

**VILLAGE OF CRIVITZ, WISCONSIN**

**ORDINANCE NO. 2018-08**

**INTERIM ZONING TO PRESERVE EXISTING LAND USES IN LANDS WHICH ARE THE  
SUBJECT OF EXTRATERRITORIAL ZONING IN THE TOWN OF STEPHENSON,  
MARINETTE COUNTY, WISCONSIN**

The Village Board of the Village of Crivitz, Marinette County, Wisconsin, does hereby ordain as follows:

**SECTION 1. PURPOSE: SCOPE AND SEVERABILITY.**

Subsection (1). The purpose of this interim extraterritorial zoning ordinance is to promote the public health, safety, morals and general welfare and to preserve existing uses of land and improvements within the area which the governing body of the Village of Crivitz by resolution adopted on November 20, 2018 determined to exercise the extraterritorial zoning powers granted by Wis. Stat. sec. 62. 23 (7a) during the interval of time while a comprehensive zoning ordinance and map for the area described in said resolution and in section 2 of this ordinance are being prepared and the necessary public hearings are being held and approving actions taken.

Subsection (2). The restrictions and requirements imposed by this ordinance shall be deemed to be minimum requirements necessary to conserve the value of land and buildings and encourage the most appropriate use of land, to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and general welfare, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Whenever the provisions of this ordinance shall conflict with any state statute, local ordinance or regulation or any existing easement, covenant or agreement, or any permit previously issued pursuant to law applicable to the use of any land or structure in the area specified in section 2, the more stringent law, ordinance, regulation, restriction or requirement shall govern.

Subsection (3). The several provisions of this ordinance are separable. If any provision of this ordinance is adjudged to be invalid or ineffective as to any portion of the territory described, such judgment shall not affect the remainder of the ordinance or its application to the remaining portion of the described territory.

**SECTION 2. DESCRIPTION OF AREA SUBJECT TO ORDINANCE.**

The following described area shall be subject to the provisions of this interim extraterritorial zoning ordinance:

That part of the Town of Stephenson, Marinette County, Wisconsin in Township 32 N. Range 20 E. described as follows:

Starting at the Northwest corner of section 8;

then South along the West boundary line of sections 8, 17, 20 and 29 to the Southwest corner of section 29;

then East along the South boundary line of sections 29 and 28 to the Southeast corner of section 28;

then South along the West boundary line of section 34 to the Southwest corner of section 34;

then East along the South boundary line of section 34 to the Southeast corner of section 34;

then north along the East boundary line of section 34 to the Northeast corner of section 34;

then East along the South boundary line of section 26 to the Southeast corner of section 26;

then North along the East boundary line of sections 26, 23 and 14 to the Northeast corner of section 14;

then West along the north boundary line of section 14 to the Northwest corner of section 14;

then North along the East boundary line of section 10 to the Northeast corner of section 10;

then West along the North boundary line of sections 10, 9 and 8 to the point the beginning.

**EXCEPTING THEREFROM:**

The Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section Ten (10)  
[tax parcel # 032-02317.000]

**SECTION 3. USE FREEZE.**

Subsection (1). As used in this ordinance the following terms shall have the meaning set forth below:

(a) "Agricultural use" shall mean use for farming or dairying purposes, including the keeping of livestock in connection therewith, truck gardening, nurseries, noncommercial greenhouses and uses customarily incidental to such agricultural uses.

(b) "Residential use" shall mean use for 1- or 2-family dwellings, including uses customarily incidental thereto when situated in the same dwelling, and home occupations or professional offices employing members of the immediate family.

(c) "Commercial use" shall mean any retail business, gas station, professional office, auto sales and service establishments, bakeries, funeral homes, theaters, public garages, dwellings used for 3 or more families or for rental of 2 or more units or rooms and other uses similar in character, except as provided in subsection (4) of this section.

(d) "Industrial use" shall mean use for any purpose except uses which are nuisances under the laws of the state or ordinances or regulations of the county, town or village or uses permitted only in accordance with the requirements of subsection (4) of this section.

Subsection (2). Except as provided in subsections (3) and (4) of this section, during the life of this ordinance the sole authorized uses of land or improvements in the territory described in section 2 of this ordinance shall be residential and agricultural uses or commercial and industrial uses legally existing at the time of the adoption of this ordinance.

Subsection (3). Land, buildings or structures located within 200 feet of the nearest boundary of any premises on which is located a building or structure legally used for commercial or industrial use at the time of adoption of this ordinance may be used for commercial or industrial uses, respectively, except as provided in subsection (4).

