

Zoning Ordinance

for

Town of Stark

Vernon County, Wisconsin

Email address: townstark@gmail.com

Adopted
March 9, 1998

***Revisions Adopted by the Stark Town Board: February 16, 2011
Ordinance Revisions effective date: February 22, 2011***

TABLE OF CONTENTS

INTRODUCTION		PAGE
Section 1.0		
1.01-1.04	Authority, Purpose, Intent, Abrogation and Greater Restrictions.	1
1.05-1.08	Interpretation, Severability, Title, Effective Date.	2
GENERAL PROVISIONS		
Section 2.0		
2.01-2.04	Jurisdiction, Compliance, Duty of the Zoning Administrator, Permit, Description of the Subject Site, Proposed Sewage Disposal plan.	3
2.05	Site and Use Restrictions	4
2.06	Reduction or Joint Use	5
2.07	Height Restriction	5
2.08	Farmers Activities	5
2.09	Manufactured Homes	5
2.091	Manufactured Home Stands	5
2.10	Camping Trailers	6
2.11	Driveway Permits	6-7-8
ZONING DISTRICTS		
Section 3.0		
3.01	Establishment of Districts	9
3.02	Zoning Map	9
3.03	Rules for Interpretation of Zone Boundaries	9-10
3.04	Zone Regulations	10
	RESIDENTIAL ZONE	11
	AGRICULTURAL ZONE	12
	BUSINESS ZONE	13
	INDUSTRIAL ZONE	14

TABLE OF CONTENTS (continued)

CONDITIONAL USES		PAGE
Section 4.0		
4.01	Conditional use permit	15-16-17
4.02	Mineral Extraction	17
4.03	Junk and Salvage Yards	18
SETBACK REQUIREMENTS		
Section 5.0		
5.01	Highway Setback Requirements	19
NONCONFORMING USES, STRUCTURES AND LOTS		
Section 6.0		
6.01	Existing Nonconforming Uses	20
6.02	Abolishment or Replacement	20
6.03	Existing Nonconforming Structures	20
6.04	Changes and Substitutions	21
6.05	Substandard Lots	21
PERFORMANCE STANDARDS		
Section 7.0		
7.01-7.04	Compliance, Noise, Radioactivity, Toxic or Noxious Matter	22
DEFINITIONS		
Section 8.0		23-24-25-26
ADMINISTRATIVE PROVISIONS		
Section 9.0		
9.01	Zoning Administrator	27
9.02	Permit	27-28
9.03	Fees	29
9.04	Town Zoning Committee	29
9.05	Board of Adjustment	29
CHANGES AND AMENDMENTS		
Section 10.0		30
ENFORCEMENT		
Section 11.0		31

INTRODUCTION

SECTION 1.0

1.01 Authority

These regulations are adopted under the authority granted by Section 60.61 of the Wisconsin Statutes. Therefore, the Town Board of Stark, Vernon County, Wisconsin, does ordain as follows:

1.02 Purpose

The purpose of this Ordinance is to promote the health, safety, prosperity, aesthetics and general welfare of this community.

1.03 Intent

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding panic, and other dangers; provide adequate light, air sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; and preserve and promote the beauty of the community. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

1.04 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, or regulations previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

- 1.05 Interpretation.
In their interpretation and application, provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other granted by the Wisconsin Statutes.
- 1.06 Severability.
If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected ~~thereby~~.
- 1.07 Title
This Ordinance shall be known as, referred to, or cited as the “ZONING ORDINANCE, TOWN OF STARK, VERNON COUNTY, WISCONSIN”
- 1.08 Effective Date
This Ordinance shall be effective after a public hearing, adoption by the Town Board and publication as provided by law. Upon passage by the Town Board this Ordinance shall be in effect in all unincorporated areas of the town when a certified copy of the approving resolution has been filed with the Town Clerk.

GENERAL PROVISIONS

SECTION 2.0

- 2.01 Jurisdiction
The jurisdiction of this Ordinance shall include all lands and waters in the unincorporated areas of the Town of Stark.
- 2.02 Compliance
No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit except minor structures and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.
- 2.03 The Duty of the Zoning Administrator,
with the aid of the appropriate law enforcement agency, shall be to investigate all complaints, give notice of violations, and to enforce the provisions of this Ordinance. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private land to make a zoning inspection.
- 2.04 Permit
Applications for a permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:
- Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
- Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure and the zoning district within which the subject site lies.
- Proposed Sewage Disposal Plan If municipal sewerage service is not available this plan shall be approved by the Zoning Administrator who shall certify that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state health regulations.

A permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days. The permit shall expire within nine (9) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

2.5

Site and Use Restrictions

The following site and use restrictions and regulations shall apply:

All Lots shall have access to a public road.

Private Sewer Systems

The lot area for uses requiring a private sewer system shall be determined in accordance with Section H65 of the Wisconsin Administrative Code unless the zoning district establishes a larger minimum lot size.

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

Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction.

Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Zoning Committee.

Unclassified or Unspecified Uses may be permitted by the Zoning administrator after the Town Zoning Committee has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.

Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator.

Performance Standards listed in Section 7.0 shall be complied with by all uses in all districts.

2.06

Reduction or Joint Use

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

2.07

Height Restriction

No structure or tower shall exceed 100 feet in height. Set back shall be equal to the height.

