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(7a), 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 of 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 on 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 of the City. 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, on file with City of Sparta.

(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) R, Residential

1. Purpose. To identify nonfarm residential areas which are not served by public sewer. To protect residential neighborhoods by prohibiting uses which will not mix well

with the homes.

2. Principal Uses. One family dwelling.

3. Conditional Uses. Bed and Breakfast. Park or playground. Place of worship. Community center. Hospital, medical center. Nursing or convalescent home. Boarding house.; Private club or lodge. Public, parochial and private schools. Two family dwelling.

4. Accessory Uses/Structures. Accessory use or structure. Essential services. Home occupation. Private garage or parking area.

5. Minimum Lot Area. 1.5 acres.

6. Minimum Lot Width. 90’

7. Minimum Lot Depth. 100’

8. Minimum Lot Yards.

    a. Front. 25’.

    b. Rear. 30’.

    c. Side.

        i. Where principal building is a dwelling10’.

        ii. Where principal building is not a dwelling. ½ height of building.

        iii. Accessory building. 10’.

9. Coverage of Lot Area.

    a. Principal building. 30%

    b. Accessory building. 10%

10. Maximum Building Height.

    a. Principal building. Three stories or 35’.

    b. Accessory building. 25’.

(b) SR, Suburban Residential

1. Purpose. To identify nonfarm residential areas not served by public sewer. To protect residential neighborhoods by prohibiting uses which will not mix well with the homes.

2. Principal Uses. One family dwelling.

3. Conditional Uses. Two family dwelling. Park or playground. Place of worship. Public and semipublic uses. Bed and Breakfast. Private club or lodge. Public, parochial and private schools.

4. Accessory Uses/Structures. Accessory use or structure. Essential services. Home occupation. Private garage or parking area..

5. Minimum Lot Area. 1.5 acres per family or more if required by County Sanitary Code.

6. Minimum Lot Width. 150'.

7. Minimum Lot Depth. 200'.

8. Minimum Lot Yards.

    a. Front. 30'.

    b. Rear. 40'.

    c. Side. 20'.

9. Maximum Building Height.

    d. Principal building. Three stories or 35'.

    e. Accessory building. 25'.

(c) C-, Commercial

1. Purpose. To provide a district for a broad range of business uses typically located along major roadways and not served by public sewer.

2. Principal Uses. Agricultural retail sales and services. Amusement and Recreation Services. Automobile service station.
Bar or cocktail lounge. Day care center. Dry goods, beer, liquor, convenience or variety store. Eating or drinking

place. Garden supplies, greenhouse and nursery. Government service building. Hotels and Motels. Indoor amusement center. Lumber yards. Manufacturing in enclosed building with no outside storage. Medical or dental clinic. Office: business, professional, utility, governmental. Outdoor amusement such as miniature golf course or driving range. Private club or lodge. Professional Services. Public garage. Veterinary hospital and clinics. .

3. Conditional Uses. Animal Shelter, Auto body repair. Auto Salvage. Bed and Breakfast. Cemetery. Contractor yard. Mini warehouse. Mobile home park. Outdoor storage of retail goods or equipment. Place of Worship. Public and semi-public uses. Wholesale establishment.

4. Accessory Uses/Structures. Dwelling over or behind any permitted use. Accessory use or structure. Essential services. Home occupation. Parking garage or parking area. Sign.

5. Minimum Lot Area. 6,000 SF for each mobile home used for dwelling purposes. All other uses 1.5 acre or more if required by County Sanitary Code.

6. Minimum Lot Width. 150’

7. Minimum Lot Depth. 200’

8. Minimum Lot Yards.

   a. Front. 25’.

   b. Rear. 25’.

   c. Side. 20’, except where adjacent to an R-zone 50’.

9. <u>Maximum Building Height</u>.

   a. Principal building. 35’.

   b. Accessory building. 25’.

(d) M-, Manufacturing

1. Purpose. To provide a district for a limited range of manufacturing, wholesaling, warehousing, and other industrial activities typically located along major roadways and not served by public sewer.

2. Principal Uses. Manufacturing, processing, repairing or warehousing. Wholesale establishment. Governmental service building.

3. Conditional Uses. Storage allowed on premises outside enclosed building.

4. Accessory Uses/Structures. Caretaker's quarters. Accessory use or structure. Essential services. Office. Parking garage or parking area. Sign.

