of district boundaries or uses shall be submitted to the Zoning Administrator, with a copy to the Clerk, upon such forms and accompanied by such data and information as is needed to assure the fullest practicable presentation of facts, as required by the Plan Commission.

(d) Notification of Public Hearing on Amendment.

1. Before submitting its recommendations on any amendment to the regulations or change in the Zoning Map to the Common Council, the Plan Commission shall hold at least one public hearing thereon pursuant to a Class II notice.
2. When an amendment involves changes in district boundaries or classification, the Zoning Administrator shall send by regular mail at least 10 days before the date of such hearing, written notice of such hearing to the owners of record as listed in the best available records, of all lands proposed to be changed and all lands situated wholly or partly within 100 feet of the other perimeter of the subject property.

(e) Plan Commission Recommendation. The Plan Commission shall review the proposed amendment to the regulations or change in district boundaries or uses and render a decision thereon analyzing the advantages and disadvantages of the proposal, based on the facts and circumstances, the Comprehensive guide Plan, and other information. The Plan Commission shall transmit a written recommendation to the Common Council.

(f) Common Council Final Action. After reviewing the recommendation of the Plan Commission thereon, the Common Council shall consider such recommendations and, if it decides to proceed, shall instruct the City Attorney to prepare an ordinance for subsequent adoption by the Common Council of the proposed amendment. If the Common Council so desires, it may order a second public hearing before the Common Council pursuant to a Class I notice.

(g) Waiting Period Between Petitions. A denial of rezoning shall be a final determination for a period of one year that the development will not be permitted unless the Common Council's order includes leave to amend. After the expiration of the one-year period, a developer may make a new application for the same amendment.

(9) VIOLATIONS

(a) Remedies.

1. In the case of any violation of this chapter or any amendment or supplement thereto, any person aggrieved by such action may request the Common Council or Zoning Administrator to act in his behalf to prevent unlawful development; to restrain, correct, or abate such violations; to prevent the occupancy of a building, structure or land; or to prevent any illegal act, conduct, business, or use in or about such premises. Such procedure shall not limit taking action in a court of law.

2. Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, and any use of any land or building which is conducted, operated, or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and the City Attorney, shall, immediately upon any such violation having been called to his attention by the Zoning Administrator, institute injunction, mandamus, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such erection, construction, reconstruction, alteration, conversion, maintenance, or use. Such action may also be instituted by any property owner who may be especially damaged by a violation of this chapter.

(b) Penalties. Any person, firm, association, or corporation who shall violate any of the provisions of this chapter shall, upon judgment or conviction thereof, forfeit not more than \$500 and not less than \$50 and the costs of prosecution to the City. In default of payment of such forfeiture and such costs of prosecution, shall be imprisoned in the County Jail for Monroe County until such forfeitures and such costs are paid but for not more than 30 days. Each day that a violation is permitted to exist shall constitute a separate offense. In any such action, the fact that a permit shall have been issued by any City official or department shall not constitute a defense, nor shall any oversight on the part of any public official, board, or department constitute a defense.

17.03 DEFINITIONS

DEFINITIONS. Unless the context otherwise requires, the following definitions shall be used in the interpretation of this chapter. If questions arise as to the interpretation of common usage terms, the Zoning Administrator should refer to the definitions contained in Webster's Ninth New Collegiate Dictionary or subsequent editions. Interpretations of land use activities should be based on the 1987 Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, or subsequent editions. Interpretations of terms related to structures should be based on the State of Wisconsin Uniform Dwelling Code or the Wisconsin Department of Commerce Enrolled Building Code.

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same parcel and serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses or structures to residential principal uses may include: Garages, carports, other parking spaces, swimming pools, tennis courts, play houses, wood shops and tool sheds. Accessory uses in residential districts shall not involve the conduct of any business, trade or industry, except as defined as a home occupation and shall not include the commercial boarding of animals or the keeping of fowl or farm animals.

ADMINISTRATOR: The Zoning Administrator who is designated as the enforcement officer of this chapter.

ADULT BOOKSTORE: An establishment having as a predominant portion of its stock in trade, books, magazines and other periodicals, or video cassettes, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specific Sexual Activities” or “Specified Anatomical Areas” (as defined herein).

ADULT CABARET. A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons. An adult cabaret does not include theaters, performing art centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employess engaging in nude erotic dancing.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

AGRICULTURAL SERVICES: Establishments engaged in providing services to agricultural establishments and landowners including soil preparation, crop services, veterinary services, farm management, and landscape and horticultural services.

ALLEY: A thoroughfare less than 80 feet in width and for the purpose of providing access to the rear of buildings in a platted City block.

AIRPORT: The Sparta-Fort Mc Coy Airport located in Section 16 Township 17 North, Range 3 West Monroe County, Wisconsin.

AIRPORT AFFECTED AREA: The area located within three (3) miles of the boundaries of the airport.

AIRPORT HAZARD: Any structure, object, or natural growth, or use of land that obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing and taking off.

AMUSEMENT AND RECREATION SERVICES. Establishments not defined elsewhere, engaged in providing indoor and outdoor amusement, entertainment, and recreation to the general public. Includes both indoor and outdoor activities.

AUTOMOBILE REPAIR AND SERVICES: General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning. Automotive services include car washes, except for single stall car washes incidental to the sale of gasoline.

AUTOMOTIVE, IMPLEMENT, AND RECREATIONAL VEHICLE SALES: An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, implements or trailers in operable condition and where no repair work is done.

AUTOMOBILE SERVICE STATION OR GAS STATION: A place where gasoline, kerosene, or any other motor fuel, lubricating oil, or grease for operating motor vehicles is offered for sale and delivered directly into motor vehicles, including greasing, oiling, and single stall car washes incidental to the sale of gasoline.

BASEMENT: That portion of a building between floor and ceiling having at least 1/2 of its height below grade. A basement shall be counted as a story.

BED AND BREAKFAST ESTABLISHMENT: Any place of lodging that provides four or fewer rooms for rent, for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of the rental, and in which the only meal served to guests is breakfast.

BLOCK: The property abutting a street between the 2 nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of unsubdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a "Block".

BOARD: The Board of Appeals of the City.

BOARDING HOME: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for 3 or more persons not related to the owner for compensation by previous arrangement, excluding transients.

BUILDINGS: See **STRUCTURE**.

BUILDING, HEIGHT: The vertical distance from the grade level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING INSPECTOR: The Building Inspector of the City of Sparta.

BUILDING SUPPLY STORES: Retail establishments engaged primarily in the selling of lumber and other building materials.

BUILDABLE LOT AREA: The part of the lot not included within the open space areas required by this chapter.

CAMPGROUNDS: Establishments primarily engaged in providing overnight or short-term sites for recreation vehicles, trailers, campers and tents.

CERTIFICATE OF APPROPRIATENESS: A permit for restoration or change of a landmark, landmark site, or historic preservation district site that shall accompany a building or demolition permit and is issued upon direction of the City of Sparta Historic Preservation Commission.

CHANNEL: The channel is a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

CHAIR: The Chair of the Plan Commission or the Chair of the Board of Appeals as the context requires.

CITY: The incorporated City of Sparta, Monroe County, State of Wisconsin.

CIVIC USES: Community center, public library, public museum, public art gallery, public recreation, post office, fire station, public botanical garden, and similar public uses, each without outdoor storage and municipal garages with screened outdoor storage.

CLUBS AND ASSOCIATIONS: A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMMISSION: The City Plan Commission of Sparta, Wisconsin.

COMMUNITY BASED RESIDENTIAL FACILITY (CBRF): A place where 3 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility. Same as the definition of Community-Based Residential Facility (CBRF) defined in Wisconsin Administrative Code HSS.

COMMUNITY RECREATION FACILITIES: Public or privately owned recreation facilities that provide sites for large public gatherings such as fairgrounds, zoos, race tracks, and golf courses.

COMPREHENSIVE PLAN: The long-range master plan for the desirable use and development of land in the city as officially adopted and as amended from time to time by the Plan Commission and certified to the Common Council.

CONDITIONAL USE PERMIT: A document signed by the Zoning Administrator specifying the requirements for which a conditional use may be permitted within a parcel. A conditional use is a use permitted within a district other than a permitted use.

CONDOMINIUM: An estate in real property consisting of an undivided interest in common with other purchases in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property.

CONSTRUCTION: The erection or alteration of any structure or objects either of a permanent or temporary character.

CONTRACTORS - BUILDING CONSTRUCTION: General and special trade contractors who undertake activities related to building construction including general construction, electrical work, painting, plumbing, heating, air conditioning, roofing, and sheet metal work.

CONTRACTORS - HEAVY CONSTRUCTION: General contractors engaged in heavy construction other than buildings, such as highways, bridges, sewers, railroads, and airports.

CONVALESCENT HOME: See **NURSING HOME**.

CONVENIENCE STORES: Any retail establishment serving primarily the surrounding neighborhood and offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area less than 5,000 square feet. Convenience stores do not include the sale of gasoline.

COUNCIL: The Common Council of the City of Sparta, Wisconsin.

COURT: An open, unoccupied and unobstructed space other than a yard, on the same lot with a building or group of buildings.

DAY CARE CENTERS: A licensed facility where a person other than a relative or guardian provides care and supervision for four or more children under seven years of age, for less than 24 hours a day and for compensation. Same as definition in Wisconsin Administrative Codes HSS 55.04 (10).

DAY CARE CENTERS - FAMILY DAY CARE CENTER: A center that provides care and supervision for five to eight children.

DAY CARE CENTERS - GROUP DAY CARE CENTER: A center that provides care and supervision for nine or more children.

DAY CARE CENTERS - ADULT: Establishments primarily engaged in the care of senior citizens, infirm, or impaired individuals, where medical care or delinquency correction is not a major element.

DAY CARE CENTER - NIGHT CARE CENTER: A group day care center or family day care center which operates during any period of time between 7:00 PM and 6:00 AM.

DENSITY: The number of dwelling units per net acre of land after land for streets and other public purposes is removed.

DRIVE-IN RESTAURANTS: A retail outlet where food or beverages are sold to a substantial extent for consumption in parked motor vehicles.

DWELLING, MULTIFAMILY: A building containing three dwelling units or more. Any multifamily dwelling where units are available for rental periods of less than one week shall be considered a hotel, boarding house, or guest house.

DWELLING, SINGLE-FAMILY: A building containing only one dwelling unit.

DWELLING, TOWNHOUSE: A single-family dwelling jointed to other single-family dwellings by a party wall not over 25 feet in height and on a single lot.

DWELLING, TWO-FAMILY: A building containing two dwelling units.

DWELLING UNIT: One room or suite of private or interconnecting rooms, designed for independent occupancy by one family for living and sleeping purposes for weekly or longer basis and having cooking, toilet and bathing facilities. The structure containing the dwelling must be attached to a permanent foundation. A foundation is considered to be permanent if it is supported below the anticipated frost level – 48 inches below grade. If the location is not supported below the anticipated frost line, a recognized method of frost proofing may be utilized

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater conveyance or other comparable utilities. Essential services include such above surface facilities as poles, guide wires, fire alarm boxes, water hydrants, utility posts, police call boxes, and standpipes. Essential services do not include larger utility facilities such as electric substations, wastewater treatment plants, well houses, water reservoirs, and microwave and telecommunication towers.

Essential services are permitted in all zoning districts without permits.

EXTRACTIVE INDUSTRIES: This group includes mining, quarrying, excavation, processing, storing, separating, cleaning, or marketing of natural resources such as sand, gravel, earth, peat, coal, minerals, gas and oil.

FAMILY: A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, motel, hotel, club, fraternity, or sorority house, or other group, provided that unless all members except one are related by blood, adoption, marriage, or are legally cared for, no such group shall contain over five persons.

FAMILY HOME: See **DAY CARE - FAMILY HOME.**

FLOOD: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

FLOODPLAIN: The areas adjoining a watercourse which have been or hereafter may be covered with the regional flood.

FLOOD PROOFING: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

FLOODWAY: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regional flood.

FLOOR AREA: For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include the occupied or usable floor area in a building but not including space occupied by columns, walls, partitions, mechanical shafts or ducts.

FLOOR AREA RATIO (FAR): The ratio of the total floor area of both principal and accessory buildings to the area of the lot.

FORESTRY: Establishments engaged primarily in the operation of timber tracts, tree farms, forest nurseries, and related activities.

FOSTER HOME: A State-licensed facility providing care and supervision in a home setting for four or fewer children under the age of 18 or older adults.

FRONTAGE: All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or City boundary measured along the street line at the required setback line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GARDEN SUPPLY STORES: Establishments engaged primarily in the sale of lawn and garden supplies including plant materials, fertilizers, garden tools and garden supplies.

GROUP HOME: A group home is a State-licensed facility located in a residential community providing shelter and/or rehabilitation for five or more children under the age of 18 years or older adults who, for various reasons, cannot reside in their natural home.

GUEST HOME: A dwelling or part thereof occupied by a single housekeeping unit where meals and/or lodging are provided for transient guests for compensation by previous arrangements.

HEIGHT: The overall height of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth. (For airport zoning purposes only)

HEIGHT OF BUILDING: The vertical distance from the main elevation of the finished grade along the front of the building to the highest point of a flat roof, of the deck line of a mansard roof, or to the main height level between eaves and ridge for a gable, hip and gambrel roofs, not including church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials or parapet walls.

HOME OCCUPATION: Any occupation for gain or support conducted within a single dwelling unit or in a building accessory to a dwelling unit by the person maintaining a dwelling therein provided that the specified use is incidental to the residential use. Not more than one nonresident person shall be employed in the home occupation. (Amended #804, 3/16/2010)

HOTEL: A building designed for occupancy as a temporary residence of individuals who are lodged with or without individual meals, in which no provision is made for cooking in any individual room or suite.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on site vehicular circulation, parking, utility needs, building design, and orientation.

INSTITUTION: A nonprofit organization of a public character, or a building being occupied by such organization.

JUNKYARD: An open area where waste or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, used lumber and bottles. A junkyard includes automobile wrecking yards and used implement storage yards, and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but excludes uses established entirely within enclosed buildings in nonresidential districts. It also excludes establishments for the sale or purchase of used operable automobiles, and the processing of used, discarded or salvaged materials as part of those manufacturing operations which conform to this chapter. Three or more unlicensed vehicles on one parcel shall constitute prima facie evidence of the operation of a junk yard.

KENNEL: Any premises or building in which four or more dogs or cats over six months of age are kept for board, propagation or sale.

LAND: The earth, water, and air above, below, or on the surface, and includes any improvements or structures regarded as land.

LANDMARK: Any identified improvement, which has a special character or special historic interest or cultural value as part of the heritage of the City.

LANDMARK SITE: Any parcel of historic significance having value in tracing the history or aboriginal man or upon which a historical event has occurred, and which has been designated as a landmark site pursuant to this chapter. A landmark site includes the parcel upon which a landmark has been built.

LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open space as required by this Chapter and having frontage on a public street.

LOT OR PARCEL OF RECORD: A lot or parcel which has been recorded in the office of the Register of Deeds of Monroe County prior to the date of adoption of this ordinance.

LOT, CORNER: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the "corner".

LOT, COVERAGE, PERCENT OF: The maximum percent of the lot which may be covered with principal and accessory structures.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT LINE, FRONT: The line separating the lot from the street.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT, THROUGH: A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH: The mean width of the lot measured at right angles to its depth. Measurements for lot street frontage may be taken at the given setback requirements for the particular zoning district.

MAJOR STREET: A highway, road, or street designated on the official Master Street Plan of the City.

MANUFACTURED HOME: A generic term for single-family detached structures manufactured all or in part off-site and transported to the site in one or more sections that is built to the National Manufactured Home Construction and Safety Standards.

MANUFACTURED HOME DEALERS: Establishment engaged in the sale and service of manufactured and mobile homes.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of material or substances into new products.

MANUFACTURING, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted raw materials or a use engaged in storage of or manufacturing processes using flammable or explosive materials or storage of manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

MANUFACTURING, LIGHT: A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but exclusively basic industrial processing.

MINI-WAREHOUSE: See **WAREHOUSE - SELF-STORAGE.**

MODEL HOME: A model home is a dwelling manufactured, prefabricated, or otherwise erected or installed upon a lot for purposes of temporarily exhibiting the same as a sample, rather than for occupancy as a residence.

NONCONFORMING LOT: A lot that does not comply with the minimum lot area or width requirements of the district in which it is located.

NONCONFORMING STRUCTURE: A structure that does not comply with the bulk, yard, setback, or height regulations of the district in which it is located.

NONCONFORMING USE OF LAND: Any use of a lot that does not conform to the applicable use regulations of the district in which it is located.

NURSING HOME: A facility designed and licensed to provide care for aged or infirm persons requiring or receiving personal care or custodial care complying with the standards established by the Wisconsin Department of Health and Social Services.

OBJECTIONABLE ELEMENT: Any use operated in the manner described under the performance standards of this chapter.

OFFENSIVE: Giving painful or unpleasant sensations: nauseous, obnoxious.
(Am. #733, 5/16/07)

OPEN SPACE, COMMON: An area of land or water, or a combination of land and water within the site designated for a Planned Unit Development, and designed and intended for the use or enjoyment of residents.

OPEN SPACE, PUBLIC: An area of land or water or both on the Comprehensive Plan or Official Map designated as park, beautification, or land to be kept free of development.

OPTOMETRIC CLINIC: An office or facility primarily offering the services of optometric under Ch. 449, Wis. Stats., as amended from time to time and including optician's services in conjunction therewith.

OUTSIDE TAVERN PREMISES: That portion of a lot or parcel of land which a Class "B" fermented malt beverage license or Retail Class "B" liquor license has been issued or may be issued enclosed by a substantial fence with gate, attached to and contiguous with the building premises, at least six feet in height and capable of limiting access to such outdoor premises other than through the building premises.

PARCEL: A parcel of land means any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel, and a condominium unit. Only one such designation by the owner shall be allowed under this chapter.

PERSON: Any individual, firm partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

PLANNER: The City Planner designated to advise and assist the Commission and Common Council on land use and development matters.

PORTABLE BUILDINGS: Buildings that are not permanently attached or adhered to the ground. Maximum size of a portable building is 144 square feet. Even though they do not require a permit, they must follow all setback requirements.

PROFESSIONAL OFFICE: The office of a member of a recognized profession including the offices of doctor's physicians, dentists, optometrists, ministers, architects, professional engineers, lawyers and other similar professional occupations.

PUBLIC WORKS YARDS: Municipal, county, state, and federal administrative buildings; warehouses; garages; storage yards; and shops that are owned and operated by a governmental unit.

RAILROADS: Railroad rights-of-way including terminals, transfer and storage tracks, but not accessory structures except those incidental to minor communications and switching equipment.

RECREATIONAL VEHICLE: All types of recreational vehicles or devices normally used by adults, including but not limited to such items as travel homes, camper trailers, pick-up camper attachments, all-terrain vehicles, snowmobiles, boats, floatation devices, motor bikes and including go-carts and stock cars.