2.08

Farmers activities

The Township recognizes farmers activities and gives them the right to spread manure, apply pesticides, herbicides, fungicides and seeding by aerial and ground methods any time day or night and shall include noises, odors, dust and fumes associated with farming practices.

2.09

Manufactured Homes

1. All manufactured homes shall be skirted from the home to the ground with the same type material that from which the home is made.
2. The wheels must be removed.
3. All manufactured homes shall be placed on a manufactured home stand or structural components that serve the same purpose as a manufactured home stand.

2.091

Manufactured Home Stand

For the purpose of this ordinance, a manufactured home stand shall be defined as an area intended for the actual placement of the manufactured home on the lot. The stand shall provide adequate support and tie-down securing the home against uplift, sliding and overturning.

1. The home stand shall not heave, shift, or settle unevenly under the weight of the home due to frost action, inadequate drainage, vibration or other forces acting on the home. The method to be used shall be presented in plans to the zoning administrator at the time of permit application.
2. The home stand shall have anchors and tie-downs such as cast-in-place concrete deadmen, eyelets embedded in concrete, screw augers, arrowhead anchors, or other devices securing the stability of the home.
3. Tie-downs shall be placed at each corner of the home.
4. Manufactured home sewage disposal system must be approved by the County Sanitarian.

2.10 CAMPING TRAILERS

- A. Camping trailers, recreations vehicles, pickup toppers, motor homes and bus campers cannot remain on a parcel of unimproved property for more than a total of 90 days in a calendar year. If such a unit is kept on a parcel of property beyond 90 days, a permit may be issued by the Town of Stark Zoning Administrator, which allows the unit to remain on the parcel of property for that calendar year. **A fee of \$500 will be charged for this permit.** The fee is payable by April 1 or within 30 days of notice by the Zoning Administrator. If the permit fee is not paid by April 1 or within 30 days of notice, the fee will be added to the yearly property tax for the parcel of property. This ordinance change was adopted by the Stark town board on February 16, 2011. **This ordinance change became effective on February 22, 2011.**
- B. The placement of camping trailers, recreational vehicles, pickup toppers or buses shall be permitted on developed land.
- C. Developed land must meet the following criteria:
 - 1. Must have an approved driveway.
 - 2. Must have electricity at the site.
 - 3. Must have an approved sanitary system.
 - 4. Must have an approved well.
 - 5. Only one camping unit allowed per property.

2.11 DRIVEWAY PERMITS - A Driveway Permit is required whenever a proposed private access road (private driveway) will intersect any public road in the Town of Stark.

- A. If the proposed driveway will intersect a county or state highway, the Wisconsin Department of Transportation, the Vernon County Highway Department and / or the Vernon County Zoning Administrator will establish the rules and regulations regarding conditions for the permit and compliance with the permit.
- B. If the proposed driveway will intersect a town road, the Town of Stark Zoning Administrator will issue the permit using the following regulations:

The private driveway must be designed and constructed in such a way that it will not cause damage to the town road. In order to meet this requirement, the zoning Administrator and the Town Patrolman will determine whether or not a culvert is required. The Zoning Administrator and the town Patrolman will also determine the angle and slope of the intersecting portion of the driveway and whether any erosion control

devices must be installed at or near the intersection in order to minimize damage to the public road. The minimum road width at the intersection shall be 20 feet, with a minimum width clearance of 24 feet. The minimum height clearance, free of trees, wires, etc., shall be 14 feet. It shall have a roadbed of 6 inches, comprised of 2'3 inches of breaker rock covered with four inches of ¾-inch aggregate gravel at grade through the

PAGE 7

public right-of-way. The driveway within the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. The angle of any intersection of a town road and a driveway shall be 90 degrees for a minimum horizontal distance where possible of 33 feet from the intersection as measured from the center of the roadway. Any variance from these requirements must have prior approval from the Zoning Administrator.

C. The applicant must agree to comply fully with Sections 66.0425 and 86.07 Wisconsin Statutes, regarding correction of damage to public roads.

D. MINIMUM DRIVEWAY REQUIREMENTS: A proposed driveway that serves a dwelling shall meet the minimum standards listed here throughout its length to allow for possible ingress of emergency vehicles:

Road width	12 feet
Width Clearance	14 feet
Height Clearance	14 feet

E. EXISTING DRIVEWAYS AND FIELD ROADS - When washing and other conditions created by existing driveways of field roads becomes a potential hazard to a public road, the Zoning Administrator or Town Board shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to a penalty and shall be liable for any costs incurred by the Town of Stark to eliminate such hazard as provided in Wisconsin Statute Section 66.60(16). Problems of a non-emergency nature shall be corrected in 30 days. Actions that will trigger the need to obtain a driveway permit for existing driveways or field roads include construction of a new residential, commercial, industrial or animal confinement structure.

F. When a driveway permit issued or an existing driveway is approved, and address/fire number will be assigned to the location and a sign will be obtained and installed by the Town of Stark. The property owner shall pay

the cost of the sign and its installation. New driveways will also be issued an address/fire number and sign in the same manner as described above.

- G. A driveway shall be completed within 120 days of the start of construction. The Zoning Administrator may grant time extensions.