5. Extent of Enclosure. All uses including storage shall be entirely within enclosed building.

6. Minimum Lot Area. 1.5 acre or more if required by County Sanitary Code.

7. Minimum Lot Width. 200'

8. Minimum Lot Yards.

   a. Front. 25'.

   b. Rear. 25'.

   c. Side. 20' 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.

9. Maximum Building Height.

   a. Principal building. 35'.

   b. Accessory building. 25'.

(e) GA, General Agriculture

1. Purpose. To identify areas best suited for general agricultural uses because of location, topography, existing streets and utilities and relationship to other land uses. To provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion. Uses not compatible with agriculture are to be discouraged.

2. Principal Uses. Agriculture, horticulture, dairying, beekeeping, livestock raising, nursery, greenhouse, stable

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. Conditional Uses. Commercial 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, motor cross 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.

4. Accessory Uses/Structures. Accessory use or structure. Essential services. Household occupation. Accessory use or structure

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

6. Minimum Lot Width. 200'.

7. Minimum Lot Depth. 200'.

8. Minimum Lot 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 and protect areas that have 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 herein. 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 1.5 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 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'.

PROCEDURES FOR ZONING AMENDMENTS, PETITIONS, VARIANCES, AND ADMINISTRATIVE APPEALS WITHIN THE EXTRATERRITORIAL AREA.

(a) Applicability. The following procedures for zoning amendments, petitions, variances, and administrative appeals shall be used in the extraterritorial area. This section shall apply only to zoning matters affecting lands within the ETZ Area. The procedures in this section shall supplement the procedural provisions of Section 17.02, but shall not be construed to overrule those provisions unless expressly stated herein or when necessary to avoid a direct conflict or to comply with applicable statutory requirements. .

(b) Text Amendments.

1. Authority. The regulations imposed by this section as they affect lands within the ETZ Area may be amended from time to time by the City Council upon the affirmative recommendation of each Joint Extraterritorial Zoning Committee.

2. Notice and Hearing. The Joint ETZ Committees shall conduct a public hearing on all applications for amendment to any regulations under this section jointly with the hearing held by the Plan Commission pursuant to Section 17.02(8)(d)1, or shall each hold their own hearing. The Joint ETZ Committees shall vote separately from each committee and the Plan Commission and on any amendment. The chairman of each Joint ETZ Committee shall promptly report the decision of the Joint ETZ Committee to the City Council.

3. Town Review. The Joint ETZ Committees shall cooperate with the towns in providing any available information concerning the proposed text amendment. The Joint ETZ Committee shall not vote on the ordinance amendment until either of the following events have occurred:

   a. The Board of Supervisors for the town in which the ordinance amendment applies has voted to approve or disapprove the ordinance amendment as evidenced by written certification of the town clerk or published minutes of a meeting reflecting such vote.

   b. At least forty five (45) days have elapsed since the City Clerk gave notice of the hearing to the town clerk in which the ordinance amendment is discussed.

4. Recommendation and Report. The chairpersons of each Joint ETZ Committee shall promptly report its recommendation to the City Council. The recommendation shall include a statement of any recommendation made by the Town Board of the town in which the ordinance amendments apply.

5. Effect of Joint ETZ Committee Recommendation. Only amendments to the regulations of this section that have been affirmatively recommended by the Joint ETZ Committee with jurisdiction over the part of the ETZ Area within a particular Town shall be applicable within that Town. Any such amendment shall be codified in such a manner as to exclude its applicability to all or part of the ETZ Area, to the extent not recommended by the appropriate Joint ETZ Committees.

6. Enactment by City Council. If the Joint ETZ Committee denies the ordinance amendment the City Council only has the option of affirming the denial. The City Council may not overrule the Joint ETZ Committee's decision to deny. The City Council may enact an ordinance amendment as approved by the Joint ETZ Committee by a majority vote except that an affirmative vote of 2/3 of the members present shall be required if:

   a. A protest petition is filed in accordance with §62.23(7a)(f), WI Stats. or

   b. The clerk of the town in which the land is located has certified in writing to the Joint ETZ Committee or the City Council that the Town Board has voted to oppose the ordinance amendment.

(c) ETZ Map Amendments.

1. Authority. The zoning district designations of lands within the ETZ Area may be changed from time to time by the City Council upon the affirmative recommendation of the appropriate Joint ETZ Committee as provided in this subsection.