REGIONAL FLOOD: A flood determined by the Department of Natural Resources that is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

REHABILITATION CENTERS: A home in which persons live while receiving therapy and counseling for the following purposes: (a) to assist them to recuperate from the effects of drugs or alcohol; (b) to assist them to adjust to living with the handicaps of emotional or mental disorder, or mental retardation; (c) to assist them to adjust to living with the handicaps of physical disability; (d) to assist them to be housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work-release, and probationary programs, provided that the number of occupants shall not exceed 20 at any one time; and where the home is managed by an organization operating a program that is approved by the State; and which is also approved by the appropriate governmental entity having authority under law to license or authorize the operation.

REPAIR SHOPS: Establishments engaged in miscellaneous repairs of household items and smaller business equipment for the general public and business.

RETAIL TRADE: Establishment engaged in primarily selling merchandise for personal or household consumption and rendering service incidental to the sales of goods. Includes:

- General Merchandisers
- Hardware Stores
- Paint and Wallpaper Stores
- Food Stores
- Apparel Stores
- Home Furnishings and Equipment Stores
- Eating and Drinking Places
- Miscellaneous Retail

For purposes of enforcement of this chapter, Retail Trade excludes:

- Building Supply Stores
- Garden and Lawn Supply Stores
- Manufactured Home Dealers
- Automotive Dealers and Service Stations

RUNWAY: A level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

SCHOOLS - PUBLIC: Public, parochial and other private schools offering educational courses.

SETBACK: The minimum horizontal distance between the front line of the building, excluding steps and unenclosed porches, and the street property line.

SERVICES - PROFESSIONAL: Establishments engaged in providing the general public and businesses with professional services in an office setting. Includes:

- Security and Commodity Brokers
- Insurance Agents and Brokers
- Real Estate Services
- Holding and Other Investment Offices
- Professional Health Services

Legal Services
Engineering, Accounting, Research, Management, and Related Services
Educational Services

SERVICES - PERSONAL: Establishments engaged in providing services primarily to individuals and households, such as laundry, dry cleaning, copy shops, beauty/barber shops.

SERVICES - BUSINESS: Establishments engaged primarily in rendering services to business establishments such as advertising agencies, mailing services, employment agencies, and computer software companies.

SHOPPING CENTER: A preplanned group of retail stores with common use areas for access, pedestrian, auto and service circulation, common parking, and landscaping.

SIGNS: Any name, identification, description, display, illustration or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to any object, produce, service, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise, but does not include any display of official court or public office notices, nor any official traffic control device, nor does it include a flag, emblem or insignia of a nation, state, county, municipality, school or religious group. A sign does not include an object located completely within an enclosed building. For the purposes of removal, a sign also includes all sign structures. (Amended #671, 2/15/2005)

SIGN, ON-SITE: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include street graphics erected by the outdoor advertising industry in the conduct of the outdoor advertising business or the provision of outdoor displays or display space on a lease or rental basis only.

SIGN, TRAILER: A motor vehicle or trailer with a street graphic mounted thereon. It may be double-faced.

SLOPE: An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slope is 3 feet horizontal and 1 foot vertical).

STANDARD PERFORMANCE: A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land use.

STATE: The State of Wisconsin, U.S.A.

STORY: That portion of a building included between the surface of any floor, and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of such story.

STREET: A public right-of-way more than 20 feet in width, approved and accepted by public authority, which provides a primary means of public access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

STRUCTURE: Anything constructed, installed or portable, the use of which requires a location on a parcel of land, or attachment to something having a permanent location on the ground. It includes a movable structure, fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and street graphics.

STRUCTURE ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams, lintels or girders.

TOURIST HOME: A rooming house operated in conjunction with a bed and breakfast establishment licensed under Chapter HSS 197, Wisconsin Administrative Code that is located at its nearest point no more than 100 feet away from the building housing the bed and breakfast.

TREE: Any object of natural growth, except farm crops which are cut at least once a year, and except for shrubs, bushes, or plants which do not grow to a height of more than 20 feet.

USE: The purpose for which land or a building or structure is arranged, designed, or intended for or which either land or a building or structure is, or may be, occupied or maintained.

USE, PRINCIPAL: The main use to which a parcel is devoted and the main purpose for which the premises exists.

UTILITY FACILITIES: Utility equipment including, but not limited to, electric utility substations, water reservoirs, treatment plants, transformer stations, booster stations, transmitters, and other comparable utility facilities.

VARIANCE: A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship.

VISUAL SCREEN: A permanent fence or wall that permits no view into the area to be screened; or plantings or vegetation that permit no view into the area to be screened and that admit a maximum penetration of light through no more than an evenly distributed 25% of their vertical surface during any season of the year.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WAREHOUSE - SELF-STORAGE: Warehouses serving primarily the general public with separate access for each storage stall, one story, less than 10,000 square feet per building; total area less than 60,000 square feet.

WHOLESALE TRADE: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, and professional business users; or to other wholesalers, or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

YARD: An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE: An open, unoccupied space on the same lot with the main building, situated between the side of the building and the adjacent side of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there is no front yard, the front boundary of the side yard shall be the front line of the lot, and if there is no rear yard the rear boundary of the side yard shall be the rear line of the lot. The street side yard of corner lots extend from the rear of the front yard to the rear line of the lot.

ZERO LOT LINE HOUSING: Owner-occupied housing located within a single structure here the common wall between dwellings is approximately perpendicular to the street right-of-way line and where the lot of record before divided and upon which the single structure is located meets minimum width, area and code requirements of the required district. (Cr. 651, 06/15/2004)

17.04 CONFORMANCE REQUIREMENTS

- (1) **TYPES OF DEVELOPMENT.** All development within the City and extraterritorial area, except as hereinafter specified, shall be undertaken in accordance with the terms of this chapter and only after a development permit is issued, if required.

There shall be three (3) types of development:

- (a) **General Development.** Development for which a permit will be granted as a right on compliance with the terms of this chapter, hereinafter called General Development.
- (b) **Conditional Development.** Development for which a development permit will be granted only after exercise of discretion in accordance with the criteria of this chapter, hereinafter called Conditional Development or Conditional Use.
- (c) **Exempt Development.** Development which is exempt from the regulations of this chapter, as defined.

ZONING CODE 17.04(2)

- (2) DEVELOPMENT DEFINED. Except where the context otherwise requires, and in absence of a more limiting provision in this chapter, development means the performance of any building or the making of any material change in the use or appearance of any structure or land. The following activities or uses shall be taken to involve development unless expressly excluded by this chapter:
- (a) A change in type of use of a structure or land, or a change from one use group to another group so designated in this chapter.
 - (b) A reconstruction, or alteration of the size, or material change in the external appearance, of a structure or land.
 - (c) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
 - (d) Commencement of excavation on a parcel of land.
 - (e) Demolition or moving of a structure or removal of trees required by this chapter or by the subdivision regulations of the City.
 - (f) Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.
 - (g) In connection with the use of land, the making of any material change in noise levels, thermal conditions, emissions of waste material, or other objectionable element.
 - (h) Commencement or change in the location of street graphics or use of land, and the commencement or change in location of advertising on the external part of a structure.
 - (i) Alteration of a shore, bank, or floodplain of a river, creek, lake, pond, or artificial body of water.
 - (j) Reestablishment of a nonconforming or conditional use which has not been utilized for one year.
 - (k) Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this chapter granting the development permission under which the development was commenced or is continued.
 - (l) Earth fill or other filling activities for the purpose of raising the elevation of a lot or site for the purpose of future development.

ZONING CODE 17.04(3)

- (3) EXEMPT ACTIVITIES. The following operations or uses do not constitute development for the purposes of this chapter.
- (a) The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way.
 - (b) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal, or construction on established rights-of-way of any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like.
 - (c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or decoration of the exterior of the structure (but does not otherwise materially affect the external appearance of the structure).
 - (d) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
 - (e) The use of any lands for the purpose of growing plants, crops, trees, and other agricultural or forestry products or for other agricultural purposes except the growing or storage of livestock.
 - (f) A change in use of land or structure from a use within a use group specified in this chapter to another use in the same group.
 - (g) Official public information street graphics installed by or at the direction of the City, the Town, Monroe County or state of Wisconsin.

17.05 GENERAL PROVISIONS

- (1) PRINCIPAL BUILDINGS AND STRUCTURES. Every principal structure or building hereafter erected shall be located on a lot, as herein defined and in no case shall there be more than one principal building on one lot except:
- (a) Planned Unit Developments.
 - (b) Multifamily buildings and institutional buildings developed as a group.
 - (c) Industrial and commercial buildings where it can be demonstrated to the satisfaction of the Zoning Administrator that any principal building can be subsequently detached with a lot and yards conforming to the requirements of this chapter.

(d) Temporary buildings for a period of less than 6 months.

(e) Manufactured home parks.

(2) RESIDENTIAL ACCESSORY BUILDINGS AND USES. Accessory uses may be allowed where they comply with the following conditions and requirements:

(a) Size of Accessory Structures in Residential Districts. Accessory Structures in Residential Districts may not occupy more than 10% of a yard area. In no instance shall the accessory structure exceed the ground floor area of the main building used for residence. The measurement of accessory structure size shall include the total of all detached or attached accessory buildings on the lot.

The total area of accessory structures on a single lot in Residential districts under one-half acre in size shall not exceed 860 square feet in area.

The total area of accessory structures on a single lot in Residential Districts over one-half acre in size may not exceed 960 square feet. A Conditional Use permit may be issued for accessory buildings of up to three (3) percent of the total parcel area. (Am. #890, 06/17/2014)

(b) Separation From Principal Structures. Detached accessory buildings shall be distant at least 10 feet from the principal structure situated on the same lot or adjacent lot for fire protective reasons. A variance may be granted for less provided preventive measures are taken - ie. 5/8" type X fire rated sheet rock or equal fire separation. In no case may an accessory building be located less than 5' from any structure.

(c) Accessory Structures in Front Yards Limited. No attached or detached accessory use or accessory structure shall be permitted nearer to the front lot line than legal front yard setback in the zoning district for the principal structure or the average setback of the principal structures on lots immediately adjoining the lot on the same side of the street, whichever distance is less. In no case may an accessory structure be located closer to a front lot line than the principal structure.

(d) Accessory Structure Side and Rear Setbacks. All accessory structures shall be set back at least 5 feet from all interior lot lines. If the accessory structure is built in the side yard, it shall conform to the setback requirements for the main building. In those instances where the rear lot line is conterminous with an alley right-of-way, the accessory building shall not be closer than 10 feet to such rear lot line.

(e) Accessory Structure Setbacks on Corner Lots. The average setback of the four, or less, nearest buildings may be used to determine the side street setback of an accessory building on a corner lot, but no case shall

the reduced setback be less than 20 feet nor more than 50 feet. In no case may an accessory structure be located in the vision triangle as defined in Section 17.05L of this chapter.

- (f) Accessory Structure Height. No accessory structure shall exceed 20 feet in height.
- (g) Accessory Structures Attached to Principal Buildings. When an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main buildings.
- (h) Conversion of Accessory Structures to Dwellings Limited. The conversion of any accessory structure into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking.
- (i) Accessory Structures Without Principal Structure. No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure.

(3) TEMPORARY USES. Building, construction trailers, equipment, and materials used in conjunction with construction work shall be removed upon completion of such construction work and issuance of a certificate of occupancy.

(4) COMMUNICATION STRUCTURES

- (a) The purpose and intent of this ordinance is to establish regulations for communication towers and antennas and facilitate the growth of Personal Communication Services as defined in Section 704 of the Telecommunications Act of 1996, 47 USC Par. 332, minimize the adverse visual impact of towers and antennas and provide for the safety of the adjacent property owners and general public.
- (b) DEFINITIONS. The following words and terms, when used in this section, shall be defined as set forth below unless the context clearly indicates otherwise:
 - 1. Antenna - Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, satellite dishes, and omni directional antennas, such as whip antennas.

2. Tower - Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus.
3. Height - The distance measured from ground level to the highest point on a tower or other structure, including an antenna.
4. Self-Supporting - A lattice or monopole tower or antenna which employs no guy wires or cables for support or anchorage; free standing.

(5) REGULATIONS IN RESIDENTIAL ZONES:

- (a) Satellite earth-station antennas (dishes) less than ten (10) feet in diameter which serve only dwelling units on the same parcel of land are a permitted accessory use, do not require a building permit, and are not subject to setback restrictions.
- (b) Towers and antennas with a height not over fifty (50) feet, which serve only dwelling units on the same parcel of land are a permitted accessory use and do not require a building permit. Towers, and antennas other than dishes, shall conform with the yard setback restrictions for principal buildings for the given zoning district.
- (c) In a Residential Zone, no tower or antenna with a height more than fifty (50) feet shall be erected. A Conditional Use Permit may be issued for towers of up to 75 feet.
- (d) Only one tower shall exist on a Residential parcel at any one time.

(6) REGULATIONS IN BUSINESS, MANUFACTURING, CIVIC & AGRICULTURAL ZONES

(a) In Business, Manufacturing, Civic use, and Agricultural Zones:

1. Maximum tower height is 150 feet.
2. Towers and antennas with a height not more than fifty (50) feet shall be a permitted use (no building permit required).
3. Towers or tower/antenna combinations with a height between fifty (50) feet and seventy-five (75) feet are a permitted use, but a city building permit shall be obtained prior to erection.
4. Towers with a height in excess of seventy-five (75) feet are a conditional use. If a conditional use is issued for a tower with a

height in excess of seventy-five (75) feet, any attached antennas may project an additional thirty (30) feet above the tower height specified in the conditional use.

(b) A request for a communication tower with a height in excess of one hundred fifty (150) feet shall be considered a variance request, and shall be referred to the Board of Appeals.

(c) Building Permit Requirements:

1. Any tower/antenna with a height more than fifty (50) feet shall require a City building permit.
2. Any approvals required by the FAA or FCC shall be obtained prior to requesting a Conditional Use or Variance from the City of Sparta. State of Wisconsin Department of Commerce approval shall be obtained prior to the issuance of a City building permit.
3. Any building or shed placed or constructed on the same parcel a tower/antenna shall require a City building permit, regardless of the height of the tower/antenna or the size of the building or shed.
4. Towers and antennas in non-residential zones shall comply with Wisconsin Administrative Code, COMM 62.35 to 62.41.

d) Setback Requirements:

1. If a tower/antenna combination is located on a lot which is adjacent to a Residential Zone, the tower or tower/antenna shall be set back from the property line a distance equal to its height.
2. If a tower or tower/antenna combination is located on a lot which is not adjacent to a Residential Zone, the tower or tower/antenna shall be set back from the property line a distance equal to half its height.
3. A tower/antenna which is located on a lot which is adjacent to a public right-of-way may include the width of the right-of-way in the setback calculations required by this section.

(7) GENERAL REQUIREMENTS - ALL DISTRICTS

(a) Visual Obtrusiveness: Towers shall be gray in color, or shall be some other neutral color acceptable to the Plan Commission which blends with the surroundings. No lights or reflectors shall be placed on a tower or antenna other than those required by the FAA, FCC, or other government agency. No signs or advertising shall be placed on any tower or antenna except "Caution", "Keep Off" or similar signs.

ZONING CODE 17.05(7)(b)

- (b) Guyed Towers: The earth attachment points for guy wires shall be at least twenty-five (25) feet from the nearest property line. Any tower with a height over fifty (50) feet shall be self-supporting.
 - (c) Fencing: A tower with a height over fifty (50) feet shall be enclosed by security fencing not less than six (6) feet in height, and secured so that it is not accessible by the general public.
 - (d) Compliance with National Electrical Code: Antenna installations shall comply with article 810 of the NEC. Signal distribution systems shall comply with article 820 of the NEC.
 - (e) Antennas on Existing Structures: The Plan Commission may grant a conditional use to allow placement of an antenna on any existing structure.
 - (f) Additional Antennas on Existing Communication Towers: No additional antenna shall be placed on existing communication towers without a prior Site Plan Review conducted by the Plan Commission. A Site Plan Review does not require a public hearing. Following a successful Site Plan Review, a City building permit shall be obtained for each additional antenna installation.
- (8) REMOVAL OF ABANDONED TOWERS AND ANTENNAS. Any tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and, the owner of such tower or antenna or owners of the property where the tower site is located shall:
- (a) Remove said tower or antenna including all supporting equipment and buildings within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal does not occur within said ninety (90) days, the governing authority may remove and salvage said tower or antenna and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.
 - (b) The applicant for a permit under this ordinance shall submit a copy of a signed agreement between the property owner and the owner of the tower, antenna(s) and supporting equipment and building(s) assigning the obligation for abandonment and subsequent removal based on the provisions of the previous paragraph. Said agreement shall contain the requirement that notice of this ordinance shall be given in writing by the owners to successor owners of the property and/or tower, antenna, supporting equipment and buildings.
- (9) SOLAR RIGHTS. No person in control of property shall allow a tree or shrub to be placed or grow as to cast a shadow between the hours of 9 AM and 3 PM

upon a solar collector energy system capable of generating more than one million British thermal units per year, and that supplies a part of the energy requirements for improvements on the property where the solar energy system is permanently located.

The provisions of this section shall not require the removal of existing vegetation.

(10) LOT SIZE AND YARD DIMENSIONS

- (a) Minimum Lot Size: Every building and use of land shall have a lot area and width of not less than that required for the district; provided, however, that such lot requirements shall not apply to a lot smaller than of this code.
- (b) Lot Size and Minimum Yard Dimensions: No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this chapter.
- (c) Division of Lots: No lot improved with a building or buildings shall hereafter be divided into 2 or more lots and no portion of any lot that is improved with a building or buildings shall be sold, unless all lots resulting from each division or sale and improved with a building or buildings shall conform with all of the area and bulk regulations of the district in which the building is located.
- (e) Street Frontage Required: Except as permitted by other provisions of this chapter, no lot shall contain any building used in whole, or in part, for residential purposes unless such lot abuts for at least 50 feet on a public street.
- (f) Frontage Modifications: In the case of curvilinear streets and cul-de-sacs, the Zoning Administrator may authorize a reduction of the otherwise specified lot frontage in residential districts provided that the lot width measured in the building line shall equal the frontage required in the district where located.
- (g) Double Frontage Lots: Buildings on lots having frontage on 2 nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.
- (h) Average Depth of Front Yards: In any Residential District or the B-1 Downtown Business District where the average depth of existing front yards on the two lots nearest to the lot in question, on the same side of the street and within the same block front, is less than the least front yard depth prescribed elsewhere in this chapter, the required depth of

the front yard on such lot may be modified to be not less than the average depth of the existing front yards; provided, however, that in a Residential District the depth of the minimum front yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the street side yard, shall be 20 feet.