PAGE 8

- H. FEES AND PROCEDURES - Application for any driveway permit in the Town of Stark, including those that intersect a town road shall be made to the Zoning Administrator. The application will include a legal description of the property, a rough drawing of the proposed driveway site, and payment of the required fee. The Zoning Administrator will meet with the applicant at the site to discuss the specifics of the proposed driveway construction. Any specific requirements will be entered on the permit and permission will be given to begin construction. When the driveway is completed, the applicant will again meet with the Zoning Administrator on site for final inspection. If the driveway is properly constructed, the Zoning Administrator will approve the driveway in writing on the permit. The Driveway Permit fee (includes initial on-site inspection, additional inspections if needed, and final inspection and approval) shall be \$25.00.
- I. PENALTIES – Any driveway constructed on land in the Town of Stark in violation of any of the provisions found in this section shall be deemed an unlawful driveway. Any person who constructs such an unlawful driveway in the Town of Stark shall be required to forfeit not less than \$10.00 or more than \$100.00 each day a violation continues without action being taken to remedy the situation. Any physical changes required by the Town of Stark to an unlawful driveway to bring the driveway into compliance with the terms of this Ordinance and the terms of the Driveway Permit will be made at the property owner’s expense.

ZONING DISTRICTS

SECTION 3.0

3.1 Establishment of Districts

Four zoning districts are provided as follows:

1. Residential
2. Agricultural
3. Business
4. Industrial

Boundaries of the Districts are hereby established as shown on a map entitled "Zoning Map, Town of Stark, Vernon County, Wisconsin" dated December 14, 1993 which accompanies and is part of this Ordinance. Such boundaries shall be construed to follow corporate limits, U.S. Public Land Survey lines, lot or property lines, centerlines of streets, highways alleys and easements, unless otherwise noted on the Zoning Map.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

3.2 Zoning Map

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Town Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk.

Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

3.03 Rules for Interpretation of Zone Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.

Boundaries indicated as following "40" lines shall constitute as being on legal "40" lines.

Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the Scale of the Map.

3.04

Zone Regulations.

No person shall use land or a building or structure or erect, construct, reconstruct, move or structurally alter a building, structure, or part thereof, except in conformance with the following regulations.

Permitted uses in each zone shall be mutually exclusive except as otherwise indicated.

RESIDENTIAL DISTRICT

PURPOSE	<p>To establish residential uses in rural areas, and maintain a density allowing for efficient use of on-site sewage disposal systems and to permit orderly flow of vehicular traffic.</p> <p>To permit residential uses in a rural area without losing the essential qualities and character of the rural area, and the environment which many people seek in rural living.</p> <p>To guard against surface and subsurface water pollution.</p> <p>To protect the value of residential areas by regulating the incursion of incompatible residential and non-residential users.</p> <p>To locate this zone in areas with a soil slope suitable for residential use without public sewer systems.</p>
PRINCIPAL PERMITTED USES	<p>One Single Family Home and no more than 2 accessory structures including a private garage.</p>
ACCESSORY USES	<p>Essential Services, Household Occupation and Professional Home Office, Storage Building, private garage or parking areas.</p>
CONDITIONAL USES	<p>Commercial Riding & Boarding Stables, Churches, Schools, & Other Institutional Uses, Proposed Duplexes, Condominiums, Town Houses and Apartment Buildings</p>
PROHIBITED USES	<p>All uses not specifically permitted.</p>
MINIMUM DWELLING SIZE	<p>700 sq. feet living space</p>
MINIMUM LOT SIZE	<p>2 Acres</p>
MINIMUM LOT WIDTH	<p>200 Feet at the set back line</p>
FRONT SET BACK	<p>30 Feet</p>
REAR SET BACK	<p>30 Feet</p>
SIDE SET BACK	<p>20 Feet each</p>
SANITARY CRITERIA	<p>Must be approved by the county sanitarian.</p>
PERCENT SLOPE	<p>All construction upon, or alteration of, slopes over twenty percent (20%) must be approved by the Town Zoning Committee.</p>
PERCENT SLOPE DRIVEWAYS	<p>Refer to section 2:11</p>

AGRICULTURAL DISTRICT

PURPOSE	Preserve Agricultural land for food and fiber production, protect productive farms, maintain a viable agricultural base to support agricultural processing and service industries, prevent conflicts between incompatible uses, reduce costs of providing services to scattered non-farm uses.	
PRINCIPAL PERMITTED USES	One Single Family Home, Dairying, Poultry Raising, Egg Production, Raising of Animals, Beekeeping, Floriculture, Fish or Fur Farming, Forest and Game Nurseries, Raising of Ginseng, Seed Crops, Fruit, Nuts, Berries, Vegetables, Welding and Machinery repair shops.	
ACCESSORY USES	Necessary Farm Buildings One single family home per 20 contiguous acres owned	
CONDITIONAL USES	Commercial Riding Board Stables	Churches, Schools & Other Institutional uses
PROHIBITED USES	All uses not specifically permitted. No agricultural operation shall have over 500 animal units of livestock or fowl. For proposed operations in excess of the maximum of 500 animal units, a conditional use permit may be issued following State of Wisconsin standards and procedures found in the administrative code at ADCP 51 (the Livestock Facility Siting Rule). No new building will be constructed or remodeled for farm animal use that is closer than 500 feet from an adjoining property line.	
MINIMUM DWELLING SIZE	700 sq. ft. living space	
MINIMUM SIZE	20 Acres	
FRONT SETBACK	30 Feet	
REAR SETBACK	30 Feet	
SIDE SETBACK	20 Feet	
SANITARY CRITERIA	Must be approved by the County Sanitarian.	
PERCENT SLOPE	All construction upon, or alteration of, slopes over twenty percent (20%) must be approved by the Town Zoning Committee.	
PERCENT SLOPE DRIVEWAYS	Refer to section 2:11	