Subsection (4). No new building, structure, premises, or significant expansion of an existing building, structure, or premises shall be used for the following purposes until a special permit for such use has been issued by the village zoning board of appeals:

1. Business, trade, professional, commercial or industrial uses employing 10 or more persons;
2. Automobile wrecking or automobile graveyards or junkyards;
3. Reduction or dumping of garbage, offal, dead animals, refuse or wet or dry waste;
4. Stockyards, rendering plants, slaughtering of animals, meat packing, distillation of bones or glue manufacture;
5. petroleum refining, or smelting of tin, copper, zinc or iron ore
6. Manufacture of acid, fertilizer, cement, lime, gypsum or plaster of Paris;
7. Manufacture or storage of explosives;
8. Outdoor theater
9. All forms of mining, including but not limited to metallic, non-metallic, sand and gravel mining.

Such-permits shall be issued only in accordance with the purposes of this enactment as set forth in section 1, and the zoning board of appeals may require reasonable assurances from applicants that such use will be compatible with existing uses in the area in which located and an appropriate use of the premises considering existing uses of neighboring properties, site topography, proximity to public utilities and improvements and proposed or planned future development of the neighborhood.

#### **SECTION 4. CERTIFICATES OF OCCUPANCY: BUILDING PERMITS.**

Subsection (1). No person, firm or corporation shall erect, alter, repair or remove any building or structure or commence use of any building or structure or premises within the area set forth in section 2 of this ordinance without having been issued a valid building permit by the building inspector of the Town of Stephenson and approved as to zoning occupancy and compliance with this ordinance by the village building inspector.

Subsection (2). No person, firm or corporation shall erect, alter, repair or move any building or structure within the area described in section 2 until a valid building permit approved as to zoning occupancy as provided in subsection (1) of this section has been posted in a prominent place on the premises.

Subsection (3). All applications for zoning occupancy approval shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building or addition to be erected, its location on the lot and such other information as the village building inspector shall deem necessary to provide for the enforcement of this ordinance. A record of such

applications and plats and the action taken by the building inspector shall be kept in the office of the village clerk.

#### **SECTION 5. ZONING BOARD OF APPEALS.**

The zoning board of appeals heretofore established for Village of Crivitz is empowered in accordance with Wis. Stat. sec. 62.23(7) and 62.23(7a) and the provisions of this ordinance

#### **SECTION 6. NONCONFORMING USES.**

The provisions of Wis. Stat. sec. 62.23 (7) (h) shall apply to lawful existing uses of buildings or premises not conforming with the provisions of this ordinance. The issuance of a building permit by the Town of Stephenson building inspector shall not be deemed or construed to be a permit for, or an approval of, any violation of the provisions of this ordinance or authorization for a use not conforming with the provisions of this ordinance.

#### **SECTION 7. ENFORCEMENT AND PENALTIES**

Subsection (1). Forfeitures. Any person, firm or corporation which shall erect, construct, reconstruct, alter, convert or maintain any building or structure or use any building, structure or land in violation of any of the provisions of this ordinance shall, upon conviction of such violation, forfeit not less than \$25 nor more than \$500 and costs of prosecution, and in default of payment of forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. A separate offense shall be deemed committed on each day on which a violation of this ordinance occurs or continues.

Subsection (2). Other remedies and penalties. The enforcement and remedies provided by Wis. Stat. sec. 62.23 (8) shall apply to violations or threatened violations of the provisions of this ordinance, and the village attorney is hereby authorized and directed to institute appropriate legal proceedings to enjoin, abate, remove or prevent any such violations or to mandamus compliance with the provisions of this ordinance.

#### **SECTION 8. AMENDMENT.**

Any provision of this ordinance may be amended by majority vote of the Village Board after submitting proposed amendments to the joint extraterritorial zoning committee and compliance with the requirements of Wis. Stat. sec. 62.23 (7a) (c), (d) and (e).

**SECTION 9. EFFECTIVE DATE** This Ordinance shall take effect upon passage and publication or legal posting as provided by law.

Offered by: Kurt Kostuch

Seconded by: Amy Grandaw

Vote: Ayes: 6 Nays: 0

Abstentions: 0 Absent: 0

Date of Adoption: 11/20/18

BY ORDER OF THE BOARD OF TRUSTEES  
VILLAGE OF CRIVITZ, WISCONSIN

John J. Deschane  
John J. Deschane  
President

ATTEST: Marilyn E. Padgett  
Marilyn E. Padgett  
Clerk/Treasurer