- (i) Nonresidential Special Front Setback: Whenever a non-residential use will abut a residential use at a side yard or at a rear yard on a corner lot, the nonresidential use shall have a front yard setback equal to the existing adjoining residential setback or 3/4 of the required front yard setback for the adjoining residential district, whichever is less.
- (j) Additional Side Yards by Height: Required side yards shall be increased in width 2 feet for each 5 feet that a building exceeds 20 feet in height, except that side yards for non-residential uses in residential districts or abutting a residential district shall be increased in width 3 feet for each 5 feet that a building exceeds 20 feet in height. Height exceptions listed elsewhere in this chapter shall be excluded from this requirement.
- (k) Non-residential Side Yards: The side yard of a non-residential lot adjoining a residential district along its side lot line shall meet the side yard requirements of the adjoining residential district.
- (l) Corner Lots: Corner lots shall maintain a side yard on all public streets that is the same as the required front yard setback, unless otherwise required in this chapter.
- (m) Rear Yards Adjoining Residences: The rear yard requirements of a nonresidential use adjoining a residential district shall be increased over the rear yard requirements of the district in which the development occurs by 1 foot for each 5 feet in height that a building exceeds 20 feet in height.
- (n) Projections Into Yards in Residential Districts: Cornices, eaves, bay windows, chimneys or other architectural features may project into any required yard or court a distance of not more than 2 feet 6 inches. Carports and fire escapes shall meet the setback and yard requirements of the district. (Am. #834, 06/21/11)
- (o) Open decks (without a roof or enclosure) may not exceed one-half (1/2) the distance of the required front, side and rear yard setbacks for the zoning classification of the property. (Cr.#834, 06/21/11)

11) HEIGHT AND BULK REQUIREMENTS

- (a) Height Requirement Exceptions for Certain Building Appurtenances: The height limitations of this chapter shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human

occupancy; nor to chimneys, ventilators, sky-lights, towers, water tanks, similar features, and necessary mechanical appurtenances usually carried above the roof level. The provisions of this chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet. Such features, however, shall be erected only to such height and is necessary to accomplish the purpose they are to serve and subject to the Wisconsin State Building Code.

- (b) Height Exceptions for Certain Public Buildings and Institutions: Public and semipublic hospitals, institutions, schools, or public utility and service buildings, when permitted in a residential district, may be erected to a height not exceeding 75 feet, provided such specified buildings shall be set back from the front, rear and side lot lines on the ratio 2 feet for every 1 foot of building height greater than 40 feet. Such specified requirements, however, shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this chapter.
- (c) Conditional Use Exceptions to the Height Limitations: The Commission may grant exceptions to the height limitations for a new structure or may set the maximum height of a structure on an individual lot as a conditional use and may set special requirements as part of the approval under the terms and conditions of this Chapter.

(12) FILLING. Development Permit Required: All developments and lots shall follow the City of Sparta Stormwater Ordinance section 26.

(13) HOME OCCUPATIONS

- (a) Home Occupations Defined: Any occupation for gain or support conducted within a single dwelling unit or in a building accessory to a dwelling unit by the person maintaining a dwelling therein provided that the specified use is incidental to the residential use. Not more than one nonresident person shall be employed in the home occupation.
- (b) Certain Home Occupations Allowed in All Districts Without Permits: Home Occupations are allowed in all residences in all districts with permits issued by the Zoning Administrator providing the following requirements are met:
 - 1. No article is sold or offered for sale on the premises; samples and goods may be kept, but not sold on the premises.
 - 2. No exterior storage of equipment or materials is used in connection with the home occupation.

3. Portions of a dwelling used for home occupations shall be no more than 1/4 of the area of the total area of the principal structure.
4. No structural alterations or construction involving features not customarily found in dwellings are required.
5. Home occupations shall not involve the repair of vehicles, or motors or construction of equipment and machinery.
6. Signs advertising name and occupation not to exceed two (2) square feet located on the premises will be permitted.
7. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation.
8. Classes held on the premises shall have no more than four students at any given time.
9. No employees other than residents of the premises shall be permitted.
10. No home occupation shall be permitted that results in the need for more than two parking spaces at any given time in addition to spaces required by the occupant of the home.

(c) Home Occupations as Conditional Uses: Home occupations exceeding the standards set forth above in section 17.05I.2. may be permitted as conditional uses, subject to the terms and conditions of this Section 17.12.

(14) DRIVEWAYS

- (a) Side Setbacks: Driveways shall have at least a 3-foot maintenance setback from all side property lines, except where driveways are shared between two or more property owners.
- (b) Public Street Intersection Setbacks: Driveway curb cuts shall be setback at least 30 feet from the nearest intersection of a public street or alley.
- (c) Surface: Driveways shall be constructed with a durable surface such as concrete, asphalt, compacted gravel, or comparable material.
- (d) Time of Construction: Driveways shall be constructed prior to occupancy.

- (e) Curb Cuts: A taper or radius is required at every location of a driveway or sidewalk cut.

(15) FENCES

(a) Definitions:

1. Fence: A structure, which is a barrier or is used as a boundary or means of protection or confinement.
2. Fence-solid: A fence, including gates, which conceals from view adjoining properties, streets or alleys, activities conducted behind the fence.
3. Fence-decorative: A fence, including gates, which are more than 75% open and less than 3 feet in height, such as a split rail fence used for ornamental purposes. For the purpose of this ordinance, chain link fences are not considered to be ornamental fencing.
4. Height: The height of a fence shall be determined by measuring the vertical distance from grade to the top of each section of fence.

(b) All fences constructed or placed upon lots or parcels of land in the City of Sparta shall comply with the following:

1. Residential Fencing:
 - a. Fences having a height of 6 feet or less may be located on interior lot lines within the required side and rear yard areas in residential districts.
 - b. Fences located in front or street side yards may not exceed 4 feet in height.
 - c. In all cases ordinance section 17.05 L in regards to vision clearance shall be followed.
 - d. Decorative capping of posts or fences more than 75 per cent open will be permitted to a height of 18 inches above the required fence height. (Cr. 653, 7/20/04)
2. Business/Industrial Fencing: (Am. #666, 11/16/2004)
 - a. Fences may be located in all yards in commercial and industrial districts. The Plan Commission prior to the

issuance of a building permit shall approve fences located in the front yard.

- b. Fences installed in commercial and industrial districts shall not exceed 8 feet in height, except when required to enclose outside storage areas as required by the Plan Commission.
 - c. Fencing may be constructed to screen areas and shall comply with Ordinance Section 17.16.
 - d. Barbed wire may be allowed in the top of fences exceeding 8 feet in height.
3. Agricultural Fencing: Fencing shall be permitted in all yards in Agricultural districts and in all yards in legal non-conforming Agricultural districts. Fencing shall be permitted in front yards only for the enclosure of cultivated fields, pastures or animal pens.

(c) Construction and Installation of Fencing in all Districts:

1. No fencing may be constructed within the City of Sparta without first obtaining building permit. (Except no permit shall be required for decorative fencing.)
2. Prohibited Fencing Materials. Fences shall not be constructed with, or consist of, rope, string, wire products, including, but not limited to, chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this Code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels or any other materials that are not manufactured specifically as fencing materials. (Am. #833, 06/21/11)
3. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.
4. Snow fencing will only be permitted between November 15 and April 15 of each year. (No permit shall be required.)
5. All fences shall be maintained and in good repair and in a structurally sound condition. No fences shall be constructed and maintained which is detrimental to human life or safety or cause a traffic hazard. All fences shall be constructed and maintained straight, plumb and of an even height along its length, except for such deviations as required by grade.

6. No advertising or signs shall be placed on any fence without prior approval of the Plan Commission.

(16) VISION TRIANGLES. VISION CLEARANCE. On a corner lot in R, B-2, B-3, B-4, or M zone nothing shall be erected, placed, or allowed to grow which materially impedes vision between 2-1/2 and 10' above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lot and line joining points along such street lines 30' from the point of the intersection.

(17) Zero lot line housing may be allowed upon compliance with the following conditions and requirements.

- (a) Dwelling must have been constructed after January 1, 2003 and meet all applicable building code requirements.
- (b) Each one-family residence minimum lot size shall be 5,000 square feet.
- (c) Each one family lot width shall be at least 45 feet.
- (d) All additional applicable district zoning requirements shall be met.
- (e) An appropriate document shall be submitted to the City of Sparta Building Inspector and filed with the Register of Deeds, providing for maintenance of common areas and facilities and resolution of disputes with respect to the maintenance of the entire structure and grounds. Said document to be signed, recorded and run with the land. (Cr. 651, 06/15/2004)

(18) FINDINGS AND PURPOSE OF ZONING REGULATION OF ADULT ORIENTED ENTERTAINMENT.

- (a) The council finds that, due to their nature, the existence of adult bookstores and adult cabarets in the city has serious objectionable operational characteristics, such as an effect upon property values, local commerce and crime. Due to the deleterious combined effect on adjacent areas when such uses are concentrated, they should not be permitted to be located in close proximity to each other. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Such regulations are contained in these standards. These standards are designed to protect the city's retail trade, maintain property values, prevent crime, and, in general, protect and preserve the quality of the city's neighborhoods, commercial districts and the quality of urban life. (Created #827, 12/21/2010)

17.06 ZONING DISTRICTS

(1) ZONING DISTRICTS

The City is hereby divided into 21 Zoning Districts and 2 Zoning Overlay Districts as follows and as shown in the table Schedule of Use Regulations and on the Zoning Map:

- R-1 Single-Family Residential with sewer
- R-2 Two-Family
- R-3 Multiple-Family
- R-4 Single-Family without sewer
- R-5 Mobile/Manufactured home
- R-6 Existing Residential with sewer
- R-7 Zero Lot Line Two Family

- B-1 Downtown Business District
- B-2 Highway Business District
- B-3 Interchange District
- B-4 Rural Business District

- M-1 Manufacturing District without outside storage
- M-2 Manufacturing District with outside storage
- M-3 Manufacturing Business Park District
- M-4 Manufacturing District without sewer

- CU Civic Uses

- RR Railroad Operations District

- GA General Agricultural District

- EA Exclusive Agricultural District

- C Public Park and Conservancy District

- AP Airport Special Purpose Overlay District

(2) CHANGES TO DISTRICT BOUNDARIES. If, in accordance with the provisions of this chapter, changes are made in district boundaries on the Zoning Map, such changes shall be made on the Zoning Map promptly after the amendment has been approved by the City Council. The Administrator shall make such changes and a description of said changes shall be attached to the Zoning Ordinance

- (3) INTERPRETATION OF DISTRICT BOUNDARIES. When uncertainty exists with respect to the boundaries of any districts as shown on the Zoning Map, the following rules shall apply:
- (a) Lot lines. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed as such boundaries.
 - (b) Street Centerlines. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines shall be construed to be boundaries.
 - (c) Water bodies and Railroad ROW. Where the boundary of a district follows a water body or railroad line, the boundary shall be deemed to be located midway between the shores of the water body or the main tracks of the railroad line.
 - (d) Lot Divisions. Where a district boundary divides a lot which was in single ownership at the time of enactment of this chapter, the use authorized thereon and the other district requirement applying to the most restricted portion of such lot under this chapter shall be construed as extending to the entire lot except when the Administrator defines the boundary by dimension in writing upon request by the owner. This provision shall not pertain to floodplain overlay districts.
 - (e) Vacations. Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining such public way shall be extended automatically to include all land attached by reversion to the centerline thereof, and it shall be subject to all regulations of the extended district or districts.
 - (f) Administrative Interpretations. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or where due to scale, lack of detail or illegibility there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries or in other circumstances not covered above, the Administrator shall interpret the district boundaries.
- (4) ZONING FOR NEWLY ANNEXED LAND. All land annexed to the City shall automatically become "A" Agriculture District, unless otherwise recommended by the Commission and the City Council as a part of the annexation proceedings, until definite boundaries and regulations for such territory are recommended by the Plan Commission and adopted by the City Council.

ZONING CODE 17.07(2)(g)

- (g) Maximum Height: dwelling/main building:35 feet accessory structures:20 feet
- (h) Maximum Percent of Building Lot Coverage: dwelling/main building 30% accessory structures 10%
- (i) Minimum Building Dimensions: Min. dimension of any principal building that is constructed, erected, placed or located on the lot shall not be less than 26 feet. The minimum square footage shall not be less than 1000 square feet.
- (j) Garage Requirement: Two car garage (480 square feet), attached, for homes with at least 1,200 square feet living space and one car garage (240 square feet), attached, for homes with less than 1,200 square feet living space. (Created #698, 1/17/06)

(3) R-2 TWO FAMILY (Rec. 619, 2003)

- (a) Intent: The R-2, Two-Family District is intended to create, preserve and enhance areas for duplex housing only, served by public sewer.
- (b) Permitted Uses: Two-Family Residences
Accessory Structures
Home Occupations
Essential Services
Public Parks
- (c) (Deleted # 804, 3/16/2010)
- (d) Minimum Lot Size: Two-Family Residence 11,000 square feet
- (e) Minimum Lot Width: Two-Family Residence 90 feet
- (f) Minimum Yard Setbacks:
(main building)
Front yard 25 feet
Rear yard 30 feet
Flanking street side yard
(Corner lots) 20 feet
Interior Side yard 10 feet
- (g) Maximum Height:
dwelling/main building 35 feet
accessory structures 15 feet
- (h) Maximum Percent of Building Lot Coverage: (Am. #732, 4/16/2007)
dwelling/main building 40%
accessory structures 10%

ZONING CODE 17.07(3)(i)

- (i) Minimum Building Dimensions: Min. dimension of any principal building that is constructed, erected, placed or located on the lot shall not be less than 30 feet. The minimum square footage shall not be less than 1200 square feet.
- (j) Garage Requirement: Two car garages (480 square feet), attached, per unit. (Created #697, 1/17/06)

(4) R-3 MULTIPLE-FAMILY

- (a) Intent: The R-3 Multiple-Family District is intended to create, preserve, and provide areas for medium density residential development served by Public Sewers.
- (b) Permitted Uses: Multiple-Family Residences Accessory Structures
Essential Services
Home Occupation
- (c) Conditional Uses: Accessory structures over 1100 square feet
CBRF's
Family/Group Day Care Centers
Medical Centers
Nursing Homes
Rehabilitation Centers
- (d) Minimum Lot Size: 10,000 square feet for the first 3 units and 2,000 square feet for every additional unit.
- (e) Minimum Lot Width: 90 feet
- (f) Minimum Yard Setbacks (Amended # 619, 2003)
(main building)

Front yard	25 feet
Rear yard	30 feet
Flanking street side yard (Corner lots)	25 feet
Interior Side yard	10 feet
- (g) Maximum Height:

dwelling/main building:	45 feet
accessory structures:	15 feet
- (h) Maximum Percent of Building Lot Coverage:

dwelling/main building	40%
accessory structures	10%

- (i) Minimum Floor Area per Unit:
 - Efficiency units: 500 square feet
 - One bedroom units: 700 square feet
 - Two bedroom units: 850 square feet

(5) R-4 SINGLE FAMILY WITHOUT PUBLIC SEWER

- (a) Intent: The R-4, Single- District is intended to create, preserve and enhance areas for low density single-family homes without Public Sewer
- (b) Permitted Uses:
 - Single-Family Residences
 - Accessory Structures
 - Essential Services
 - Public Parks
- (c) Conditional Uses:
 - Cemeteries
 - Places of Worship
 - Bed & Breakfast
 - Home Occupation
- (d) Minimum Lot Size: Single-Family Residences: 1.5 Acres
- (e) Minimum Lot Width: Single Family Residence: 90 feet
Two Family Residence: 100 feet
- (f) Minimum Yard Setbacks (Amended # 619, 2003)
 - (main building)
 - Front yard 25 feet
 - Rear yard 30 feet
 - Flanking street side yard
 - (Corner lots) 25 feet
 - Interior Side yard 10 feet
- (g) Maximum Height:
 - dwelling/main building: 35 feet
 - accessory structures: 25 feet
- (h) Minimum Building Dimensions: Min. dimension of any principal building that is constructed, erected, placed or located on the lot shall not be less than 26 feet. The minimum square footage shall not be less than 1000 square feet.

(6) R-5 MOBILE/MANUFACTURED HOME PARKS

ZONING CODE 17.07(6)(i)6

6. No mobile/manufactured home sales office or other business or commercial use shall be located on the mobile/manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment, storage and 1 office are permitted.
7. Each mobile/manufactured home shall be placed upon a washed rock or hard surface pad or foundation with 6 tie down anchors.
8. All mobile/manufactured homes shall have tie downs with provisions for distributing the load of these tie downs and provision for the attachment to ground anchors so as to resist wind overturning and sliding. Each tie down shall be designed to resist an allowable working load equal to or exceeding 3,150 lbs. and shall be capable of withstanding a 50% overload without failure. Unless the tie down system is designed by a registered professional engineer or architect, tie downs shall be placed not more than 24' on centers beginning from the front wall (first stud and/or first cross member). Not more than 6' open end spacing shall be permitted at the rear wall of the mobile/manufactured home.
9. At least 1 acre plus 1 additional area [acre] for each 50 or fraction thereof sites, exceeding the first 50, shall be designated as the recreation area, with play equipment furnished and maintained by the park owner.

(7) R-6 SINGLE FAMILY RESIDENTIAL

- (a) Intent.: The R-6 Residential District with public sewer is intended to preserve and enhance existing older residential areas of the City prior to January 1, 2003. The R-6 Zoning District cannot be used to rezone any land that was vacant at the time this ordinance was adopted.
- (b) Permitted Uses:
 - Single-Family Residences
 - Accessory structures
 - Essential Services
 - Public Parks
 - Home Occupations

(2) B-1 DOWNTOWN BUSINESS DISTRICT

(a) Intent: The intent of the B-1 Downtown Business District is to provide a district that encourages and fosters the further development of the downtown business district core area. The district requirements recognize the unique characteristics of the downtown business district that differs from other business districts in the City. The intent of the requirements is to retain the existing “Main Street” characteristics of the core blocks on Water Street.

- (b) Permitted Uses:
- Antique Store
 - Appliance Store
 - Automotive Service and Repair
 - Bakery
 - Bank
 - Bar and Tavern
 - Barber and Hair Stylist
 - Business Services
 - Counseling Services
 - City Hall
 - Civic Uses
 - Clubs and Associations
 - Convenience Stores
 - Co-op Services
 - Day Care Centers
 - Discount Store
 - Drug Store
 - Employment Agency
 - Fire Department
 - Gift Store
 - Greeting Card Store
 - Grocery Store
 - Hearing Aid Sales and Service
 - Home Furnishings
 - Insurance Office
 - Laundromat
 - Library
 - Locksmith
 - Medical Clinic and Hospital
 - Movie Theater
 - Music Store
 - Office Supply Store
 - Parking
 - Parks
 - Personal Services
 - Picture Frame Shop
 - Places of Worship

Police Department
Post Office
Professional Offices
Radio Station Studio, not including radio tower over 50 feet
Real Estate Title Insurance
Realty Services
Repair Shops
Residential Use Above Street Level
Restaurants
Retail Trade
Second Hand Store
Shoe Store
Soap and Lotion Sales and Manufacture
Sporting Goods Store
Studio
Tire Store
Travel Agency
Vacuum Sales and Service
Essential Service Structure

(c) Conditional Uses:
Amusement and Recreation Services
Automotive Sales
Bed and Breakfasts
Funeral Homes and Mortuaries
Mini Storage

(d) Minimum Lot Size:
4,000 square feet

(e) Minimum Lot Width:
20 feet

(f) Minimum Yard Setbacks:
Front Yard:None*
Rear Yard:None*
Side Yard: None*

(g) Maximum Height:
45 feet

(3) B-2 HIGHWAY BUSINESS DISTRICT

(a) Intent: The intent of the B-2 Highway Business District is to provide a district for a broad range of business uses located along the major roadways in the City.