BUSINESS

PURPOSE	To delineate areas appropriate for commercial uses
PRINCIPAL PERMITTED USES	One single family home, Bakeries, barber shops, beauty shops, clinics, clothing stores, drug stores, fish markets, florists, food lockers, fruit and vegetable stores, gas station, gift stores, grocery stores, hardware stores, hobby shops, laundry, meat markets, music stores, office supplies, optical stores, professional, governmental and business offices, retail stores, vehicular sales and service, funeral homes and bed & breakfasts.
ACCESSORY USES	Such uses as are accessory to the principal uses
CONDITIONAL USES	Farm Implement sales, Campgrounds, Manufactured Home Parks
PROHIBITED USES	Junk yard, salvage yard, all uses not specifically permitted.
MINIMUM DWELLING SIZE	700 Sq. Ft. living space
MINIMUM LOT SIZE	5 Acres
MINIMUM LOT WIDTH	200 Feet
FRONT SETBACK	30 Feet
REAR SETBACK	30 Feet
SIDE SETBACK	20 Feet
SANITARY CRITERIA	Must be approved by County Sanitarian.
PERCENT SLOPE	All construction upon, or alteration of, slopes over twenty percent (20%) must be approved by the Town Zoning Committee.
PERCENT SLOPE DRIVEWAYS	Refer to Section 2:11

INDUSTRY

PURPOSE	To delineate areas best suited for industrial development because of location, topography, existing facilities and relationship to other land uses. Uses incompatible with industry are not to be permitted.
PRINCIPAL PERMITTED USES	Manufacturing, processing, repairing or warehouses use, wholesale establishment.
ACCESSORY USES	Essential Services.
CONDITIONAL USES	Mineral Extraction, planned development groups, Junk and Salvage Yards (Sec. 4.03). Open Storage, slaughter house and rendering works, stone quarries, sawmills.
PROHIBITED USES	All uses not specifically permitted.
MINIMUM LOT SIZE	5 Acres
MINIMUM LOT WIDTH	200 Feet
FRONT	30 Feet
REAR	30 Feet
SIDE	20 Feet
SANITARY CRITERIA	Must be approved by County Sanitarian.
PERCENT SLOPE	All construction upon, or alteration of, slopes over twenty percent (20%) must be approved by the Town Zoning Committee.
PERCENT SLOPE DRIVEWAYS	Refer to Section 2:11

CONDITIONAL USES

SECTION 4.0.

4.01 Conditional Use Permit

(a) Application for a Conditional Use Permit

Any use listed as a conditional use or any use not specifically specified in this Ordinance shall be permitted only upon application to the Zoning Administrator who will transmit it to the Zoning Committee for their recommendation. The Zoning Committee's recommendation will then be given to the Town Board for approval or non-approval and if approved will instruct the Zoning Administrator to issue the Conditional Use Permit. Appeals of the Town Board's decision can be made through the Board of Adjustment.

Variances, zoning changes and special exceptions will be heard by the Zoning Committee who will make written recommendations to the Town Board who will make determination on requested changes. There will be a **\$200** filing fee for a Zoning Committee Meeting that deals with requests for variances, zoning changes, conditional use permits and special exceptions. **Change in fee (as proposed by Zoning Committee meeting on 9/13/06)**

If a legal protest is made per State Statute 60.61(4) (c)2a. b. the "three-fourths" majority of the Town Board will mean that the full 3 member board must all approve for adoption of the change.

(Non-property owners request for a Conditional Use Permit)

The Town Zoning Committee will meet to hear requests from non-property owners regarding property in the town only with a written request and permission from the owner(s) of the property in question. (As proposed by Zoning Committee meeting on 9/13/06).

(b) Standards Applicable to all Conditional Uses

In passing upon a Conditional Use Permit the Town Zoning Committee shall evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions;
- (2) The prevention and control of water pollution including sedimentation;
- (3) Existing topographic and drainage features and vegetative cover on the site;
- (4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
- (5) The location of the site with respect to existing or future access roads;
- (6) The appropriate use of land and conservation of natural resources;
- (7) The amount of liquid and solid waste to be generated and the adequacy of the proposed disposal systems;

(8) The adequate provision of public facilities and utilities.

PAGE 16

(c) Conditions Attached to Conditional Uses.

Upon consideration of the factors listed above, the Zoning Committee may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover, erosion and sedimentation control; increased setbacks and yard; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; parking and signs; type of construction or any other requirements necessary to fulfill the purpose and intent of this Ordinance.

In order to secure information upon which to base its determination the Zoning Committee may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (1) A plan of the area showing contours, soil types, high watermark, groundwater conditions, bedrock, slope and vegetative cover;
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping;
- (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations;
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this Ordinance.

The Zoning Committee in evaluating applications shall, where appropriate, request the County Soil and Water Conservation District to make available expert assistance from those State and Federal Agencies which are assisting said district under a memorandum of understanding and any other State or Federal agency which can provide technical assistance.

(d) Notice and Public Hearing.

Before passing upon an application for a Conditional Use Permit the Zoning Committee shall hold a public hearing.

(1) The Zoning Committee shall fix a reasonable time for the hearing of the appeal; giving a Class II notice, specifying the date, time and place of hearing and the matters to come before the Board; as well as mailed notices to the parties in interest. A decision regarding the appeal shall be made as soon as practicable.