2. Notice and Hearing. The appropriate Joint ETZ Committee shall conduct a public hearing on all applications for zoning district changes within that Joint ETZ Committee's jurisdiction. The committee shall give notice of the time and place of such hearing by publishing a Class 2 Notice and providing any notice to adjacent municipalities required by §62.23(7), Stats. In all cases, notice of the hearing shall be mailed to the Clerk of the town in which the lands are located. Said notice shall include a summary of the changes proposed.

3. Town Review. The Joint ETZ Committee shall cooperate with the town in which the lands are located in providing any available information concerning the application upon request. The Joint ETZ Committee shall not vote on the application until either of the following events have occurred:

   a. The Board of Supervisors for the town in which the lands are located has voted to approve or disapprove the application as evidenced by written

certification of the town clerk or published minutes of a meeting reflecting such vote.

b. At least forty five (45) days have elapsed since the City Clerk gave notice of the hearing to the town clerk in which the lands are located.

4. Recommendation and Report. The chairperson of the Joint ETZ Committee shall promptly report its recommendation to the City Council. The recommendation shall include a statement of any recommendation made by the Town Board of the town in which the lands are located.

5. Enactment by City Council. If the Joint ETZ Committee denies the rezoning request, the City Council only has the option of affirming the denial. The City Council may not overrule the Joint ETZ Committee's decision to deny. The City Council may enact a map amendment as approved by the Joint ETZ Committee by a majority vote except that an affirmative vote of 2/3 of the members present shall be required if:

a. A protest petition is filed in accordance with §62.23(7a)(f), WI Stats. or

b. The clerk of the town in which the land is located has certified in writing to the Joint ETZ Committee or the City Council that the Town Board has voted to oppose the map amendment.

(d) Conditional Use Permits.

1. General. Conditional use permit applications for land within the ETZ Area shall be subject to Section 17.12, except the applicable Joint ETZ Committee shall function in all respects in lieu of the Plan Commission and subject to the limitations in subs. (d)2 and 3 below.

2. Town Review. When any application is forwarded to the Joint ETZ Committee the City Clerk shall mail a copy thereof to the clerk of the town in which the lands are located. The Joint ETZ Committee shall not vote on the application until either of the following events have occurred:

a. The Board of Supervisors for the town in which

the lands are located has voted to approve or disapprove the application as evidenced by written certification of the town clerk or published minutes of a meeting reflecting such vote.

b. At least forty five (45) days have elapsed since the City Clerk gave notice of the hearing to the town clerk in which the lands are located.

3. Appeals to City Council. Appeals of Joint ETZ Committee decisions are subject to the provisions of Section 17.12(4).

(e) Site Plan Review. Required site plans for developments in the ETZ Area shall be submitted and reviewed as provided in Section 17.02, except that the applicable Joint ETZ Committee shall function in lieu of the Plan Commission where Plan Commission or Joint ETZ Committee review is required under Section 17.02 for site plan review.

(f) Variances. All requests for variances shall follow the regulations as provided in Section 17.02(7). If the affected property is within an ETZ Area:

1. Within five (5) working days of receipt of a complete application and fee, the City Clerk shall provide all application materials to the clerk of the affected town with an invitation for town review against the standards in Section 17.02(7)(b).

2. Unless the affected town indicates in writing that the town will not be submitting any formal comments, the City Clerk shall schedule the public hearing no sooner than forty-five (45) days from receipt of a complete application, to enable sufficient time for town review and comment. The City Clerk shall notify the clerk of the affected town of the time and place of the public hearing as soon as practical. The City Clerk shall provide for a minimum of a Class 2 publication giving notice of the proposed hearing.

3. Any recommendation from the affected town or any other party received in advance of the public or during such hearing shall be incorporated into the official record as testimony on the variance application.

4. The request for variance shall be referred to the respective Joint ETZ Committee. The Joint ETZ

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 17.02. The Joint ETZ 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.

5. After final decision is rendered by the Board of Zoning Appeals official notification shall be sent by the City Clerk to the respective town clerk, conveying the final decision of the Board of Zoning Appeals.

(g) Administrative Appeals. All requests for administrative appeals shall follow the regulations as provided in Section 17.02(6).