(b) Permitted Uses:

- Amusement and Recreation Services
- Automobile Service Station
- Business Services
- Clubs and Organizations
- Convenience Stores
- Day Care Centers
- Garden Supplies
- Hobby Shop
- Hotels and Motels
- Manufacturing in enclosed building (no outside storage)
- Parking
- Parks
- Professional Services
- Professional Offices
- Recreational Facilities (Indoor)
- Restaurants
- Retail Trade
- Veterinary Hospital and Clinic
- Essential Service Facilities

(c) Conditional Uses:

- Automobile Body Shop
- Agricultural Services
- Day Care Center
- CBRF's
- Contractors - Building Construction (no outside storage)
- Green House-Floral Shop
- Junk Yard
- Lumber Yard
- Medical Centers
- Nursing Homes
- Outside Tavern Premises
- Rehabilitation Centers
- Tool and Machine Shop
- Tourist Homes (Bed and Breakfasts)
- Utility Facilities
- Warehousing / Storage

(d) Minimum Lot Size:

10,000 square feet

(e) Minimum Lot Width:

70 feet

- (f) Minimum Yard Setbacks:
 - Front Yard: 15 feet
 - Rear Yard: 20 feet
 - Flanking Street Side Yard: 15 feet
 - Interior Side Yard: 10 feet

- (g) Maximum Height:
 - 45 feet

(4) B-3 INTERCHANGE BUSINESS DISTRICT

- (a) Intent: The intent of the B-3 INTERCHANGE Business District is to provide a district that recognizes the unique characteristics of being located at an Interstate Highway Interchange.

- (b) Permitted Uses:
 - Amusement and Recreation Services
 - Automobile Service Station
 - Automobile Sales or Rental Establishment
 - Boat Sales or Rental Establishment
 - Business Services
 - Car Wash
 - Convenience Stores
 - Garden Supplies
 - Hotels and Motels
 - Manufacturing in enclosed building (no outside storage)
 - Outdoor Amusements (such as a mini golf course)
 - Parking
 - Planned Commercial Development Group
 - Professional Services
 - Professional and Government Offices
 - Recreational Facilities (Indoor)
 - Restaurants
 - Retail Trade
 - Essential Service Facilities

- (c) Conditional Uses:
 - Contractors - Building Construction (no outside storage)
 - Storage on premises outside enclosed building

- (d) Minimum Lot Size: 21,780, square feet

- (e) Minimum Lot Width: 70 feet

- (f) Minimum Yard Setbacks:
 - Front Yard: 15 feet
 - Rear Yard: 20 feet
 - Flanking Street Side Yard: 15 feet
 - Interior Side Yard: 10 feet

- (g) Maximum Height:
60 feet

(5) B-4 RURAL BUSINESS DISTRICT

- (a) Intent: The intent of the B-4 Rural Business District is to provide a district for a broad range of business uses located along the major roadways and not requiring central sewer.
- (b) Principal Uses:
 - Amusement and Recreation Services
 - Business Services
 - Automobile Service Station
 - Cemetery
 - Churches
 - Civic Uses
 - Clubs and Organizations
 - Convenience Stores
 - County and Town Garages
 - Day Care Centers
 - Educational,/Vocational Facilities
 - Garden Supplies
 - Hotels and Motels
 - Manufacturing in enclosed building with no outside storage
 - New and Used Store
 - Parking
 - Parks.
 - Professional Services
 - Professional and Government Offices
 - Indoor Recreational Facilities
 - Restaurants.
 - Retail Trade. Schools
 - Veterinary Hospital and Clinics
- (c) Conditional Uses:
 - Animal Shelter
 - Auto Body repair
 - Auto Salvage
 - Bed and Breakfast
 - Contractor Yard
 - Farm Machinery Repair
 - Junk Yard
 - Mini warehouse
 - Mobile/manufactured home park
 - Well Drilling Yard and Offices
- (d) Accessory Uses:
 - Accessory use or structure

Essential services
Home occupation
Parking garage
Parking area

(e) Minimum Lot Area: 6,000 square feet for each mobile/manufactured home in a mobile/manufactured home park. All other uses - 1 acre.

(f) Minimum Yards:

Front	25 feet (principal bldg. and accessory bldg.)
Rear	25 feet (principal bldg. and accessory bldg.)
Side	10 feet (principal bldg. and accessory bldg.)

(g) Maximum Building Height:

Principal Building	35 feet
Accessory Building	20 feet

17.09 MANUFACTURING / INDUSTRIAL DISTRICTS REQUIREMENTS

(1) MANUFACTURING/INDUSTRIAL DISTRICT PURPOSES. The manufacturing/industrial districts are established to accomplish the following purposes:

- (a) To provide for manufacturing, wholesaling, warehousing, and other industrial activities in locations accessible to rail and highways, so that the movement of raw materials, finished products, and employees can be carried on efficiently and within a minimum of danger to life and property.
- (b) To realize proper standards of performance which will restrict obnoxious activities and encourage activities that will not affect lives of people living and working nearby.
- (c) To promote stability of manufacturing uses.
- (d) To provide room for industrial expansion in suitable locations so that employment opportunities will be preserved.

(2) M-1 MANUFACTURING DISTRICT

- (a) Intent: The M-1 Manufacturing District is intended to provide a location for non-nuisance manufacturing uses which may be located reasonably close to residential areas. No outside storage permitted.
- (b) Permitted Uses:
 - Contractors - Building Construction
 - Contractors - Heavy Construction
 - Manufacturing – Light

Warehouses / Mini-warehouses
Wholesale Trade
Essential Services
Utility Facilities

- (c) Conditional Uses:
 - Business Services
 - Repair Shops
 - Retail Trade
 - Freight Terminals
 - Storage on Premises Outside Enclosed Building

- (d) Minimum Lot Size:
30,000 square feet

- (e) Minimum Lot Width:
150 feet

- (f) Minimum Yard Setbacks:(Am. #685, 10/2005)
 - Front Yard: 25 feet
 - Rear Yard: 25 feet (50 feet minimum rear yard adjacent to existing dwellings or residential districts)
 - Side Yard: 10 feet (50 feet minimum side yard adjacent to existing dwellings or residential districts)

- (g) Maximum Height: 45 feet

(3) M-2 MANUFACTURING DISTRICT

- (a) Intent: The M-2 Manufacturing District is intended to provide a location for non-nuisance manufacturing uses which may be located reasonably close to residential areas. Storage is allowed on premises outside the enclosed building.

- (b) Permitted Uses:
 - Contractors - Building Construction
 - Contractors - Heavy Construction
 - Government Service Maintenance Building
 - Manufacturing – Light
 - Warehouses / Mini-warehouses
 - Wholesale Trade
 - Essential Services
 - Public Works Yards
 - Utility Facilities

- (c) Conditional Uses:
 - Business Services
 - Repair Shops
 - Retail Trade

Freight Terminals
Manufacturing, heavy (Am. 738, 6/26/2007)

- (d) Minimum Lot Size: 30,000 square feet
- (e) Minimum Lot Width: 150 feet
- (f) Minimum Yard Setbacks: (Am. #685, 10/2005)
 - Front Yard: 25 feet
 - Rear Yard: 25 feet (50 feet minimum rear yard adjacent to existing dwellings or residential districts)
 - Side Yard: 10 feet (50 feet minimum side yard adjacent to existing dwellings or residential districts)
- (g) Maximum Height: 45 feet

(4) M-3 MANUFACTURING - BUSINESS PARK DISTRICT

- (a) Intent: The M-3 Manufacturing - Industrial Park District is intended for use as industrial parks with a detailed master plan and development standards.
- (b) Permitted Uses:
 - Automobile Service Station
 - Beer Distributor
 - Business Services
 - Child Care Facility
 - Contractors - Building Construction
 - Contractors - Heavy Construction
 - Dental Office
 - Eating & Drinking Establishments
 - Essential Services
 - Government Service Maintenance Building
 - Hotel
 - Manufacturing - Light
 - Medical Centers/Clinics
 - Public Works Yards
 - Professional/Business School
 - Repair Shops
 - Retail Trade
 - Utility Facilities
 - Warehouses
 - Wholesale Trade
- (c) Conditional Uses:
 - Archery Range
 - Mini-warehouses
 - Freight Terminals

Outside Storage
Manufacturing – Heavy
Adult Bookstores
Adult Cabarets

(d) Minimum Lot Size: 30,000 square feet

(e) Minimum Lot Width: 150 feet

(f) Minimum Yard Setbacks:(Am. #685, 10/2005)

Front Yard: 25 feet

Rear Yard: 25 feet (50 feet minimum rear yard adjacent to existing dwellings or residential districts)

Side Yard: 10 feet (50 feet minimum side yard adjacent to existing dwellings or residential districts)

(g) Maximum Height: 50 feet

(5) M-4 MANUFACTURING DISTRICT

(a) Intent: The M-4 Manufacturing District is intended to provide a location for non-nuisance manufacturing uses which may be operated without public sewer.

(b) Principal Uses. Manufacturing, processing, repairing, or warehousing. Wholesale establishment. Governmental service building. Planned industrial development group.

(c) Conditional Uses. Storage allowed on premises outside enclosed building.

(d) Accessory Uses. Accessory use or structure. Essential services. Office. Parking garage or parking area.

(e) Extent of Enclosure. All uses including storage shall be entirely within enclosed building.

(f) Minimum Lot Area. All uses - 1 acre.

(g) Minimum Lot Width: 150 Feet

(h) Minimum Yards.

Front. 25 feet (principal bldg. and accessory bldg.)

Rear. 25 feet (principal bldg. and accessory bldg.)

Side. 10 feet (principal bldg. and accessory bldg.)

(i) Maximum Building Height.

Principal Building 45 feet

Accessory Building 20 feet

17.10 SPECIAL DISTRICTS REQUIREMENTS

(1) SPECIAL DISTRICT PURPOSES. The special districts are established to provide protection to unique resources and features in the community that are not included within the other standard zoning classifications.

(2) CU CIVIC USE DISTRICT

(a) Intent: The intent of the CU USE District is to provide a district that recognizes the unique characteristics of civic uses designed to serve the community.

(b) Permitted Uses:

Civic Uses without outdoor storage including:

Community Center

Public Library

Public Art Gallery

Public Recreation

Post Office

Fire Station

Public botanical garden

Government Buildings

Places of Instruction

Places of Worship

Civic Uses with screened outdoor storage:

Community Garage

Government Service Maintenance Building

Public Works Yards

(c) Minimum Lot Size: 4,000 square feet

(d) Minimum Lot Width: 50 feet

(e) Minimum Yard Setbacks:

Front Yard: 5 feet

Rear Yard: 5 feet

Side Yard: 5 feet

Flanking Street Side Yard 5 feet

(f) Maximum Height: 60 feet

(3) RR RAILROAD OPERATIONS DISTRICT

(a) Intent: The intent of the RR railroad Operations District is to provide a district that recognizes the unique characteristics of a railroad and its related operations.

- (b) Permitted Uses:
 - Railroad Tracks
 - Uses used to support the operations of the railroad
- (c) Minimum Lot Size: 1 acre
- (d) Minimum Lot Width: 66 feet
- (e) Minimum Yard Setbacks:
 - Front Yard: 0 feet
 - Rear Yard: 0 feet
 - Side Yard: 0 feet
- (f) Maximum Height: 60 feet

(4) GA- GENERAL AGRICULTURAL DISTRICT

- (a) Purpose. The purpose of this district shall be to provide an area for general agriculture uses and to provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion, to provide periodic review to ensure development is consistent with local land use plans. Defer development until the appropriate governmental bodies determine that public services can be provided at a reasonable cost.
- (b) Principal Uses:
 - Agriculture
 - Horticulture
 - Beekeeping
 - Dairying
 - Livestock raising
 - Greenhouse
 - Stable
 - Truck farm
 - Roadside stand for the sale of products grown or produced on the premises
 - Single family residence with additional dwellings if used by farm help
 - Poultry farm housing 10,000 birds or less
- (c) Accessory Uses. Essential services and household occupations
- (d) Conditional Uses.
 - Commercial raising of fish.
 - Poultry farm housing more than 10,000 birds
 - Fur farm
 - Mineral extraction and processing
 - Campground
 - Golf course

Lawn Mower Repair
Rifle range
Race track and festival grounds
Shoe Repair
Kennel
Solid waste disposal operation
Incinerator and salvage yard
Veterinarian facility
Construction yard
Farm machinery sales and recreational vehicle sales
Saw mill of a commercial nature permanently fixed to the ground
Stock yard

(e) Minimum Lot Area. Five (5) acres

(f) Minimum Width. 200 feet

(g) Minimum Depth. 200 feet.

(h) Minimum Yards.

1. Front: 30 feet, except for farm buildings which may be built at the existing setback, but not less than 20 feet from the right-of-way, and except for irrigation facilities which may be built at the right-of-way.
2. Rear: 50 feet
3. Side: 50 feet

(i) Maximum Building Height for Dwellings: Three stories or 35 feet

(5) EA-EXCLUSIVE AGRICULTURAL DISTRICT

(a) Purpose. To identify a primary agriculture economy, preserving land for food and fiber production and preventing conflict between incompatible uses.

(b) Principal Uses:

1. Agricultural uses as defined in Section 91.09 (1), Wis. Stats., including: beekeeping; commercial feedlots, dairying, egg production; floriculture, fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming and vegetable raising.

ZONING CODE 17.10(5)(2)

2. The only residences allowed as permitted uses are those to be occupied by a person who, or of a family at least one member which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm. Preexisting residences located in areas subject to zoning under this district which do not conform to this paragraph may be continued in residential use and are exempted from any limitations imposed or authorized under Section 59.95(10), Wis. Stats. Such preexisting residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, height and other dimensional requirements. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm lot. Gas and electric utility uses are not required authorization under Section 196.491, Wis. Stats. Roadside solely for the sale of products grown or produced on the premises. No structure or improvement may be built on the land unless consistent with agricultural uses.

(c) Conditional Uses.

1. Agricultural related, religious, other utility uses which are not permitted uses, institutional or governmental uses which do not conflict with agricultural uses and are found necessary in light of alternative locations available for such uses. Single family dwellings exceeding one per farm operation for occupancy by a person of family earning a substantial part of livelihood from the farm operation.
2. Household occupations and professional home offices conducted within and accessory to permitted agricultural residence.

- (d) Minimum Lot Area. Thirty acres, except as provided. The minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation or parents or children of the farm operator shall be 1½ acres. The minimum lot size for farm residences or structures existing before adoption of this chapter and which are separated from a larger parcel through farm consolidation shall be 1½ acres.

(e) Minimum Width: 200 feet.

(f) Minimum Depth. 200 feet.

(g) Minimum Yards:

1. Front: 30 feet, except for farm buildings which may be built at the existing setback but not less than 20 feet from the right-of-way and except for irrigation facilities which may be built at the right-of-way.
2. Rear: 75 feet.
3. Side: 50 feet combined, no less than 15 feet.

(h) Maximum Building Height for Dwellings. Three stories or 35 feet.

(6) C CONSERVANCY AND PUBLIC PARKS DISTRICT

(a) Intent: The C Conservancy and Public Parks District is intended to preserve public parks and those natural features and environments that are unique community assets so that they will be protected from adverse urban development activities.

(b) Permitted Uses:
Public Parks
Conservancy
Essential Service Structures

(c) Conditional Uses:
Amusement and Recreational Services
Utility Facilities

(d) Minimum Lot Size: 5,000 square feet

(e) Minimum Lot Width: 40 feet

(f) Minimum Yard Setbacks:
Front Yard: 30 feet
Rear Yard: 20 feet
Side Yard: 10 feet

(g) Maximum Height: 35 feet

(7) AP AIRPORT SPECIAL PURPOSE OVERLAY DISTRICT

(a) Intent: The Airport Special Purpose District is intended to protect the airport and abutting areas from uses and activities that would be detrimental to airport operations or would jeopardize the municipal investment in those facilities.

ZONING CODE 17.10(7)(b)

- (b) Statutory Authorization. This ordinance is designed to protect the approaches and airspaces of the Sparta / Fort Mc Coy Airport and is adopted pursuant to the authorization contained in Sections 59.97, 59.97 (4), 59.99, and 114.136 Wisconsin Statutes. Also referenced is Wisconsin Act 136 and Department of Transportation Aviation Law Handbook. Also referenced to Chapter Trans 56 which is by the authority of ss. 114.135 (8) and 227.11.
- (c) Jurisdiction. The jurisdiction of this ordinance shall extend over all non-federal lands within three miles of the boundaries of the Sparta / Fort Mc Coy Airport (Airport Affected Area is by definition the above mentioned area pursuant to ss 62.23 (6)(b)).
- (d) Description of Airport Special Purpose District. All zones established by this subsection are as shown on the Map entitled "Height Limitation Zoning Map, Sparta /Fort Mc Coy Airport, Sparta, Wisconsin," which is adopted as part of this section.
- (e) Height Limitations. Except as otherwise provided in this chapter, no structure shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the Height Limitations Zoning Map.
- (f) Additional Limitations. No use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the airport and aircraft which endangers the landing, taking off, or maneuvering of aircraft.
- (g) Non-Conforming Uses.
 - 1. The regulations prescribed in Section 17.10 C 5. of this Code shall not be construed to require the removal, lowering, or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use.
 - 2. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this chapter, and if such is diligently prosecuted.
 - 3. This section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

ZONING CODE 17.10(7)(h)

- (h) Administration. It shall be the duty of the Zoning Administrator and the Airport Manager to administer and enforce the regulations prescribed in this Section. Applications for variance shall be made to the Zoning Administrator upon a form furnished by him. Applications shall be forthwith transmitted by the Zoning Administrator to the Board of Appeals for hearing and decision. The Airport Manager is to attend such hearings to offer information pertinent to the granting of such variance.
- (i) Structures.
1. No person, firm, or corporation shall erect or cause to be erected any structure over 35 feet in height (measured at the object site) with the shaded area of the map referred to in Section 17.10 C 4. of this Code without registering his intent before construction commences on a form provided by the Zoning Administrator. The Administrator shall inform the applicant if his structure is in violation of this chapter. A structure may be built up to the height limit indicated on the map. The Administrator shall send record of such structures to the proper agencies as required, to include the Airport Manager.
 2. No person, firm, or corporation shall erect or cause to be erected any structure over 100 feet in height within 3 miles of any portion of any runway of the airport without registering his intent before construction commences on a form provided by the Zoning Administrator. The Administrator shall send record of such structures to the proper agencies to include the Airport Manager as required. A structure may be built up to the height limit shown on the map.
 3. A non-conforming structure may be repaired, rebuilt, altered, or extended, provided the structure will not be higher after such construction than on the effective date of this chapter. Every such project shall be registered with the Zoning Administrator prior to commencement.
- (j) Hazard Marking and Lighting. The City may, at its own expense, install, operate, and maintain such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard, if such action is deemed advisable by the Sparta / Fort Mc Coy Airport Managers.
- (k) Severability. If any of the provisions of this section or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

17.11 PLANNED UNIT DEVELOPMENT (Rep. and Recr. #478, 1996)

- (1) Intent. Planned Unit Developments (PUD's) are intended to encourage more efficient use of land by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the lot-by-lot restrictions of standard zoning districts. The design flexibility is intended to benefit both the developer and the residents of the City of Sparta.