4.02 Mineral Extraction.

Mineral extraction operations including washing, crushing, or other processing are conditional uses and may be permitted in the Industrial District provided:

The Application for the conditional use permit shall include: an adequate description of the operation; a list of equipment, machinery and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five (5) feet, trees, proposed and existing access roads, the depth of all existing and proposed excavations; and a restoration plan.

The Restoration Plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Engineer, and the form and type of such sureties shall be approved by the Town's legal counsel.

The Conditional Use Permit shall be in effect for a period not to exceed two (2) years and must be renewed each two years thereafter. Modifications or additional conditions may be imposed upon application for renewal.

The Town Zoning Committee shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration plan for the site.

4.03 Junk and Salvage Yards:

- A. License Required: No person shall use any building or premises for the buying, selling, gathering, delivery, shipping, storing or salvaging of old iron, bottles, paper, rags, farm machinery, vehicles or other materials commonly included in the term "junk" without obtaining a license for the operation of a junk and salvage yard. Storage of three or more unlicensed vehicles on the same premises (a business is exempt from this) shall be prima facie evidence of operation of a junk or salvage yard where such vehicles are not screened from a public highway or where they otherwise constitute a public nuisance.
- B. Application for a license shall be made in writing to the Zoning Administrator stating:
1. The location and description of the premises to be licensed.
 2. The nature of the business to be conducted on the premises.
 3. The type of construction of any buildings to be used in connection with the business.
 4. The applicant's name and address, and, if a firm or corporation, the names and addresses of all office thereof.
 5. Evidence of compliance with all state requirements.
- C. Fee, Term: The fee for a license issued hereunder shall be (\$100.00) per year.

Licenses

shall expire twelve months after issue, but may be renewed by the Zoning committee if they are satisfied that the license and the premises comply with this section.

Zoning

- D. Hearing: The Zoning administrator shall refer an application for a license to the committee which shall conduct a hearing of such application within a reasonable time, notice of which shall be given by publication in a newspaper having general circulation in the town at least once during the ten (10) days preceding the hearing. If the committee is satisfied from the evidence produced at the hearing, that the applicant is a fit person to conduct the business and that the premises are suitable therefore, the committee shall authorize issuance of the license.
- E. Location: No junk or salvage yard shall be located within five hundred (500) feet of any residence other than the owner or any residential or business district or one hundred and fifty (150) feet from a lake, river or stream. No junk or salvage operations shall be carried on within one hundred and fifty (150) feet of any highway right-of-way.
- F. Operation: The operation of the yard shall comply with all standards of Section 9.0.

SETBACK REQUIREMENTS

SECTION 5.0

- 5.01 Highway Setback Requirements:
- 5.011 Highway Setbacks: No building or structure shall be erected, moved or structurally altered so as to project into a setback area. For the purposes of determining the distance buildings and other structures shall be set back from streets, and highways, the following classifications are given.
- 5.012 Class A Highways:
1. All state and federal highways are hereby designated as Class A highways.
 2. The setback from Class A highways shall be the greater of 63 feet from the centerline of the highway or 30 feet from the right-of-way line.
- 5.013 Class B Highways:
1. All county trunks are hereby designated as Class B highways. For the purpose of this ordinance any road will be considered as a county trunk after it has been placed on the County Trunk System by the County Board and approved by the Division of Highways.
 2. The setback from Class B highway shall be the greater of 63 feet from the centerline of such highway or 30 feet from the right-of-way line.
- 5.014 Class C Highways:
1. All town roads, public streets, and highways not otherwise classified, are hereby designated Class C Highways.
 2. The setback from Class C Highways shall be the greater of 63 feet from the centerline of such highway or 30 feet from the right-of-way line.
- 5.015 Visual Clearance Triangle: In each quadrant of every public street intersection there shall be a visual clearance triangle bounded by the street centerline and a line connecting points on them three hundred (300) feet from Class A Highway intersections two hundred (200) feet from Class B Highway intersection, and one hundred fifty (150) feet from Class C Highway intersection.
- Objects permitted within setback lines and visual clearance triangles:
1. Open fences.
 2. Telephone, telegraph and power transmission poles, lines and portable equipment.
 3. The planting and harvesting of field crops, shrubbery and trees except that no trees, shrubbery, or crops shall be planted within a visual clearance triangle so as to obstruct the view.

NONCONFORMING USES, STRUCTURES AND LOTS
SECTION 6.0

6.01 Existing Nonconforming Uses:

The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; provided however:

Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the assessed value of the structure at the time of the nonconforming use unless the Zoning committee decides such improvement to the basic structure would be of benefit to insure acceptability with the neighboring uses, or it is permanently changed to conform to the use provisions of this ordinance.

6.2 Abolishment of Replacement:

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use of this Ordinance.

6.03 Existing Nonconforming Structures:

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, parking and loading and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

6.04 Changes and Substitutions:

Once a nonconforming use of structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning committee has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning committee.

6.05 Substandard Lots:

In any residential district, a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record in the county Register of Deeds office before the effective date or amendment of this Ordinance.

Such Lot or Parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical.