Additional Amendment Comments

The City's Extraterritorial Zoning Map includes the following classifications (# features, per GIS data provided by City)

AG (1)

- This one feature appears to be GIS digitizing mapping error (i.e. "small slivers") and is also located within the City of Sparta
- Unclear how this classification relates to Section 17.32. Not assumed to be General Agriculture as "GA" already exists
- *Recommendation is to delete record from GIS data and remove from ETZ Map Legend.*

C2 (20)

- Includes several areas with existing commercial uses

CV (2)

- One feature includes portions of six parcels (Buswell and Appleyard), north of Hanover Road, approximately 165 acres, undeveloped, mostly forested
- One feature is for a 40 acre parcel south of Havendale Ave (no owner), undeveloped mostly forested
- This zoning district is not described in Section 17.32
- *Recommendation rezone parcels to GA General Agriculture.*

GA (22)

- Includes the majority of the ETZ area.

H2O (5)

- All five features include portions of the La Crosse River within the City of Sparta.
- *Recommendation is to delete these records from the ETZ GIS shapefile and remove from ETZ Map Legend.*

M1 (4)

- One feature is coded as both M1 and GA, shown on ETZ Zoning Map as M1, 7658 Iband Ave, Sparta Cooperative Services.
- One feature is coded as both M1 and R, shown on ETZ Zoning Map as R, Hardtop Ave.
- One feature appears to be GIS digitizing mapping errors (i.e. "small slivers")
- One feature contains several parcels along WIS 21 and CTH Q (approximately portions of 7 parcels). Two of the parcels are in residential use.
- *Recommendation is to delete GIS digitizing mapping errors and rezone parcels currently in residential use to R2 if consistent with the pending Future Land Use Map for the City's Comprehensive Plan.*

M2 (2)

- Both of these features appear to be GIS digitizing mapping errors (i.e. "small slivers"), various locations. One record is located within the City of Sparta.
- *Recommendation is to delete these records from the ETZ GIS shapefile and remove from ETZ Map Legend.*

NU (2)

- Both of these features are located within the City of Sparta
- This zoning district is not described in Section 17.32
- *Recommendation is to delete these records from the ETZ GIS shapefile and remove from ETZ Map Legend.*

R (11)

- Most features appear to be GIS digitizing mapping errors (i.e. "small slivers"), various locations. One record is located within the City of Sparta.
- One feature is coded as both R and R2, shown on ETZ Zoning Map as R2, Hart Ave. and Hardtop Ave.
- Six standard parcels shown appear to be zoned R:
    - 040007380000, St. Patrick Catholic Cemetery, 7.25 acres on Ideal Rd.
    - 040002650000, Monroe County, 40 acres, on CTH B
    - 004003891600, Kobernick, 1.o acres, Hardtop Ave.
    - 004003891200, Kast, 1.12 acres, Hardtop Ave.
    - 004003891400, Johnson, 1.0 acres, Hardtop Ave.
    - 004003920000, DNR, 2.95 acres, Hardtop Ave.
- *Recommendation, all records that do not appear to be GIS digitizing errors could be rezoned to the R2 district, as all lots are greater than 1.0 acre in size and would be permitted as principal or conditional uses under the R2 district.*

R2 (99)

- Includes the majority of the residential parcels in the ETZ area.

RR & BT (1) –

- Appears to be a GIS digitizing mapping error (i.e. "small slivers"). Record is also located within the City of Sparta.
- *Recommendation is to delete this record from the ETZ GIS shapefile and remove from ETZ Map Legend*.

Summary ETZ Map Recommendations

1. The existing ETZ shapefile should be cleaned up. The following features could be completely removed
    - AG, H20, M2, NU, RR & BT

2. The shapefile should also be cleaned up so that it is a parcel based layer. Currently the shapefile is dissolved based on ETZ districts. Reconfiguring the layer to be parcel based would improve long term tracking and data management. In addition, there are many instances where the ETZ district boundaries do not snap to existing parcel boundaries and there are multiple instances of parcels that appear to have split zoning. Split zoning of lots is discouraged unless for environmental reasons (i.e. conservancy areas)

3. Areas zoned as CV should be rezoned to another ETZ district (presumably GA or EA) as there are no corresponding regulations for the district in Section 17.32.

4. It appears that those parcels currently zoned in the R district could be rezoned to the R2 district. The type of development and size of lots are better suited for the R2 district, particularly pending revisions to Section 17.32 for the R district.