Planned Unit Development provisions are intended for application to larger and/or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site plan and design techniques. Typically, PUD's enable development of portions of a site at either higher densities or with less restrictive lot provisions in exchange for preserving other portions of the site in open space or providing above normal site amenities. All PUD's are expected to provide attractive recreation and open spaces as integral parts of the development.

PUD's may be residential, commercial, mixed residential and commercial, or mixed single family, duplex, and multi-family dwellings. Industrial and manufacturing uses are not allowed in Planned Unit Developments.

Classification of a PUD does not allow a developer to avoid infrastructure improvement costs. the developer of a PUD shall pay the same proportionate costs for infrastructure improvements that a subdivider is required to pay in Section 18.07(19) and 18.07(20) of the Subdivision Code.

Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as PUD's if, as a result of a condominium division of the land, the lot requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting lot size would be less than otherwise required.

(2) Eligibility

- (a) Ownership. Property developed as a PUD must be a single taxable parcel. The owner is obligated to the terms of the Development and Improvement Plans, and any covenants and restrictions established thereby or otherwise. The covenants and restrictions shall be recorded with the Monroe County Register of Deeds.

- (b) Minimum Size. PUD's shall be at least one acre in size.

(3) Procedure

- (a) General Development Plan (PUD-GDP). The owner or developer shall submit a General Development Plan to the Zoning Administrator, the Director of Public Works, and the Fire Chief.
- (b) Required Contents of GDP. The PUD-GDP shall contain the following information:
 - 1. The size and shape of the lot, and
 - 2. The present land use, and
 - 3. Existing roads and utilities, and
 - 4. Existing topography and storm drainage, and
 - 5. Location of proposed buildings on the site, describing their use, size and setbacks from property lines, streets, and other structures, and the proposed grading and storm drainage plan, and
 - 6. The landscape treatment, and
 - 7. Location of recreational areas and open space, and
 - 8. Layout of public and private roads and parking areas, and
 - 9. Description of the planned phasing (order of construction), and
 - 10. Form of ownership of the PUD, and
 - 11.. Structure of the property owners' association, if any, and
 - 12.. Any deed restrictions or covenants.

A Certified Survey Map shall be submitted with the PUD-GDP.

(4) Review by Public Works Board

- (a) A GDP certified to contain the required information by the Zoning Administrator, Director of Public Works and Fire Chief shall be reviewed by the Board of Public Works.
- (b) The Board of Public Works shall:
 - 1. Determine if existing water and sewer mains have the capacity to service the development, and

2. If existing public roads can accommodate the increased traffic, and
3. Examine the site plan and determine its adequacy.

(5) Review Required by Board of Public Works

(a) The GDP must have the approval of the Board of Public Works on the following:

1. Public and private street design, including curb and gutter requirements.
2. The location and construction of sidewalks, paths, and trails.
3. The storm water management plan for the PUD, including storm sewers.
4. The sanitary sewer plan.
5. The distribution plan for the City water supply.
6. Which portions of utilities shall be publicly or privately owned.
7. Utility easements the developer shall grant the City.

(b) Upon approval of the GDP by the Board of Public Works, with or without modifications, the matter shall be referred to the Plan Commission.

(6) Review by Plan Commission

(a) The GDP must have the approval of the City Plan Commission on the following:

1. Types of buildings and total number of buildings.
2. Uses of buildings (residential or commercial).
3. The area, height, and location of each building.
4. Location and extent of recreational areas and amenities.
5. The total area under roof, total paved area, and the amount of open green space.
6. The landscaping and screening from adjacent properties.

7. Common areas to be dedicated to the City, Park District and School District.
 - (b) Public Hearing. The Plan Commission shall hold a public hearing upon notice as is required for amendments to the zoning ordinance.
 - (c) Upon approval of the GDP by the Plan Commission, with or without modifications, the matter shall be referred to the City Council.
 - (d) Common Council Approval. The Common Council shall either grant approval of the PUD-GDP application, with or without modification, or deny such application. If approved, the parcel shall be designated as a PUD-GDP by resolution, incorporating the plan and including any conditions or restrictions imposed by the Common Council. The PUD-GDP is an interim zoning classification which does not authorize development until the PUD-SIP is approved.
- (7) Appeals. Any party aggrieved by the determination of the Plan Commission or Board of Public work may, within 10 calendar days of such determination, appeal in writing to the Common Council. Upon notice as is required for amendments to the zoning ordinance, the Common Council shall hold a public hearing.
- (8) Specific Implementation Plan (PUD-SIP)
 - (a) After the City Council has approved a GDP, the developer must submit a Specific Implementation Plan (SIP) within 12 months. Upon failure to submit a PUD-SIP within 12 months, the Common Council approval of the GDP is rescinded.
 - (b) Except for grading and clearing, no construction shall occur on the site of the PUD until the Common Council has approved the SIP.
 - (c) The Board of Public Works and Plan Commission must approve the SIP before the matter goes to the Common Council. The Director of Public Works and the Zoning Administrator may request further information or explanation from the developer before referring the PUD-SIP to the Board of Public Works and the Plan Commission.
 - (d) Upon approval of the SIP by the Common Council, the parcel shall be rezoned as a PUD-SIP and shall be subject to conditions or restrictions imposed by the Common Council.
 - (e) For parcels zoned PUD-SIP, general zoning regulations that are not inconsistent with the PUD-SIP plan shall continue to be in effect.

ZONING CODE 17.11(8)(i)

- (i) Building Permit Restricted. Development and Building permits for PUD's may not be issued until the PUD-SIP is approved by the City Council. No building permit shall be issued for any structure within the PUD-SIP district unless the Zoning Administrator certifies that it conforms to the provisions of the PUD-SIP and other applicable zoning requirements.
- (j) Changes or Alterations. Any change of the PUD plans subsequent to approval of the PUD-SIP shall be submitted to the Zoning Administrator and the Director of Public Works. If these officials determine that the changes constitute a substantial modification, the developer will be required to amend the PUD-SIP, and if necessary, the PUD-GDP, following the procedures set forth in Section 17.11(3).

If, in the opinion of the Zoning Administrator and Director of Public Works, such changes do not constitute a substantial alteration of either the PUD-GDP or PUD-SIP, the changes may be accomplished by the approval of the Zoning Administrator and Director of Public Works. Such approval changes or modifications shall be documented and recorded in the City's official file on the PUD.

- (k) Expiration. If substantial development progress has not occurred within one year of a PUD-SIP approval, the Council, following a Plan Commission recommendation, may revoke the PUD-SIP approval and revert the site zoning to its previous zoning district classification.

17.12 CONDITIONAL USE STANDARDS

- (1) INTENT. A conditional use is development which would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.
- (2) COMMISSION ACTION. The Commission is empowered to recommend a development permit for a conditional use if the following requirements are met. Uses which require such a permit are identified on the table in the district regulations and the schedule of use regulations.
 - (a) Procedure. The requests for permit for a conditional use shall be filed with the Administrator on an official application form and shall be accompanied by the required fee and detailed written and graphic materials fully explaining the proposed development. A public hearing shall be conducted by the Commission.

- (b) Notice. The Commission shall fix a reasonable time for a public hearing by publication in the official newspaper at least 10 days prior to said hearing. The Administrator shall also send written notice of such hearing to the owners of records of all lands situated wholly or partly within 100' of the other perimeter of the subject property. Such notice shall be sent by regular mail at least 10 days before the date of the public hearing.
 - (c) Conditions. The Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. The Commission may recommend denial of the request.
 - (d) Issuance and Safeguards. The permit for a conditional use shall amend the development permit and shall be attached thereto. In recommending any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. The Commission may request that the City be provided with either a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to issuance of the conditional use permit. The security shall be used to guarantee compliance with the conditions of the permit and shall be returned to the developer when an occupancy permit is issued.
- (3) DECISION CRITERIA. In making a determination on an application for a conditional use, the Commission shall consider all relevant factors specified in other sections of this chapter including standards for specific requirements for certain land uses and activities.

The Commission shall consider the following criteria:

- (a) Compatibility. The compatibility of the proposed use with existing development within 300' of the proposed use and within 500' along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible.
- (b) Consistency with the Comprehensive Plan. The relationship of the proposed use to the objectives of the City of Sparta Comprehensive Plan.
- (c) Importance of Services to the Community. The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any and without undue inconvenience to the developer, and the availability of alternate locations equally suitable.
- (d) Neighborhood Protections. The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood.

(e) Conformance with Other Requirements of the Zoning Ordinance. The conformance of the proposed development with all provisions of the Zoning Ordinance.

(f) Other Factors. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Commission feels are necessary for review in order to make an informed and just decision.

(g) Conditions for issuance of Conditional Use Permit for adult oriented entertainment: (Created #827, 12/21/2010)

1. Such use shall not be located within 1,000 feet of any residential district as designated within this title with an "R" designation.
2. Such use shall not be located within 1,000 feet of a public or private school, or place of worship.
3. Such use shall not be located within 1,000 feet of another adult bookstore or adult cabaret.
4. The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the lot upon which the proposed use is to be located, to the nearest point of the zoning district boundary line or the lot from which the proposed use is to be separated.
5. Violation of these provisions is declared to be a public nuisance per se.
6. Nothing in this subsection is intended to authorize, legalise or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or statute of the State of Wisconsin regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

(4) APPEAL FROM DECISION REGARDING CONDITIONAL USE PERMIT (Cr. #734, 5/16/07). An appeal from the decision of the City Plan Commission regarding an application for a Conditional Use Permit may be taken to the Common Council by any person aggrieved by the decision of the Plan Commission and must be filed in the Office of the City Clerk within ten (10) days of the decision of the Plan Commission. Such appeal must specify the grounds therefor. The Common Council shall fix a reasonable time for the hearing of the appeal, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The decision of the Plan Commission shall be upheld unless the Common Council,

by a favorable vote of two-thirds of the members of the Common Council, reverses or modifies the action of the Plan Commission.

17.13 NONCONFORMING LOTS, USES AND STRUCTURES

- (1) INTENT. Where the districts established contain structures and uses of land and structures that were lawful before this chapter was passed or amended, but that would now be prohibited, it is the intent to permit these nonconformities to continue, but not allow alteration or enlargement of use or structure in such a manner as to increase the degree of nonconformity. No changes in lot, use, or structure shall increase the level of nonconformity.
- (2) NONCONFORMING USES OF LAND. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of this chapter. No nonconforming use of land shall continue if it ceases for any reason (except where governmental action impedes access to the premises) for a period of no more than 12 consecutive months or for 12 months during any 3-year period. No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the effective date of this chapter.
- (3) NONCONFORMING USES OF STRUCTURE
 - (a) Preexisting Uses. No nonconforming use of a structure may extend to any part of the structure which was not manifestly arranged or designed for such use on the effective date of this chapter and no such use shall be extended to occupy any land outside the structure. Moreover, such use or structure shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except for a permitted use.
 - (b) Forfeiture by Nonuse. No nonconforming use of structure shall continue if it is discontinued for 12 consecutive months.
 - (c) Repairs and Maintenance. Improvements to nonconforming structures occurring within a consecutive 12-month period shall not exceed 50% of the current assessed value. No improvements shall increase the cubic content of the building as it existed on the effective date of this ordinance.
- (4) NONCONFORMING STRUCTURE
 - (a) Preexisting Structures. A structure may be continued so long as it remains otherwise lawful, subject to the provisions of this Section.
 - (b) Enlargement or Alteration. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity except as permitted by the Board of Appeals as provided in this chapter.

- (c) Damage or Destruction. If a nonconforming structure is destroyed by any means to an extent of more than 50% of its replacement cost exclusive of foundations, at the time of destruction, it shall not be reconstructed except in conformity with this chapter. If destroyed to less than 50% of its replacement cost, such restoration shall begin within 6 months or the structure shall be made conforming.
- (d) Relocation. If a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (e) Building Safety. Nothing contained in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(5) NONCONFORMING LOTS

- (a) Preexisting Uses on Nonconforming Lots. Any existing conforming use or conforming structure on a nonconforming lot existing on the effective date of this chapter may be enlarged, extended, constructed, or moved so long as such change does not increase the degree of nonconformity and other requirements of this chapter are met, except that a multifamily residential use may not be constructed, extended, or enlarged on a nonconforming lot.
- (b) Division of Combined Nonconforming Lots. Any 2 or more lots under the same ownership and with continuous frontage shall not be used or sold in a manner which diminishes possible compliance with this chapter.

- (6) CERTIFICATE OF OCCUPANCY FOR NONCONFORMING USES, NONCONFORMING STRUCTURES, AND NONCONFORMING LOTS. Certificates of occupancy for nonconforming uses, nonconforming structures, and nonconforming lots existing on the effective date of this chapter may be issued by the Building Inspector, providing that such certificates state that the use is a nonconforming use and does not conform with the provisions of this chapter.

17.14 SPECIFIC REQUIREMENTS FOR CERTAIN LAND USES AND ACTIVITIES

(1) STANDARDS FOR REHABILITATION CENTERS AND GROUP HOMES (CBRF)

- (a) Distance Separation. Each Rehabilitation Center and Group Home (CBRF) established after the date of this chapter must be at least 2,500 feet from any other existing Rehabilitation center or Group Home (CBRF).

- (b) Minimum Lot Size. The minimum lot size for each district shall apply, except that the minimum lot area in square feet shall be increased 1,000 square feet for each additional 2 residents over 15
- (c) Minimum Floor Area. The minimum floor area shall be 2,500 square feet, plus 100 square feet for each resident.

(2) STANDARDS FOR DAY CARE CENTERS

- (a) Minimum Lot Size. The minimum lot size requirement for each district shall apply except that the minimum lot area must be increased 1,000 square feet for each 5 children or adults between 15 and 30, plus 800 square feet for each person over 30.
- (b) Parking. Off-street parking shall be provided for all employees.
- (c) Visual Screening. The rear yard shall be required to be visually screened to a height of 6 feet.
- (d) Owner-Resident. In the R-1, R-2, and R-6 districts, the Operator shall be an owner-resident of the facility. (Amended # 804, 3/16/2010)
- (e) Drop-Off Area. All group day care facilities, providing care for nine or more children or adults, shall provide a safe off-street drop-off area.

(3) STANDARDS FOR MODEL HOMES, MODEL DWELLING UNITS, AND PRE-CONSTRUCTION OFFICES. Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices are residential type structures used as sales offices by a builder/developer to display the builder/developer's product and are conditional uses under these ordinances. Such structures may be furnished and staffed by the builder/developer sales force and are subject to the following restrictions:

- (a) District Dimensional Requirements to be Met. The model dwelling unit shall meet all district requirements for dwelling size, lot and yard dimensions.
- (b) Sign Illumination. Signs shall not be illuminated after 9:00 p.m.
- (c) Business Activity Not Permitted Before 8:00 a.m. Nor After 9:00 p.m. The model dwelling unit shall not be used for business purposes between 9:00 p.m. and 8:00 a.m.
- (d) Lighting. All exterior lighting must be "down lighting" so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.

ZONING CODE 17.14(3)(e)

- (e) Off-Street Parking. All model homes shall provide off-street, paved parking for the public. Such off-street, paved parking shall be located as directed by the Plan Commission. The number of required parking spaces shall be four (4) per model home. The driveway of the model home may be utilized for not more than two (2) of the required spaces.
- (f) Issuance of an Occupancy Permit. Occupancy Permits shall not be issued until after the abutting street has been dedicated to the City and provided with a hard surface.
- (g) Termination of Use. The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90) percent of the lots therein or within the Conditional Use time restriction limits.
- (h) Model Dwelling Unit Constructed in Nonresidential Zoning Districts. Model dwelling units may be erected or displayed in districts which exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.
- (i) Temporary Sales Structure on Multiple-Family Developments. In those zoning districts where multi-family dwelling uses are permitted, a temporary structure may be used as a pre-construction sales office for the purpose of displaying a typical dwelling unit arrangement, subject to the following instructions:
 - 1. The structure shall be limited to two (2) stories in height.
 - 2. The structure shall be appropriately landscaped.
 - 3. The structure shall be subject to the same front yard requirements as the principal structure to be erected and shall otherwise be subject to all yard requirements for the district in which located.
 - 4. Adequate off-street parking facilities (a minimum of four (4) spaces) and access driveways shall be developed within those locations approved for such facilities in conjunction with the permanent multiple-family structure, and no additional parking areas or access driveways shall be permitted.
 - 5. Signs shall be permitted only in accordance with the regulations set forth for the use within the district and in compliance with this Ordinance.

6. The structure shall comply fully with all existing building codes for the City of Sparta.
7. The structure shall be completely and totally removed within six (6) months from the date of the issuance of a Building permit or upon the completion of the permanent residential dwelling structure, whichever date is earlier.
8. Upon failure to remove as set forth above, and after 30 days written notice from the City of Sparta, the City may cause said structure to be removed at the sole expense of the owner thereof. (Cr. #568, 2001)

17.15 PARKING AND LOADING

(1) **PARKING AND LOADING REQUIREMENTS.** All parking and loading space need generated by development shall be accommodated off-street as specified in this section. Such parking spaces shall not be less in number than the parking and loading space requirements of Table 17.15A and all required parking shall be maintained for the life of the use.

(2) DEFINITIONS

- (a) **Definition of a Parking Space.** A durable, hard surfaced area adequate for parking a motor vehicle with room for opening doors on both sides, together with a clear, properly related access to a public street or alley and maneuvering room which shall be located totally outside of any street or alley right-of-way.
- (b) **Definition of a Loading Space.** A dust-free and durable, hard surfaced area of adequate size for the delivery vehicles expected to be used, logically and conveniently located for bulk pickup and delivery, readily accessible when required parking spaces are filled, which shall be located totally outside of any street or alley right-of-way.

(3) INTERPRETATION

- (a) **Interpretation by Zoning Administrator.** Parking spaces for other permitted or conditional uses not listed in this section shall be determined by the Administrator based on the requirements for comparable uses.
- (b) **Fractional Numbers.** Fractional numbers shall be increased to the next whole number.