PERFORMANCE STANDARDS
SECTION 7.0

- 7.01 Compliance: This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or districts. No structure or land shall here-after be used except in compliance with their district regulations and with the following performance standards.
- 7.02 Noise : No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 11:00 p.m. and 70 dBA from 11:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulation:
1. Noises not directly under the control of the property owner.
 2. Noises from temporary construction or maintenance activities during daylight hours.
 3. Noises from emergency, safety or warning devices.
- 7.03 Radioactivity: No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation", dated June 16, 1957, or any subsequent revisions or amendments.
- 7.04 Toxic or Noxious Matter: No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business, shall be permitted.

DEFINITIONS
SECTION 8.0

For the purposes of this Ordinance, the following definition shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not optional.

Accessory Use or Structure: A use or detached structure subordinate to the principal use of a structure or land and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery.

Building Area: The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Camping Trailers: A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in a pastime of camping.

Centerline: A line equidistant from the edges of the median separating the main-traveled ways of an existing or planned divided road or highway or the centerline of the main-traveled way of a non-divided road or highway.

Conditional Uses: Uses of a special nature as to make impractical their predetermination as a principal use in a district.

Driveway: A driveway is a private road that gives access to private property from a public roadway.

Dwelling: A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Essential Services: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or over-head gas; electrical; steam; water; sanitary sewerage; storm

water drainage; communication systems; and accessories thereto, such as poles, tower wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, and cables.

PAGE 24

Family: Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

Frontage: The smallest dimension of a lot abutting a public street measured along the street line.

Household Occupation: Any business or profession carried on only by a member of the immediate family residing on the premises and meeting the following requirements:

- 1 The home occupation shall be conducted only within the enclosed area of the dwelling unit or detached structure.
- 2 There shall be no exterior alterations which change the character of the building and/or exterior evidence of the home occupation other than those signs permitted in the district.
- 3 No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
- 4 No use create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use the district.
- 5 Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated.
- 6 The Town Board may determine the percentage of the property that may devoted to
the
occupation
- 7 The types and number of equipment or machinery may be restricted by the Town Board.
- 8 Sale or transfer of the property shall void this use.
- 9 Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

Intersection: An intersection is the portion of the driveway that passes through the public right-of-way to the town roadway.

Junk Yard An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and

structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Local Highway: Roads which are intended to move vehicles from individual parcels to the higher order road systems, and should not carry through traffic. Local roads carry low traffic volumes.

PAGE 25

Lot: A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.

Lot Lines and Area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Width: The width of a parcel of land measured at the rear of the specified street yard.

Manufactured Homes: Any structure originally designed to be capable of transportation by any motor vehicle upon public highway which does not require substantial on-site fabrication; which is intended for occupancy as a year-round residence.

Nonconforming Uses or Structures: Any structure, land, or water lawfully used occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Parties in Interest: Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

Rear Yard: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.

Side Yard: A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.

Structure: Any erection or construction, such as buildings towers, mass, poles, booms, signs, decorations, carports, machinery and equipment.

Structural Alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Town Road right-of-way: The town road right-of-way in the Town of Stark is presumed to be four rods in width unless originally deeded to the town with a lesser width specified.

Utilities: Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio

PAGE 26

relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Variance: A situation where strict application of the Ordinance would result in a practical difficulty or unnecessary hardship, an exception may be granted by the Zoning Board of Appeals, or Adjustment.

ADMINISTRATIVE PROVISIONS

SECTION 9.0

9.01 Zoning Administrator: There is hereby created the Office of Zoning Administrator. The Zoning Administrator may exercise the following duties and powers:

Issue permits and inspect properties for compliance with the Ordinance.

Keep records of all permits issued, inspections made, work approved, and other official actions. Send a copy of the building application to the assessor.

Have access to any structure or premises for the purpose of performing his duties.

Make on-site investigations required for zoning administration.

Report violations of this Ordinance and other applicable regulations to the Zoning Committee and District Attorney.

9.02 PERMIT:

9.021 Cases When a Permit is Required:

1. Before any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
2. Before any land use is substantially altered.

9.022 Cases Where a Permit is Not Required: A Permit shall not be required in the following instances provided that proposed use is permitted in the zoning district in question:

1. For any accessory building costing one thousand dollars (\$1000) or less, provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
2. For any improvements or alterations to an existing building if the amount of one thousand dollars (\$1000) or less which shall not effect a structural change in the use or

encroach upon any yard or open space.

3. For any maintenance repairs regardless of cost

PAGE 28

9.023 Application for Permit: An application for a Permit shall be made to the Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

1. Name and address of the applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A sketch showing the dimensions of the lot and location of buildings from the lot lines.

9.024 UDC Inspection of new single-family residences: A Uniform Dwelling Code state-certified inspector must inspect all new construction of single-family residences. The Town of Stark has contracted for the services of a state-certified inspector who will perform the inspection. The homebuilder will pay the UDC Inspection Fees directly to the inspector contracted by the Town.

9.3

Fees:

9.4

The applicant, upon filing of his application, shall pay a fee to the Zoning Administrator in accordance with the following schedule:

- 1. Permit for new construction of a single-family residence.....\$100.00
- 2. Permit for outbuildings\$50.00
- 3. Driveway permit\$25.00
- 4. Fire sign fee.....\$50.00

Town Zoning Committee

The Town Board shall appoint a town zoning committee according to section 60.61 (4) of the Wisconsin statutes. The Town zoning committee shall have the duties, responsibilities and authority and shall follow the procedures set out by the Wisconsin statutes.

9.05

Board of Adjustment

The Town Board shall appoint a Board of Adjustment committee according to section 60.65 Wisconsin statutes. The Board of Adjustment shall have the duties, responsibilities and authority, and shall follow the procedures set out by the Wisconsin statutes.