- (c) Preexisting Parking and Loading Spaces. Parking and loading spaces that were in existence on the effective date of this chapter or were provided voluntarily after such date shall not hereafter be reduced in number except to conform to the requirements herein.
- (d) Use Exclusively for Parking and Loading. Parking and loading spaces shall be used solely for the intended use and not for the storage of goods, or of vehicles that are inoperable, for lease, rent or sale except for the sale of a vehicle at an owner's home.
- (e) Temporary Waivers. The Administrator may temporarily suspend parking requirements for major unused portions of buildings for periods of one year, renewable for periods of one year.

(4) PROXIMITY. Parking and loading spaces generated by development shall be located on the same parcel as the use that they are intended to serve.

(5) SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

Use Number of Parking Spaces Required Per Unit of Measurement

	<u>Number</u>	<u>Unit</u>
RESIDENTIAL USES		
Guest, boarding or lodging house	1.0	Dwelling Unit and Lodging Unit
Bed and Breakfast Requirements	1.0	Guest Room + Dwelling Unit
Dwellings - 1 & 2 Family	2.0	Dwelling Unit under 1,200 square feet
Dwellings - multifamily (except elderly)	1.5	Dwelling Unit
Dwellings - multifamily which are specifically designed and occupied exclusively by persons 60 years of age or older	.8	Dwelling Unit
Motels, hotels	1.0	Sleeping Unit, plus one per employee on largest shift
EDUCATIONAL, CULTURAL AND INSTITUTIONAL		
Auditoriums, churches, temples and other places of assembly	1.0	Four seats
Elementary and middle schools, nursery schools, care and rehabilitation centers	1.0	Each employee
Convalescence or nursing homes	1.0	Three beds plus 1.5 for every two employees of the largest shift
Hospitals	1.5	Per bed
Senior High Schools	1.0	Each employee, plus 1.0 for every five students
Public libraries, art galleries, museums, etc.	1.0	300 sq. ft. net floor area

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COMMERCIAL AND INDUSTRIAL

Bowling alley	4.0	Per alley
Funeral homes	1.0	Four seats
Offices, banks and public administration	1.0	300 sq. ft. net floor area
Service garages	3.0	Per stall or service bay
Drive-ins and roadside services	1.0	Each 4 patron seats, or
	3.0	Per employee of largest work shift, whichever is greatest
Automobile or machinery sales	1.0	800 sq. ft. net floor area
Medical clinics and service establishments	1.0	200 sq. ft. net floor area
Furniture and appliance stores	1.0	600 sq. ft. net floor area
Restaurants, night clubs, clubs	1.0	4 seats
Retail stores	1.0	200 sq. ft. net floor area
Shopping centers over 45,000 sq. ft.	5.0	1,000 sq. ft. net floor area
Theater	1.0	4 seats
All other commercial	1.0	300 sq. ft. net floor area
warehousing, utilities	1.0	Industrial, Two employees of the two largest shifts combined or 1,200 sq. ft. of net floor area, whichever is greater

(6) COLLECTIVE USAGE

- (a) Mixed Occupancies. In the case of 2 or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as approved specifically by the Administrator for joint but alternative uses.
- (b) Joint But Alternate Use. The Administrator may authorize the joint use of parking facilities under the following conditions:
 1. Up to 50% of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.
 2. Up to 50% of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.
 3. Up to 100% of the parking facilities of a church or auditorium incidental to a school may be supplied by the off-street parking facilities of daytime uses.
 4. For the purposes of this section, daytime uses are defined as offices, banks, retail stores, personal service or repair shops, household equipment or furniture stores, manufacturing or wholesale, or similar primarily daytime uses; and nighttime uses are defined as auditoriums incidental to schools, churches, bowling alleys, dance halls, theaters, bars or restaurants, motels, or similar primarily nighttime or Sunday uses.

5. Conditions required for joint use:
 - a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 250 feet of such parking facilities.
 - b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the Administrator. Joint use parking privileges shall continue in effect only so long as such instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this chapter.

(7) DESIGN

- (a) Plot Plan. Any application for a building permit shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this chapter, excluding required parking of 4 spaces or less. The plot plan shall be approved by the Administrator.
- (b) Size. Parking and loading spaces shall be of adequate size and shape to accommodate the required number of vehicles. Except when modified by the Administrator, parking spaces shall be a minimum of 180 square feet in area exclusive of access. Loading spaces to accommodate tractors and trailers shall be a minimum of 650 square feet in area, exclusive of access.
- (c) Surfacing and Drainage. Parking and loading areas shall be graded and drained to dispose of all surface water accumulated within the area. The method of discharge of such water to public facilities shall be subject to approval of the City Engineer. All required parking and loading spaces and access drives shall be paved with concrete or bituminous pavement with a setback of a minimum of 3 feet from any lot line.
- (d) Lighting. Any lighting used to illuminate off-street parking or loading areas shall be directed away from residential properties in such a way as not to create a nuisance to either residential properties or oncoming vehicles.

ZONING CODE 17.15(7)(e)

- (e) Landscaping. Parking areas with 20 or more spaces shall have at least 10% of the total parking area landscaped. Parking areas with 100 or more spaces shall have at least 25% of the required 10% to be landscaped located in the interior of the lot. No island shall be less than 100 square feet. When landscaping is required, as set forth above, then an average of at least 1 tree shall be planted for every 15 parking spaces within the parking area.
- (f) Setback from Residential Lots. No off-street parking area containing more than 4 parking spaces shall be located closer than 15 feet from an adjacent lot zoned for residential purposes.
- (g) Driveways. All driveways shall be set back 3 feet from lot lines, except for common driveways.

(8) PARKING REQUIREMENT EXCEPTIONS

- (a) B-1 Downtown Business District Exception. No accessory off-street parking is required in the B-1 Downtown Business District, except for dwelling units located above the ground floor of permitted uses which were created after the adoption of this chapter.
- (b) Elderly Housing Developments. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, to the off-street parking requirements for certain elderly housing developments where the developer can successfully demonstrate that automobile ownership will be sufficiently low so that the required number of stalls would be unnecessary. In no instance may the number of stalls be reduced to less than 0.5 per dwelling unit.
- (c) Off-Site Parking. The Plan Commission may grant exceptions through the issuance of a conditional use permit, whenever required parking and loading spaces cannot be located on a parcel because of development restrictions imposed by the presence of an existing structure that is to continue in use.

Required parking may then be provided off the parcel, for permitted uses only, subject to the following requirements:

1. If the use is residential, hotel, motel, or tourist home, the off-site spaces shall be within 200 feet of the principal entrance or the entrance for individual occupants for whom spaces are reserved.

2. If the use is other than residential, hotel, motel, or tourist home, the farthest portion of the parking lot shall be with 500 feet of an entrance to the establishment.
3. Distances indicated above shall be measured along routes generally available to the pedestrians involved.
4. Off-site parking areas shall be held by the same owner as the use requiring the off-street parking space, or under lease, rental, or other form of agreement satisfactory to the Plan Commission with respect to assuring continuing availability for required off-site parking for the use.

17.16 SCREENING, BUFFERING AND LANDSCAPING

- (1) INTENT. The intent of this section is to provide minimum screening and buffering between potentially incompatible uses and between specific operations which may create a nuisance for the occupants of adjoining properties. It is also the intent of this section to provide minimum landscaping and planting standards for the purpose of enhancing community appearance.
- (2) SCREENING. Whenever development cannot be placed in harmony with its surroundings, adequate screening and distance buffering shall be provided to make it so. Screening shall be an obscuring wall or fence or other method approved by the Plan Commission. The table below indicates these conditions which are considered inherently disharmonious, and adequate screening shall be provided at the side of the parcel between conflicting uses by the owner of the potential disharmonious use.

MINIMUM SCREENING REQUIREMENTS

<u>USE OR POTENTIAL DISTRICT DISHARMONIOUS USE</u>	<u>HEIGHT IN FEET</u>
a. Residential Business Districts	8'-0"
b. Residential Industrial Districts	8'-0"
c. Residential Business Parking Lots	6'-0"
d. Residential Loading Areas	6'-0"

(3) WALL AND FENCE MATERIALS

- (a) Durable Materials. All walls and fences hereafter erected shall be durable, weather resistant, rust proof, and easily maintained.
- (b) Masonry Walls. Masonry walls shall be erected on foundations which are a minimum of 48 inches below grade.

ZONING CODE 17.16(3)(c)

(c) Limitation on Open Grid Metal Fences. Metallic cyclone type or other open grid fences may not be used as required screening between residential uses and nonresidential uses. Such metallic fences may not be used in front yards, except in industrial districts.

(d) Fence Maintenance. All fences shall be kept in good condition, plumb and true, and without damage.

(4) LANDSCAPE BERMS AND PLANTING STRIPS. Landscaped berms or planting strips may be substituted for obscuring walls or fences when approved by the Administrator. Landscaped berms and planting strips shall be landscaped with evergreen plants. Plant materials shall be of such size when planted as to reach the necessary screening height within 3 years of planting.

(5) DISTANCE BUFFERING. Certain uses and activities are inherently incompatible with other uses and activities and are hereby required to be separated as indicated in below so as to reduce conflict and to maintain amenity. (Am. #909, 1/21/2015)

MINIMUM DISTANCE BUFFERING

MINIMUM PERMITTED USE

DISTANCE IN FEET

Quarrying operation or any stockpile

Minimum of 200' to any property line except a exceeding 15 feet in height minimum of 100' to street line

Junkyards and salvaging operations

200' to residential uses and districts and 100' to other uses

Swimming pools

8' to property line

Air conditioners mounted

10' to property line independent

Loading docks

150' to an adjoining residential dwelling (where no dwelling is present, the required setback distance of the zoning district shall be used to calculate the 150'.)

- (6) REQUIRED BUFFER DISTANCE BETWEEN SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND OTHER USES. Where proposed multifamily or commercial development abuts existing single-family housing or zoning the following additional setbacks will be required:

<u>STRUCTURE</u>	<u>DISTANCE</u>
Two-story commercial or multifamily	25' to property line abutting single-family housing
Three-story and higher commercial or multifamily	50' to property line abutting single-family housing

- (7) REQUIRED SCREENING FOR TRASH AREAS. All trash and/or garbage collection areas for multifamily dwellings and businesses shall be enclosed on at least 3 sides by screening at least 4 feet in height. An open side shall not be visible from a street or abutting properties.

- (8) REQUIRED SCREENING FOR OUTDOOR STORAGE - COMMERCIAL AND INDUSTRIAL DISTRICTS. Permitted outdoor storage and outdoor storage areas in commercial and industrial districts exposed to view from any street adjacent to the property on which the storage area is located shall be screened by a eight-foot high sight-obscuring fence, wall, or landscape berm or planting strip when approved by the Administrator.

Materials covered by buildings with roofs only, but without any sides shall be considered outdoor storage and shall be subject to the screening provisions of this section. This provision shall not apply to the display of new or used agricultural implements, motor vehicles or watercraft where such activities are an integral part of an automobile, agricultural implement, or watercraft dealership or storage facility.

- (9) REQUIRED LANDSCAPING

- (a) Unpaved areas of the site and unpaved portions of adjacent right-of-way shall have one of the following ground covers:

1. Seed or sod;
2. Woodchips or other permanent mulch bordered with timbers or other permanent edging;
3. Other landscaped plant material maintained in well-tended and aesthetically pleasing manner.

- (b) Street trees shall be planted in adjacent rights-of-ways in accordance with the Subdivision Ordinance.

(c) The minimum number of plantings required for every 10,000 square feet of lot area which is proposed for new development and not covered under the City of Sparta subdivision ordinance shall be as follows:

1. Two (2) canopy or deciduous trees; and
2. Three (3) shrubs, not less than 24 inches in height.

(10)EXCEPTIONS AND INTERPRETATION. In the event that terrain or other natural features are such that the erection of obscuring berms or planting strips, walls or fences will not serve the intended purpose, as determined by the Plan Commission, then no such screening, fences, or wall shall be required.

17.17 SIGNS

(1) DEFINITIONS

- (a) Abandoned Signs. A sign which no longer correctly directs any person, advertises a bonafide business, lessor, owner, product or activity conducted, or product available on the premises where the sign is displayed.
- (b) Area of Sign or Display Area. The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly-shaped sign shall be computed using the actual sign face surface. The area of the irregularly-shaped sign shall be the entire area within a single continuous perimeter of not more than eight (8) straight lines.
- (c) Awning. A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (d) Banner. A non-illuminated, elongated, fabric sign usually used as a temporary display for the special announcement of a coming event.
- (e) Off-Premises Signing. A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located. (Amended #671, 2/16/2005)
- (f) Building Facade. That portion of a building which is parallel or nearly parallel to the abutting roadway.

ZONING CODE 17.17(1)(g)

- (g) Canopy. A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (h) Construction Site Sign. A sign for the purpose of designating a new building development or any project in the process of development, for promotion of a subdivision.
- (i) Directory Sign. Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices, school and church directories. Directory signs shall be encouraged for use with advertising of multiple occupied commercial and industrial buildings.
- (j) Electronic Message Unit Sign. Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic or charitable events, or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (k) Flashing Sign Animation. The use of movement or some element thereof, to depict action or create a special effect or scene. (Am. #847, 11/15/11)
- (ka) Free Standing Signs. A sign self supporting by means of structural supports, pylons, posts, standards, or any other type of base with a foundation in the ground. This type of sign includes what are commonly called ground signs or monument signs. The base and supports of freestanding signs shall be concealed and comply with the standards of construction of the Wisconsin Commercial Building Code. (CR#773, 1/20/09)
- (l) Freeway. A divided traffic way designed for high speed travel to which abutting property owners and others have limited access to and from as determined by the public authority having jurisdiction over such traffic way: expressway.
- (m) Freeway Oriented On-Premise Sign. Any on-premise sign identifying premises where food, lodging, or places of business are located that engage in supplying goods and services essential to the normal operation of motor vehicles and where such businesses are directly dependent upon the adjacent freeway for business.
- (n) (Repealed #640, 01/2004)
- (o) (Repealed #733, 01/20/09)

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- (p) Identification Sign. Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (q) Indirectly Illuminated Sign. Shall mean a sign that is illuminated from a source outside of the actual sign.
- (r) Mobile Sign. Any sign or billboard which lacks parts making it stationary or which is not stationary and which is located on any premises for longer than 48 hours.
- (s) Nonconforming Sign. Any sign which does not conform to the regulations in this Ordinance.
- (t) Permanent Message Board. Any sign permanently attached which has manually changeable copy.
- (u) Political Sign. Any sign displaying a candidate for an election, or a current elections subject matter.
- (v) Projecting Sign. A sign, normally double faced, which is attached to and projects from a structure or building fascia. The area of projecting signs are calculated on one face only.
- (w) Real Estate Sign. Any sign, which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (x) Roof Sign. Any sign erected upon or over the roof or parapet of any building.
- (y) Sign. Any name, identification, description, display, illustration or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and expopsed to the public and which directs attention to any object, produce, service, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise, but does not include any display of official court or public office notices, nor any official traffic control device, nor does it include a flag, emblem or insignia of a nation, state, county, municipality, school or religious group. A sign does not include an object located completely within an enclosed building. For the purposes of removal, a sign also includes all sign structures. (Am. #671, 2/15/05)
- (z) Temporary Signs. Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for

a period not to exceed thirty (30) days. Temporary signs shall not be permitted more than three times a year or more than thirty consecutive days.

- (aa) Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.
- (bb) Window Sign. Any sign located completely within an enclosed building and visible from a public way.

(2) GENERAL INFORMATION FOR ALL ZONES

- (a) Application. Except those specified in Section 17.23 (6) no signs, billboards, awnings or canopies shall hereafter be located, erected, relocated, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Ordinance. They shall also meet all other structural requirements of other applicable codes and ordinances of the City of Sparta. Signs shall not be erected or altered until a permit has been issued by the Building Inspector. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
 - 1. All applications, except for mobile signs, signs in the historic preservation district and the East Side Business Park, shall be referred to the Plan Commission which shall consider said application promptly and take into account the purpose of any advertising, the appearance, location, lighting, height and size of structure, safety of operators of vehicles upon the adjoining streets and highways; the effect of the structure with respect to the scenic beauty of the vicinity in which said structure is proposed to be located; the effect of the structure and advertising with respect to the enforcement of state laws, county and city ordinances; the effect of the structure with respect to the danger to human life because of falling, combustibility; the effect of the structure and advertising with respect to the prevention of crime and the effect of such structure and advertising on the general public welfare, morals, and conserving the taxable value of lands and buildings located within a city and in the immediate area adjacent to the proposed location of said structure.
 - 2. Upon approval by the Plan Commission, the Building Inspector shall issue a permit within fifteen (15) days of said approval. Upon denial of the application, the applicant shall be promptly notified and provided with the reasons therefore.

- (b) Required Information. Application for a sign permit shall contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot line; and the person, firm or corporation designing, erecting or altering the sign.

If required by the Building Inspector, calculations must show that the structure and design meets the requirements of this Ordinance for wind pressure load.

- (c) Fee. The fee for each sign permit shall be thirty (\$30) dollars.
- (d) Insurance. Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of five hundred thousand (\$500,000.00) dollars. Proof of insurance shall be presented to the Building Inspector before the sign permit is issued.
- (e) Inspection. Every sign will be inspected and approved by the Building Inspector within thirty (30) days after it is erected or altered.
- (f) Any sign qualifying as more than one (1) of the listed types shall meet the requirements for each type.
- (g) Bills and Posters shall not be posted on the exterior of buildings or windows.
- (h) Landscape features. Landscape features such as plant materials, beams, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs, are encouraged and shall not be counted as allowable sign area.

(3) PROHIBITED SIGNS

- (a) Traffic Interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) (Repealed #847, 11/15/11)
- (c) Number of Signs Permitted. (Am. #512, 1998) No more than three (3) signs of any type shall be located on any premises, except that premises occupied by a shopping center, strip mall, or multi-tenant building may

have one wall sign per tenant for each street frontage plus one ground sign per shopping center, strip mall or multi-tenant building with said ground sign designed to accommodate one double-faced sign per tenant. Signs exclusively stating the name or identification of a business which are identical on both sides constitute one sign. Businesses with an alley or street fronting both sides shall be allowed three (3) types of signs for alley or street frontage; no street frontage buildings shall be allowed three of the same type of sign on a particular building.

- (d) Signs on Public Right-of-Ways. Freestanding signs shall not be permitted on or over public right-of-ways, except for municipal traffic controls and parking and directional signs and signs advertising a community event, located within the City limits, may be permitted on a temporary basis as approved by the Building Inspector. (Amended # 804, 3/16/2010)
- (e) Distance Between Freestanding Signs. Shall be a minimum of one hundred (100) feet between freestanding signs throughout the street frontage in order to prevent congestion and maintain traffic visibility.
- (f) Off-Premises Signs. (Created #640, 01/2004) A sign advertising anything other than the business or businesses located on the property the sign is located.
- (g) Pole Signs. (Created #742, 8/21/2007) Pole type signage is not permitted in any M-1 or M-2 zoned district.

(4) DANGEROUS AND ABANDONED SIGNS

- (a) Removal. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of thirty (30) days or when, in the judgment of the Building Inspector, such sign is so old, dilapidated, or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Common Council, or its designee, may remove the sign at the cost of the owner, following adequate written notice. The owner may appeal the Common Council's, or its designee's, decision to the Board of Appeals.
- (b) Alterations. For signs erected before the adoption of this Sign Ordinance, said signs shall be rebuilt or relocated to conform to this Ordinance if the cost of reconstruction or relocation is fifty (50) percent or more of its replacement value.
- (c) Violations. All signs constructed or maintained in violation of any of the provisions of this Ordinance are hereby declared public nuisances within the meaning of this Code of Ordinances.

(5) CONSTRUCTION AND MAINTENANCE REGULATIONS FOR SIGNS

- (a) Installation. All signs shall be properly secured, supported and braced, shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.
- (b) Prohibited Mounting. No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
- (c) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
- (d) Appeals. Any person, firm or corporation aggrieved by any permit denial or decision by the Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decisions by the Board of Appeals.

(6) SIGNS NOT REQUIRING A PERMIT. The following signs shall not need a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water:

- (a) Real estate signs not to exceed eight (8) square feet in area which advertises the sale, rental or lease of the premises upon which said signs are temporarily located. These signs shall be removed within 30 days after sale, rental or lease of property.
- (b) Name, occupation and warning signs not to exceed two (2) square feet located on the premises.
- (c) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
- (d) Official signs, such as traffic control, parking restriction, information and notices.
- (e) Temporary signs, when authorized by the Building Inspector for a period not to exceed thirty (30) days. An extension may be permitted not to exceed a total of sixty (60) days.

- (f) Rummage sales located within the City limits are permitted signs not to exceed two (2) square feet in area, but use of the type of sign shall be limited to seventy-two (72) hours per sale. (Amended # 804, 3/16/2010)
- (g) (Deleted #804, 3/16/2010)
- (h) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Building Inspector and subject to the following:
 - 1. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Building Inspector for approval.
 - 2. The permitted size and location of any such sign shall be at the discretion of the Building Inspector based upon the character of the area, the type and purpose of the sign and the length of time permitted.

(7) SPECIFIC REQUIREMENTS

(a) Mobile Signs (internally illuminated type)

- 1. Permits for mobile signs shall be valid for a period of 30 days. Only three permits shall be granted for one address in a calendar year. Applicants shall provide a sketch indicating location and size of sign and pictures of sign; the sign must be good working order and free of any apparent defects. Failure to comply with these sections shall double the permit fee for the next permit.
- 2. Such signs may be used only to advertise activities conducted on the premises.
- 3. The maximum size shall be twenty-five (25) square feet on each face, back to back.

(b) Electronic Message Unit Signs. (Created #847, 11/15/11)

- 1. All Electronic Message Unit signs shall have an automatic dimmer control adjusting to ambient light conditions.
- 2. Duration. In all districts any image or portion of the message thereof must be scrolling or static with a two second duration. The use of flashing or animation is prohibited.

3. The maximum area of Electronic Message Unit signs in the B-2 Zoning District shall not exceed 34% of the allowed sign area for said property with a maximum of twenty-four square feet.
4. The maximum area of Electronic Message Unit signs in the B-3, M-1, M-2, and M-3 Zoning Districts shall not exceed 34% of the allowed sign area for said property with a maximum of seventy-five square feet.
5. The maximum area of Electronic Message Unit signs in the Civic Use Zoning District shall not exceed sixteen square feet.
6. Electronic Message Unit signs are prohibited in all other districts.
7. Electronic Message Unit signs over seventy-five feet are prohibited in all zoning districts.
8. All Electronic Message Unit signs shall be submitted for approval by the City of Sparta Plan Commission prior to installation.

(8) NONCONFORMING SIGNS

- (a) Signs Eligible for Characterization as Legal Nonconforming. Any sign located within the City of Sparta limits of the date of adoption of this Ordinance hereafter which does not conform with the provisions of this Ordinance is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
 1. The sign was covered by a proper sign permit prior to the date of adoption of this sign Ordinance.
 2. If no permit was required under the prior Ordinance.
- (b) Loss of Legal Nonconforming Status. A sign loses its nonconforming status if one (1) or more of the following occurs: If said sign is damaged or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such damage, unless the damage to the sign is fifty (50%) percent or more of its replacement value, in which case the reconstructed sign shall comply with the provisions of this Ordinance.
- (c) Legal Nonconforming Sign Maintenance and Repair. Nothing in this Ordinance shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Ordinance regarding safety, maintenance or repair of signs.

- (d) Amortization of Off-Premise Signs. With the exception of M-3 zones, off-premise signs are hereby amortized for a period not to exceed ten years from date of passage of this ordinance. (Cr. #671, 2/15/2005)

(9) LETTERED AWNINGS AND CANOPIES

- (a) Permitted Awnings. No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

1. Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
2. Height. All awnings shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
3. Setback from Curb Line. In the Historic District, no awning shall extend closer than four (4) feet from the curb line. Outside the Historic District, no awning shall extend closer than one (1) foot from the curb line. (Am. 530, 1999)

- (b) Permitted Canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

1. Support. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with Building Code of the City. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 17.17 (2) of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
2. Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
3. Setback from Curb. In the Historic District, no canopy shall extend closer than four (4) feet from the curb line. Outside the

Historic District, no canopy shall extend closer than one (1) foot from the curb line. (Am. 530, 1999)

- (10) ABANDONED BILLBOARDS AND SIGNS. Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Common Council, or its designee, shall give the owner thirty (30) days written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Common Council, or its designee, may take any other appropriate legal action necessary to attain compliance.
- (11) RESIDENTIAL AND AGRICULTURAL ZONES. The following types of non-advertising, non-flashing signs are permitted in the R and A zones:
- (a) Any sign specified in Section 17.17 (6).
 - (b) Bulletin boards for public, veterans, charitable or religious institutions shall not exceed eight (8) square feet in area located on premises. Such sign shall not obstruct vision from the street.
 - (c) Temporary signs or banners, when authorized by the Building Inspector, for a period not to exceed thirty (30) days. An extension may be permitted not to exceed a total of sixty (60) days.
 - (d) House numbers or signs identifying parks not to exceed four (4) square feet.
 - (e) Signs of schools, places of worship, nursing and convalescent homes, museums, libraries, community centers and medical facilities, day care centers, Bed & Breakfast establishments may be erected and maintained, provided that the size of any sign is not in excess of twenty (20) square feet. (Amended # 804, 3/16/2010)
- (12) BUSINESS 2, 3 and 4 MANUFACTURING 1 ,2, 3,and 4. Signs permitted in commercial and industrial zones are as follows:
- (a) Any sign specified in Section 17.17 (6), (7) and (9).
 - (b) Wall signs which do not extend more than sixteen (16) inches from the wall surface and are a maximum of forty (40%) percent of the wall area. Wall signs shall not exceed the height of the building on which they are displayed.

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- (c) Outside the Historic District, projecting signs fastened to, suspended from or supported by structures shall not exceed thirty-two (32) square feet in area, shall not extend closer than one (1) foot from the curb line, shall not be less than five (5) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be less than thirteen (13) feet six (6) inches above a driveway or alley. Projecting Signs in the Historic District shall comply with Section 17.17(13) b. 3). (Am. 530, 1999)
- (d) Freeway Oriented signs shall not exceed (eighty) 80 feet in height and shall be a minimum height of ten (20) feet from the bottom of the sign to the ground. These signs shall be a minimal of ten (10) feet from the property line. Free-standing signs shall not exceed five hundred (500) square feet on one side nor six hundred (1000) square feet on all sides for any one premises.
- (e) Except in M-1 & M-2 zones where pole signs are not permitted, other freestanding signs shall not exceed thirty (30) feet in height. Freestanding signs shall not exceed three hundred (300) square feet on one side and six hundred (600) square feet on all sides for any one premise. The setback vision clearances shall conform to Section 17.16 of the Code of City Ordinances. (Am. # 864, 2/26/13)
 - 1. In Commercial: The total amount of signage permitted for each business premise within a Commercial District shall be determined by the greater of the product obtained by multiplying either 1.) the lineal front footage of the main building of the business facing the adjacent roadway by a factor of 1.5 square feet or 2.) multiplying the lineal front footage of the business premise lot by a factor of eight-tenths (0.8) square feet. Either factor may be increased by a factor of five-hundredths (0.05) square feet for each 50 feet of setback beyond 100 feet, to a maximum of 500 feet. However, each business premise located on the ground floor shall be entitled to minimum total signage of forty (40) square feet per ground floor business premise. The owner of a multi-tenant building is responsible for dividing the gross allowable signage among all tenants of the multi-tenant building. No business premise shall have more than three (3) signs. Each business premise may have one (1) projecting sign or one (1) detached sign such as ground sign, pole sign, pylon sign, etc., provided such sign does not extend over the public right-of-way.
 - 2. In Manufacturing/Industrial: The total amount of signage permitted for each business premise within Manufacturing District shall be determined by the greater of the product obtained by multiplying either 1.) the lineal front footage of

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the main building of the business facing the adjacent roadway by a factor of two (2.0) square feet or 2.) multiplying the lineal front footage of the business premise lot by a factor of eight-tenths (0.8) square foot. The owner of a multi-tenant building is responsible for dividing the gross allowable signage among all tenants of the multi-tenant building. No M-1 or M-2 zoned premise may have more than three (3) signs. Each M-1 or M-2 premise may have one (1) projecting sign or one (1) Monument sign. Off premise signage advertising a multi-manufacturing group at the Main Street entrance may be approved with a conditional use permit. (Am. #852 05/15/2012).

3. Window signs shall be placed only on the inside glass surface or window display area of commercial buildings and shall not exceed twenty-five (25%) percent of the glass area of the window upon which the sign is displayed.
4. Location. All freestanding signs when constructed parallel to a street line (defined as the paved portion of a street including the curb, if a curb is present) shall be set back from said street line a distance equal to or greater than the height of such structure measured from the point of its greatest height to the established grade at the place of location and a minimum of five (5) feet from the public right-of-way line. No freestanding sign shall be located within twenty-five (25) feet of an abutting residential zone. On lots abutting street intersections no sign shall be placed within thirty-five (35) feet of the lot corner of said lot nearest the street intersection, and in no event shall the distance be less than the height of the sign. Lighting reflectors may extend eight feet beyond the fact of the freestanding sign. (Am.# 864, 02/26/13)
5. Freestanding signs shall not be located within vision triangles or otherwise impede traffic or pedestrian visibility. (Cr. #733, 1/20/09)
6. Monument Signs. Sign area including structural and decorative framing may not ninety-six (96) inches in length in any Business zoned district. In any Manufacturing zoned district, the sign area including structural and decorative framing may not exceed ninety-six (96) inches in height or twenty feet (20') in length. The setback vision clearances shall conform to Ordinance Section 17.16 of the Code of City Ordinances. (Am. # 864, 2/26/13)

(13) B-1 BUSINESS DISTRICT

(a) All signs in the historic district shall first be approved by the Historic Preservation Commission prior to applying for a City sign permit.

(b) Signs permitted in the Historic District are as follows:

1. Lettered awnings and canopies as specified in Section 17.17 (9).
2. Wall signs placed against the exterior walls of buildings shall not extend more than sixteen (16) inches out from a building's wall surface, shall not exceed twenty-five (25%) percent of the wall surface (or ninety-six (96) square feet, whichever is smaller) per wall for any one premise, and shall not exceed the height of the wall for which it is displayed.
3. Projecting signs fastened to, suspended from or supported by structures shall not exceed twenty (20) square feet in area for any one premise, shall not extend any further than four (4) feet from the curb, shall not be less than five (5) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be less than thirteen (13) feet six (6) inches above a driveway or alley.

(14) SANDWICH BOARD SIGNS. Sandwich Board Signs are permitted in all business, industrial, and institutional districts and do not count against the total number of permitted permanent freestanding or ground signs, subject to the following conditions:

- (a) Sandwich Board Signs shall be limited to a maximum width of 2 feet wide, maximum height of 4 feet (measured from the ground), a maximum of 8 square feet per side, and maximum of 2 sides. Signs shall be of a weight and/or construction to withstand 20 pounds of wind loading, and be maintained in a good condition.
- (b) Sandwich Board Signs shall be constructed of durable, high quality materials such as steel, wood, and simulated woods. Chalkboards and whiteboards are acceptable accents. Use of impermanent materials such as cardboard or corrugated plastic is prohibited.
- (c) Sandwich Board Signs shall not be illuminated in any way, nor use metallic, fluorescent or reflective finishes.

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- (d) Sandwich Board Signs shall not advertise off-premise goods, services, or businesses.
- (e) Sandwich Board Signs shall be limited to a maximum of one per business establishment or one per ground level customer entrance (whichever is more restrictive) and spaced at least 25 feet from any other sandwich board or private freestanding sign. No Sandwich Board Sign may be placed farther than 10 feet from the building entrance or entrance to an outdoor customer area nor in any parking areas associated with the business.
- (f) Sandwich Board signs will not be placed in any location that interferes with vehicular, pedestrian, or handicap access and safety or that otherwise presents a fire or other public safety hazard. Sandwich Board Signs shall not obstruct or interfere with public safety or directional signs.
- (g) Sandwich Board Signs shall be displayed only during hours of business operation. Business owners are responsible for securing signs in the event of hazardous weather.
- (h) Sandwich boards may not be located within the required landscape areas.
- (i) Except as allowed in the B-1 Downtown business district, Sandwich Board Signs shall not be permitted in public street rights-of-way or public street easements to include streets, sidewalks, grass terraces, or either private lawns or paved encroachments within said right-of-way.
- (j) In the B-2 Central Business District, Sandwich Board Signs may be allowed in a public sidewalk, subject to paragraphs (a) through (j) above and the following additional restriction.
 - 1. Sandwich Board Sign must be placed in such a way as to retain a minimum unobstructed sidewalk width of 5 feet for pedestrian use.
 - 2. Sandwich Board Sign shall not project in any way onto or past a curb and into a public street, nor shall they obstruct in any way access to a marked public street crossing.
 - 3. For each sign placed in the public right-of-way the business owner shall be required to submit evidence of liability insurance in a form approved by the City Attorney in the amount of \$1,000,000 and naming the City as an additional insured party. The Business owner will provide guarantees in the form acceptable to the City attorney that the City will not be held liable for damage to any sign damaged while in the public right-of-way resulting from natural

acts, routine municipal maintenance activities such as street cleaning and snow removal, and criminal acts by third parties.

4. Sandwich Board signs in the public right-of-way that are erected in violation of the permit or permit requirements or posted without permit or otherwise deemed in violation of the City of Sparta Municipal Code requirements are subject to immediate removal by the City. (Cr.#733, 1/20/09)

(15) VIOLATIONS OF SIGN CODE

- (a) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Ordinance prior to the granting of a permit shall pay a penalty of double the amount of the permit otherwise required.
- (b) If the Building Inspector finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (c) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, the Building Inspector may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Ordinance.
- (d) Any person, firm or corporation who violates any provision of this Ordinance shall be subject to the penalties prescribed in Section 25.04. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense. (Rep. & Cr. 548, 2000)

17.18 PERFORMANCE STANDARDS

- (1) COMPLIANCE REQUIRED. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness; electrical or other substance, condition, or element in such a manner, or in such amount, as to adversely affect the surrounding area or adjoining premise.
- (2) PERFORMANCE STANDARDS. The following provisions, standards and specifications shall apply to all districts:
 - (a) Noise. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall

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be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being so measured with such equipment. Noises capable of being so measured, for the purpose of this Zoning Code, shall be those noises which cause rapid fluctuations of the needle of the sound level meter, with a variation of no more than plus or minus two (+/-2) decibels. Noises incapable of being so measured, such as those of an irregular and/or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

At no point on the boundary of a residence or business district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in the following table:

OCTAVE BAND MAXIMUM PERMITTED SOUND LEVEL (decibels)

(Frequency, cycles per second)	Along Residence District Boundaries	Along Business District Boundaries
0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
above 4,800	32	38

(b) Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be further subject to applicable Federal, State and local laws and regulations.

(c) Radioactivity or Electric Disturbances. No activities shall be permitted that emit dangerous radiation. Radioactive emissions shall be further subject to applicable Federal, State, and local laws and regulations.

(d) Vibration

1. In non-industrial districts, no vibration, except during temporary construction activity, shall be permitted that is discernible without instruments beyond the property line of the source.

2. In industrial districts there shall be no operation or activity that would cause ground transmitted vibrations in excess of the limits set forth below at the boundary of this district under any conditions, nor beyond the property line if it would adversely affect any other use within the district.

MAXIMUM VIBRATION LEVELS

<u>Frequency Cycles</u> <u>per second</u> <u>Boundaries (in inches)</u>	<u>Maximum Permitted Displacement at</u> <u>Industrial District</u>
0	to 10.0008
10	to 20.0005
20	to 30.0002
30	to 40.0002
40 and over	.0001

Vibrations shall be further subject to applicable Federal, State, and local laws and regulations.

- (e) Odors. No emission of offensive odorous gases or other offensive odorous matter in such quantities as to be readily detectable shall be permitted beyond the property lot lines of the source. Any process that may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

Odors shall be further subject to applicable Federal, State, and local laws and regulations. (Am. #733, 5/16/07)

- (f) Smoke. No emission shall be permitted of visible grey smoke of a shade equal to or darker than No. 2 on the Ringlemann chart, except that visible grey smoke of a shade to No. 3 of such chart may be emitted 4 minutes in any 30 minute period. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.

Smoke shall be further subject to applicable Federal, State and local laws and regulations.

- (g) Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted that can cause any damage to health, animals, vegetation, or other forms of property, or any excessive soiling, at any point. No sulfur compound shall be emitted which would result in a ground level concentration of sulfur dioxide at the property line or beyond in excess of 1.0 part per million in a 20-minute period of any hour or average exposure in excess of 0.1 part per million in any 8-hour

period, nor shall any gas be emitted that contains sulfur dioxide in excess of 2,000 parts per million.

Fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be further subject to applicable Federal, State and local laws and regulations.

- (h) Glare or Heat. All lighting shall be arranged so as to deflect light away from any adjoining residences. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lot line of the source shall be permitted.

Glare and heat shall be further subject to applicable Federal, State, and local laws and regulations.

- (i) Liquid and Solid Waste. No wastes shall be discharged in the public sewer system that are dangerous to the public health and safety. No waste shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water.

Liquid and solid waste shall be further subject to applicable Federal, State, and local laws and regulations.

- (3) STATE OF WISCONSIN REGULATIONS. The State of Wisconsin Department of Natural Resources, Division of Environment Protection, pollution control standards shall take precedence over the above regulations except where City standards are higher.

(4) ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS

- (a) Measurement. The determination of the existence of any objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent; provided, however, that the measurements necessary for enforcement of performance standards set forth in this article shall be taken at property line boundaries.
- (b) Notification. The Administrator shall give written notice, by registered mail or other means insuring a signed receipt for such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Administrator. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Administrator within the time limit set constitutes admission of violation of the terms of this chapter.