CHANGES AND AMENDMENTS

SECTION 10.0

The Town of Stark may amend this ordinance following the procedures prescribed by Section 60.61, Wisconsin Statutes.

ENFORCEMENT
SECTION 11.0

11.1 The Town of Stark shall designate a Zoning Administrator, and shall further designate this Zoning Administrator to enforce this Ordinance by means of permits of which the cost shall be established by the Town Board.

11.2 The Administrator shall not issue a permit for a structure or a use that is not allowed by this Ordinance. No structure shall be built, moved, or altered until a permit has been issued. This does not remove the necessity of obtaining a sanitary permit if waste water disposal is to be a part of the building's function.

11.3 Violations
It shall be unlawful to construct or use any structure or land in violation of any of the provisions of this ordinance. In case of any violation, the Town Board, the zoning administrator, the Board of adjustment, or any person who would be specifically damaged by such violation may institute appropriate action or proceed to enjoin a violation of this ordinance.

11.4 Penalties
Any person, firm or corporation who fails to comply with the provisions of this ordinance shall upon conviction thereof pay a fine of \$20.00 for each offense. Each day a violation exists or continues shall constitute a separate offense.

01-02 WISCONSIN STATUTES §60.61

SUBCHAPTER VIII

LAND USE AND PLANNING

60.61 General zoning authority. (1) **PURPOSE AND CONSTRUCTION.** (a) Ordinances adopted under this section shall be designed to promote the public health, safety and general welfare.

(b) Authority granted under this section shall be liberally construed in favor of the town exercising the powers. This section may not be construed to limit or repeal any powers possessed by any town.

(1m) **BUILDING CODE ENFORCEMENT.** A town board may enact and enforce building code ordinances under ss. 62.17, 101.65, 101.76 and 101.86.

(2) **EXTENT OF AUTHORITY.** Subject to subs. (3) and (3m), if a town is located in a county which has not enacted a county zoning ordinance under s. 59.69, the town board, by ordinance, may:

(a) Regulate, restrict and determine: the areas within which agriculture, forestry, mining and recreation may be conducted; the location of roads, schools, trades and industries; the location, height, bulk, number of stories and size of buildings and other structures; the percentage of a lot which may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; the location of buildings designed for specified uses; the trades, industries or purposes that may be engaged in or subject to regulation; and the uses for which buildings may not be erected or altered.

(b) Establish districts of such number, shape and area necessary to carry out the purposes under par. (a).

(c) Establish building setback lines.

(d) Regulate, restrict and determine the areas in or along natural watercourses, channels, streams and creeks in which trades and industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted.

(e) Adopt an official map showing areas, outside the limits of villages and cities, suited to carry out the purposes of this section. Any map adopted under this paragraph shall show the location of any part of an airport, as defined in s. 62.23 (6) (am) 1. a., located in the town and of any part of an airport affected area, as defined in s. 62.23 (6) (am) 1. b., located in the town.

(f) Regulate, restrict and determine the location, height, bulk, number of stories and size of buildings and other structures and objects of natural growth in any area of the town in the vicinity of an airport owned by the town or privately owned, divide the territory into several areas and impose different restrictions for each area. In exercising its power under this paragraph, the town board may, by eminent domain, remove or alter any buildings, structures or objects of natural growth which are contrary to the restrictions imposed in the area in which they are located, except railroad buildings, bridges or facilities other than telegraph, telephone and overhead signal system poles and wires.

(g) Encourage the protection of groundwater resources.

(h) Provide for the preservation of burial sites, as defined in s. 157.70 (1) (b).

(i) Provide adequate access to sunlight for solar collectors and to wind for wind energy systems.

(3) **EXERCISE OF AUTHORITY.** Before exercising authority under sub. (2), the town board shall petition the county board to initiate, at any regular or special meeting, action to enact a county zoning ordinance under s. 59.69. The town board may proceed under sub. (2) if:

(a) The county board fails or refuses, at the meeting, to direct the county zoning agency to proceed under s. 59.69;

(b) The county zoning agency's report and the recommended county zoning ordinance prepared pursuant to the report are not presented to the county board within one year; or

(c) The county zoning agency report and recommended county zoning ordinance are presented to the county board within one year and the county board at its next meeting following receipt of the report fails to adopt the ordinance.

(3c) **ANTENNA FACILITIES.** The town board may not enact an ordinance or adopt a resolution on or after May 6, 1994, or continue to enforce an ordinance or resolution on or after May 6, 1994, that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

(a) The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective.

(b) The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals by a satellite antenna with a diameter of 2 feet or less.

(c) The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10% of the purchase price and installation fee of the antenna and associated equipment.

(3d) **AMATEUR RADIO ANTENNAS.** The town board may not enact an ordinance or adopt a resolution on or after April 17, 2002, or continue to enforce an ordinance or resolution on or after April 17, 2002, that affects the placement, screening, or height of antennas, or antenna support structures, that are used for amateur radio communications unless all of the following apply:

(a) The ordinance or resolution has a reasonable and clearly defined aesthetic, public health, or safety objective, and represents the minimum practical regulation that is necessary to accomplish the objectives.

(b) The ordinance or resolution reasonably accommodates amateur radio communications.