ZONING CODE 17.18(4)(c)

- (c) Costs of Determination. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determination will be paid by the City.
- (d) Violation Corrections. If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
- (e) Enforcement. If there is no reply within the time limit set (thus establishing admission of violations) and the alleged violation is not corrected to the satisfaction of the administrator within the time limit set, he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
- (f) Extensions. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Administrator, but requesting additional time, the Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.
- (g) Expert Findings. If a reply is received within the time limit set requesting technical determination as provided in this chapter, and if the alleged violation continues, the Administrator may call in properly qualified experts to make the determinations. If the expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the provisions of this code. If no violation is found, the costs of the determinations shall be paid by the City without assessment against the properties or persons involved.
- (h) Additional Enforcement Provisions. Even though compliance with performance standards procedure in obtaining a development permit is not required for a particular use, initial and continued compliance with performance standards shall be invoked by the Administrator against any use if there are reasonable grounds to believe that performance standards are being violated by said use.

ZONING CODE 17.19

17.19 SMART GROWTH COMPREHENSIVE PLAN (Amended #917, 01/20/2016).

(1) Pursuant to section 62.23(2) and (3) of the Wisconsin Statutes, the City of Sparta is authorized to prepare and adopt a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

(2) Prior to beginning the process to update the City's previously adopted 2003 Comprehensive Plan, the City Council adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.

(3) The City Council of the City of Sparta assigned the Planning Commission to prepare an update to the City's Comprehensive Land Use Plan. The Planning Commission meets numerous times to prepare and review the draft Comprehensive Plan 2016 – 2036.

(4) The Planning Commission of the City of Sparta has adopted a resolution recommending to the City Council adoption of the document entitled "City of Sparta Comprehensive Plan 2016-2036," containing all of the elements specified in section 66.1001(2) of the Wisconsin Statutes.

(5) The City Council has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

(6) The Comprehensive Plan may be used as the basis for, among other things, official mapping, local subdivision regulations, general zoning ordinances, shoreland/wetland zoning, and as a guide for approving or disapproving actions affecting growth, development, conservation, and recreation within the jurisdiction of the City of Sparta and its extraterritorial plat review area.

(7) The City Council of the City of Sparta, Wisconsin, does, by enactment of this ordinance, formally adopts the document entitled, "City of Sparta Comprehensive Plan 2016-2036," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

(8) The Comprehensive Plan 2016-2036 may from time to time be amended, extended, or added to in greater detail following the procedures specified within the plan and Wisconsin State Statutes.

17.32 EXTRATERRITORIAL ZONING

(1) **PURPOSE.** The City of Sparta has enacted extraterritorial zoning for the purpose of achieving coordinated development of the City and its immediate

environs. Extraterritorial zoning has been in effect since 1970 and has been coordinated with the Towns of Sparta and Angelo through the Joint Extraterritorial Review Committee established in compliance with Section 62.23(7), Wis. Stats.

- (2) GENERAL PROVISIONS. This section of the City Zoning Ordinance identifies the special provisions related to the extraterritorial zoning area. This section (17.32) shall be used within the context of Chapter 17, City of Sparta Zoning Ordinance and shall be governed by the definitions, procedures and standards of Chapter 17, except in those cases where the provisions, 17.32 Extraterritorial Zoning, specifically state different provisions. In such cases, the provisions of Section 17.32 shall govern.
- (3) EXTRATERRITORIAL ZONING MAP. The zones established in the extraterritorial area are delineated on the Extraterritorial Zoning Map which, together with all explanatory matter, is declared to be part of this chapter. The original map is one file and available for inspection in the City Clerk's office.
- (4) FLOODPLAIN OVERLAY ZONING. Chapter 17, City of Sparta Zoning Ordinance, will govern all land use development proposals within the extraterritorial area except within the officially-designated floodplain areas. Floodplain areas within the extraterritorial limits shall be governed by the Monroe County Floodplain Ordinance. The Floodplain Ordinance shall be used as an overlay district to be used in combination with the underlying extraterritorial zoning districts. In cases where these provisions are in conflict, the more restrictive provisions shall apply. The limits of the floodplain in the extraterritorial area are defined in the Flood Insurance Study for Monroe County prepared by the Federal Emergency Management Agency.
- (5) SCHEDULE OF ZONING DISTRICTS STANDARDS. The following zoning district regulations have been established for use in the extraterritorial area. These extraterritorial zoning regulations are similar to the schedule of regulations in Section 17.06, however, they have been modified for use in the extraterritorial area only. The following district standards shall be used in combination with the other provisions of Chapter 17, City of Sparta Zoning Ordinance. (Amended #708, 4/18/2006)

(a) Residential

- 1. Principal Uses. One family dwelling. Two family dwelling. Park or playground. Place of worship. Museum, library. Community center. Hospital, medical center. Nursing or convalescent home. Dental clinic.

2. Conditional Uses. Boarding house; planned residential development; private club or lodge; and public, parochial and private schools.
3. Accessory Uses. Accessory use or structure; essential services; home occupation; private garage or parking area; and truck garden or greenhouse sign.
4. Minimum Lot Area. 20,000 SF.
5. Minimum Lot Frontage. 50'
6. Minimum Yards.
 - a. Front. 25'.
 - b. Rear. 20% of lot depth with an absolute minimum of 15'.
 - c. Side.
 - i. Where principal building is a dwelling. There shall be two side yards, one on each side of the building. Neither of such shall be less than 6' in width and the total width of such 2 side yards shall not be less than 14', provided further, however, that for any building which exceeds 35' or 2 stories in height or 60' in length, neither of such side yards shall be less than 10' in width.
 - ii. Where principal building is not a dwelling. $\frac{1}{2}$ height of building.
 - iii. Accessory building. 2' or 5' where adjacent to alley or street.
7. Coverage of Lot Area.
 - a. Principal building. 30%
 - b. Accessory building. 10%
8. Maximum Building Height.
 - a. Principal building. 35' except places of worship which may be 75'.
 - b. Accessory building. 20'.

(b)R-2 Suburban Residential

1. Purpose. To identify nonfarm residential areas not served by public sewer. To be applied only to 2 or more lots when considering rezoning. To protect residential neighborhoods by prohibiting uses which will not mix well with the homes.
2. Principal Uses. One family dwelling.
3. Accessory Uses. Essential services and household occupation.
4. Conditional Uses. Two family dwelling. Public and semipublic uses.
5. Minimum Lot Area. One acre per family or more if required by County Sanitary Code.
6. Minimum Width. 100'.
7. Minimum Depth. 150'.
8. Minimum Yards.
 - a. Front. 30'.
 - b. Rear. 40'.
 - c. Side. 20'.
9. Maximum Building Height.
 - a. Principal building. Three stories or 35'.
 - b. Accessory building. 20'.

(c) C-2 Commercial

1. Principal Uses. Antique store. Automobile service station. Bakery. Bank. Bar or cocktail lounge. Barber. Beauty shop. Boat sales showroom. Book or stationery store. Bus depot. Car sales showroom. Cigar store. Department store. Drug store. Dry goods or variety store. Eating or drinking place. Florist shop. Food store. Funeral home. Furniture store. Government service building. Hardware

store. Hotel. Indoor amusement center. Laundry or dry cleaning establishment. Library. Locksmith. Lumber yards. Medical or dental clinic. Motel. Music store. Newsstand. Newspaper office. Nightclub. Office: business, professional, utility, governmental. Office equipment store. Package liquor store. Paint and wallpaper store. Parking garage or parking area. Pawn shop. Photographic equipment and supply store. Private club or lodge. Professional, business or technical school or studio for art, music, dancing or photography. Public garage. Radio or TV repair shop. Radio or TV studio. Shoe repair shop. Soda fountain. Specialty store. Sporting and athletic goods store. Steambath house. Tailor or dressmaker. Wholesale establishment. Manufacturing in enclosed building of: brushes, dress or garments, jewelry, photographic processing, laboratory work, monuments, musical instruments, printing signs, toys or novelties. Planned commercial development group. Boat sales or rental establishment. Car wash. Car sales or rental establishment. Outdoor amusements such as miniature golf course. Planned commercial development group.

2. Conditional Uses. Mobile home park, including mobile home condominium.
3. Accessory Uses. Dwelling over or behind any permitted use. Accessory use or structure. Essential services. Home occupation. Parking garage or parking area. Sign.
4. Minimum Lot Area. 2,000 SF for each mobile home used for dwelling purposes.
5. Minimum Yards.
 - a. Front. 25'.
 - b. Side. 5' where adjacent to an R-zone except where zones are divided by an alley or street.
6. Maximum Building Height.
 - a. Principal building. 35' where adjacent to an R-zone.
 - b. Accessory building. 20' where adjacent to an R-zone.

(d) M-1 Manufacturing

1. Principal Uses. Manufacturing, processing, repairing or warehousing. Wholesale establishment. Governmental service building. Planned industrial development group.
2. Conditional Uses. Storage allowed on premises outside enclosed building.
3. Accessory Uses. Caretaker's quarters. Accessory use or structure. Essential services. Office. Parking garage or parking area. Sign.
4. Extent of Enclosure. All uses including storage shall be entirely within enclosed building.
5. Minimum Yards.
 - a. Front. 25'.
 - b. Side. 10' including rail track or alley except where adjacent to an R-zone in which case yard shall be not less than 50' including rail track, alley or street width.
6. Maximum Building Height.
 - a. Principal building. 35' where adjacent to an R-zone.
 - b. Accessory building. 20' where adjacent to an R-zone.

(e) General Agriculture

1. Purpose. To identify areas best suited for industrial development because of location, topography, existing streets and utilities and relationship to other land uses. Uses not compatible with industry are to be discouraged.
2. Principal Uses. Agriculture, horticulture, dairying, beekeeping, livestock raising, nursery, greenhouse, stable, truck farm. Roadside stand for the sale of products grown or produced on the premises. Single family residence with additional dwellings if used by farm help. Poultry farm housing 10,000 birds or less.
3. Accessory Uses. Essential services and household occupation.

4. Conditional Uses. Commerical raising of fish. Poultry farm housing more than 10,000 birds, fur farm. Mineral extraction and processing. Campground, golf course, trap and skeet shoot, rifle range, motorcross course, race track and festival grounds. Kennel. Solid waste disposal operation, incinerator and salvage yard. Veterinarian facility, animal hospital. Public and semipublic uses. Construction yard, bait production, farm machinery sales and recreational vehicle sales. Stockyard. Saw mill of a commercial nature permanently fixed to the ground.
5. Minimum Lot Area. One acre.
6. Minimum Width. 200'.
7. Minimum Depth. 200'.
8. Minimum Yards.
 - a. Front. 30', except for farm buildings which may be built at the existing setback, but not less than 20' from the right-of-way, and except for irrigation facilities which may be built at the right-of-way.
 - b. Rear. 50'.
 - c. Side. 50'.
9. Maximum Building Height for Dwellings and Signs. Three stories or 35'.

(f) EA Exclusive Agriculture

1. Purpose. To identify a primary agriculture economy, preserving land for food and fiber production and preventing conflicts between incompatible uses.
2. Principal Uses.
 - a. Agricultural uses as defined in Section 91.09(1), Wis. Stats., including: beekeeping; commercial feedlots, dairying, egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming and vegetable raising.

- b. The only residences allowed as permitted uses are those to be occupied by a person who, or of a family at least one member which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm. Preexisting residences located in areas subject to zoning under this district which do not conform to this paragraph may be continued in residential use and are exempted from any limitations imposed or authorized under Section 59.97(10, Wis. Stats. Such preexisting residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, height and other dimensional requirements. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm lot. Gas and electric utility uses not requiring authorization under Section 196.491, Wis. Stats. Roadside stand used solely for the sale of products grown or produced on the premises. No structure or improvement may be built on the land unless consistent with agricultural uses.
3. Conditional Uses.
- a. Agricultural related, religious, other utility uses which are not permitted uses, institutional or governmental uses which do not conflict with agricultural use and are found necessary in light of alternative locations available for such uses. Single family dwellings exceeding one per farm operation for occupancy by a person or family earning a substantial part of livelihood from the farm operation.
 - b. Household occupations and professional home offices conducted within and accessory to permitted agriculture residence.
4. Minimum Lot Area. Thirty-five acres, except as provided. The minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation or parents or children of the farm operator shall be one acre. The minimum lot size for farm residences or structures existing before adoption of this chapter and which are separated from a larger parcel through farm consolidation shall be one acre.

5. Minimum Width. 200'.
6. Minimum Depth. 200'.
7. Minimum Yards.
 - a. Front. 30', except for farm buildings which may be built at the existing setback but not less than 20' from the right-of-way and except for irrigation facilities which may be built at the right-of-way.
 - b. Rear. 75'.
 - c. Side. 50' combined.
8. Maximum Building Height for Dwellings and Signs. Three stories or 35'.

(6) PROCEDURES FOR ZONING AMENDMENTS AND CHANGES WITHIN THE EXTRATERRITORIAL AREA. The following procedures for rezoning and zoning review shall be used in the extraterritorial area. These provisions should be used in combination with Section 17.30 changes and amendments.

- (a) All requests for rezonings and variances within the extraterritorial area shall be submitted to the City Clerk in the application form specified by the Clerk's office. The City Clerk shall be responsible for notifying the respective Extraterritorial Committee, establish a public hearing date for the Committee to review the proposed change and provide for a minimum of a Class 1 publication giving notice of the proposed meeting. The Extraterritorial Committee meeting shall be held within forty-five (45) days of submittal of the application unless an extension is mutually agreed to by the applicant and the City. If not acted on within the specified period, the request shall be deemed granted.
- (b) In a request for rezoning, the Extraterritorial Committee representing the Town within which the zoning amendment is being requested may recommend approval or deny the request. If the Extraterritorial Committee recommends approval, the recommendation shall be transmitted to the City Council, which may either approve or deny the request following a public hearing preceded by Class 2 notification.

If the Extraterritorial Committee denies the rezoning request, the City Council only has the option of affirming the denial. The City Council may not overrule the Extraterritorial Committee's decision to deny.

- (c) In the case of variance, the request for variance shall be referred to the respective Extraterritorial Committee. The Extraterritorial Committee shall meet to consider the variance and provide a recommendation to the City Board of Zoning Appeals which is created and authorized under Section 17.25 of this Ordinance.

The Extraterritorial Committee may only recommend an action to approve or deny. The Board of Zoning Appeals is not bound by the recommendation of the Extraterritorial Committee.

- (d) After final decision is rendered by the City Council or Board of Zoning Appeals, depending upon the type of action requested, official notification shall be sent by the City Clerk to the respective Town Clerk, conveying the final decision of the City Council or Board of Zoning Appeals.

(7) COMMUNICATION TOWERS AND ANTENNAS (Cr. 519, 1999)

- (a) The purpose and intent of this ordinance is to establish regulations for communication towers and antennas and facilitate the growth of Personal Communication Services as defined in Section 704 of the Telecommunications Act of 1996, 47 USC Par. 332, minimize the adverse visual impact of towers and antennas and provide for the safety of the adjacent property owners and general public.

- (b) DEFINITIONS. The following words and terms, when used in this section, shall be defined as set forth below unless the context clearly indicates otherwise:

1. Antenna - Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, satellite dishes, and omni-directional antennas, such as whip antennas.
2. Tower - Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus.
3. Height - The distance measured from ground level to the highest point on a tower or other structure, including an antenna.
4. Self-Supporting - A lattice or monopole tower or antenna which employs no guy wires or cables for support or anchorage; free standing.

(c) REGULATIONS IN RESIDENTIAL ZONES:

1. Satellite earth-station antennas (dishes) less than ten (10) feet in diameter which serve only dwelling units on the same parcel of land are a permitted accessory use, do not require a Zoning Permit, and are not subject to setback restrictions.
2. Towers and antennas with a height not over fifty (50) feet, which serve only dwelling units on the same parcel of land are a permitted accessory use, and do not require a Zoning Permit. Towers, and antennas other than dishes, shall conform with the yard setback restrictions for principal buildings.
3. In a Residential Zone, no tower or antenna with a height more than fifty (50) feet shall be erected, except a federally licensed amateur radio station operator (HAM) may erect a tower/antenna with a height not to exceed seventy-five (75) feet above grade at his or her residence.
4. Not more than two towers shall exist on a Residential parcel at any one time.

(d) REGULATIONS IN COMMERCIAL, MANUFACTURING, & AGRICULTURAL ZONES:

In Commercial, Manufacturing, and Agricultural Zones:

1. If a tower or tower/antenna combination is located on a lot which is adjacent to a Residential or Agricultural Zone, the tower or tower/antenna shall be setback from the property line a minimum distance equal to its height.
2. If a tower or tower/antenna combination is located on a lot which is not adjacent to a Residential or Agricultural Zone, the tower or tower/antenna shall be setback a distance equal to half its height.
3. A tower/antenna which is located on a lot which is adjacent to a public right-of-way shall not include the width of the right-of-way in the setback calculations.
4. A guyed tower on a lot adjacent to a Residential Zone shall be located so that the earth attachment points for the guy wires shall be at least one hundred (100) feet from the Residential Zone.

(e) GENERAL REQUIREMENTS - ALL DISTRICTS:

1. Visual Obtrusiveness: Towers shall be gray or black in color, or shall be some other neutral color acceptable to the Plan Commission, which blends with the surroundings. No lights or reflectors shall be placed on a tower or antenna other than those required by the FAA, FCC, or other governmental agency. No signs or advertising shall be placed on any tower or antenna except "Caution," "Keep Off" or similar signs.
2. Guyed Towers: The earth attachment points for guy wires shall be a minimum of twenty-five (25) feet from the nearest property line.
3. Fencing: A tower with a height over fifty (50) feet shall be a minimum of twenty-five (25) feet from the nearest property line.
4. Antennas on Existing Structures: The City Plan Commission may grant a Conditional Use to allow placement of an antenna on any existing structure.
5. Additional Antennas on Existing Communication Towers: No additional antenna shall be placed on existing communication towers without a prior Site Plan Review conducted by the Plan Commission. A Site Plan Review does not require a Public Hearing. Following a successful Site Plan Review, an Extraterritorial Zoning Permit shall be obtained for each additional antenna installation.

(f) REMOVAL OF ABANDONED TOWERS AND ANTENNAS: Any tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and, the owner of such tower or antenna or owners of the property where the tower site is located shall:

1. Remove said tower or antenna including all supporting equipment and buildings within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal does not occur within said ninety (90) days, the governing authority may remove and salvage said tower or antenna and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

2. The applicant for a permit under this ordinance shall submit a copy of a signed agreement between the property owner and the owner of the tower, antenna(s) and supporting equipment and building(s) assigning the obligation for abandonment and subsequent removal based on the provisions of the previous paragraph. Said agreement shall contain the requirement that notice of this ordinance shall be given in writing by the owners to successor owners of the property and/or tower, antenna, supporting equipment and buildings.

17.35 VIOLATION, PENALTY. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

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