(3m) **MIGRANT LABOR CAMPS.** The town board may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair or expansion is required by an administrative rule promulgated by the department of workforce development under ss. 103.90 to 103.97. An ordinance or resolution of the town that is in effect on May 12, 1992, and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

(4) **PROCEDURE.** (a) The town board shall appoint a town zoning committee consisting of 5 members.

(b) Before the town board may adopt an ordinance under sub. (2), the town zoning committee shall recommend zoning district boundaries and appropriate regulations and restrictions for the districts. In carrying out its duties, the town zoning committee shall develop a preliminary report and hold a public hearing on the report before submitting a final report to the town board. If the town zoning committee makes a substantial change in its report following the public hearing, it shall hold another public hearing on the report. After the final report of the town zoning committee is submitted to the town board, the board may adopt an ordinance under sub. (2) following a public hearing held by the board on the proposed ordinance.

(c) 1. After the town board has adopted a town zoning ordinance, the board may alter, supplement or change the boundaries or regulations established in the ordinance if a public hearing is held on the revisions. The board shall give notice of any proposed revisions in the zoning ordinance and of the time and place of the public hearing on them by a class 2 notice under ch. 985. The board shall allow any interested person to testify at the hearing. If any proposed revision under this subdivision would make any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board shall mail a copy of such notice to the owner or operator of the airport bordered by the airport affected area.

2. A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a three-fourths vote of the town board if a protest against the proposed amendment, supplement or change is presented to the town board prior to or at the public hearing under subd. 1. and:

- a. The protest is signed and acknowledged by the owners of at least 50% of the area proposed to be altered; or
- b. The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

3. A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a two-thirds vote of the town board if the proposed amendment, supplement or change would make any change in an airport affected area, as defined under s. 62.23 (6) (am) 1. b. and if a protest against the proposed revision is presented to the town board prior to or at the public hearing under subd. 1. by the owner or operator of the airport bordered by the airport affected area.

(d) 1. In this paragraph, "comprehensively revise" means to incorporate numerous and substantial changes in the zoning ordinance.

2. The town board may, by a single ordinance, comprehensively revise an existing town zoning ordinance. The ordinance shall be adopted under par. (b).

(5) NONCONFORMING USES. (a) An ordinance adopted under this section may not prohibit the continued use of any building or premises for any trade or industry for which the building or premises is used when the ordinance takes effect. An ordinance adopted under this section may prohibit the alteration of, or addition to, any existing building or structure used to carry on an otherwise prohibited trade or industry within the district. If a use that does not conform to an ordinance adopted under this section is discontinued for a period of 12 months, any future use of the land, building or premises shall conform to the ordinance.

(b) Except as provided in par. (d), immediately after the publication of a town zoning ordinance, the town board shall provide for the compilation of a record of the present use of all buildings and premises used for purposes not in conformity with the zoning ordinance. The record shall contain the names and addresses of the owner of the nonconforming use and any occupant other than the owner, the legal description of the land, and the nature and extent of the use of the land. The record shall be published in the town as a class 1 notice under ch. 985. Within 60 days after final publication, upon presentation of proof to the town board, errors or omissions in the record may be corrected. At the expiration of the 60-day period, the record shall be filed in the office of the town clerk after the record is first recorded in the office of the register of deeds. The record is prima facie evidence of the extent and number of nonconforming uses existing at the time the ordinance takes effect. Errors or omissions in the record shall be corrected by the town board upon petition of any citizen or by the board on its own motion. The decision of the board concerning errors or omissions is final.

(c) Immediately after the record of nonconforming uses is filed with the town clerk, the clerk shall furnish the town assessor the record of nonconforming uses within the town. After the assessment for the following year and each succeeding assessment, the town assessor shall file a written report, certified by the board of review, with the town clerk listing all nonconforming uses which have been discontinued since the prior assessment. The town clerk shall record discontinued nonconforming uses as soon as reported by the assessor. In this paragraph, "town assessor" includes the county assessor assessing the town under s. 70.99.

(d) Paragraphs (b) and (c) do not apply to towns issuing building permits as a means of enforcing the zoning ordinance or of identifying nonconforming uses or to towns which have established other procedures for this purpose.

(6) ENFORCEMENT. The town board may by ordinance provide for the enforcement of all ordinances adopted under this section. The board may impose forfeitures and other penalties for violation of ordinances adopted under this section. To enforce compliance with ordinances adopted under this section, the town or the owner of real estate within a district affected by the ordinance may seek a court order.

History: 1983 a. 532, 538; 1985 a. 136, 316; 1991 a. 255; 1993 a. 246, 301, 400, 414, 491; 1995 a. 27 s. 9130 (4); 1995 a. 201; 1997 a. 3.; 2001 a. 50

Town of Stark

Vernon County, Wisconsin
S4654 Aumock Rd.

La Farge, WI 54639-8036 Telephone 608-625-2771

FAX 608-625-2771 E-Mail epilon@mwt.net

Chairman-Don Coleman
Clerk-Lonnie L. Muller

Supervisor -Jack Letzring
Supervisor-Dwain Jeffers

9 March 1998

This zoning ordinance has been approved by the Town Board of the Town of Stark on 9 March 1998 and will become effective when filed with the town clerk and legally publicized.

Town Chairman, Donald Coleman *Donald Coleman*

Town Supervisor, Dwain Jeffers *Dwain Jeffers*

Town Supervisor, Jack Letzring *Jack Letzring*

Lonnie L. Muller

Lonnie L. Muller, Clerk

Filed this 9th day of March 1998

