

2.0 GENERAL PROVISIONS

2.01 Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the unincorporated limits of the Town of Merrimac.

2.02 Zoning Administrator

The position of Zoning Administrator is hereby created as the administrative and enforcement office for the provisions of this Ordinance. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all permits required by this Ordinance. The Zoning Administrator shall investigate all complaints, give notice of violations, issue orders to comply with the Zoning Ordinance, and assist the Town attorney in the prosecution of ordinance violators. The Zoning Administrator and his/her duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

2.03 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, demolished or structurally altered in conformity with the regulations herein specified for the district in which it is located.

2.04 Land Use/Building Permit Code

The purpose of requiring land use/building permits is to regulate the construction of new structures and additions and alterations to existing structures to ensure that all construction is in compliance with Town ordinances, including, but not limited to, building and zoning requirements. In addition, the purpose is to provide the Town with information regarding all such construction and remodeling as necessary to for the public purposes of land use planning and tax assessment. This section is not intended to provide for Town inspection of any construction under the State of Wisconsin Building Code, and is no intended in any way to limit or supersede any applicable state or county statute, law, rule or requirement.

A. LAND USE/BUILDING PERMIT

- 1) Permit Required. No person shall commence to construct any structure or an addition or alteration to any structure until and any administrative land use/building permit is obtained from the Town of Merrimac Zoning Administrator and the permit fee paid.
- 2) Exceptions.
 - a) Structure costs of less than \$500.00 in one calendar year. No permit is required if the estimated cost of the proposed construction or remodeling is less than \$500.00, including the fair market value of the labor of the owners or others.

- b) For erecting or placing an addition or accessory structure less than 100 square feet in area.
 - c) Replacements. No permit is required for replacement mechanicals or fixtures.
- 3) Applications. Applications for administrative land use/building permits shall be submitted to the Town Zoning Administrator. The application shall include the following and other such information as required by the Town Board by separate resolution.
- a) Name and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
 - b) Description of the subject site by lot block and recorded subdivision or by metes and bounds; address of the subject site; number of employees, the zoning district within which the subject lays; indication of whether or not the subject site is located in a floodplain or wetland.
 - c) Plot plan showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off street parking, loading areas and driveways; existing and proposed street, side and rear yards.
 - d) Additional information as may be required by the Town Planning and Zoning Administrator.
 - e) Land use permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application. The permit shall expire two (2) years from date of issue. If 70% of the project has been completed additional time may be granted under the original permit by the Zoning Administrator in writing for completion.
 - f) Any permit issued in conflict with the provisions of the Ordinance shall be null and void.
- 4) Fee. The schedule of administrative land use/building permit fees to be paid shall be established by the Town Board by Resolution and the Town Board may from time to time adopt a new schedule as required.
- 5) Issuance of Permit. After reviewing the application the Town Zoning Administrator shall issue the permit if all requirements are met.

B. PENALTY

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00, together with the costs of prosecution. Further, if any project is commenced before a building permit is obtained as required by this ordinance, all of the fees so established shall be tripled. Each violation and each day a violation continues or occurs shall constitute a separate violation.

2.06 County Wide Regulations Applicable to The Town of Merrimac

In addition to this Town of Merrimac Zoning Ordinance, the following Sauk County ordinances shall apply throughout the Town of Merrimac.

- 1) Sauk County Shoreland Protection Ordinance – Chapter 8
- 2) Sauk County Private Sewage System Ordinance – Chapter 25
- 3) Sauk County Flood Plain Ordinance – Chapter 9
- 4) Any other mandated, county-wide regulations
- 5) Sauk County Public Nuisance Ordinance – Chapter 29
- 6) Animal Waste Management Ordinance – Chapter 26

In cases of differing regulations governing a particular use, including the Town of Merrimac Zoning Ordinance, the more restrictive shall apply.

2.07 Zoning District Boundaries

The boundaries of the zoning districts are established as shown upon the map designated as the “Zoning Map, Town of Merrimac, Wisconsin” which accompanies and is a part of this ordinance. All notations, references and other information shown upon the zoning map shall be as much a part of this Ordinance as if the matter and things set forth by the said map were fully described herein.

Unless otherwise indicated on the map, the district boundary lines are the center lines of streets, highways, railroads, section lines, quarter section lines, quarter-quarter section lines or such lines extended. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and be not less than 300 feet in depth. The length of each strip shall be as shown on the map.

2.08 Non-Conforming Uses

The existing lawful use of a structure or premises which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

- 1) No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance without the granting of a variance by the Board of Appeals.
- 2) If such use is discontinued for 12 consecutive months, any future use of the building and premises shall conform to this Ordinance, after such use is discontinued for 6 months, the Town Board shall notify the owner of this provision.
- 3) Existing methods of waste disposal which constitute nuisance under state law or the terms of this Ordinance shall not be permitted to continue as non-conforming.

2.09 Governmental Uses

Except as otherwise provided in this Ordinance, governmental uses may be allowed only as conditional uses in all districts.

2.10 Public Utility Uses

Except as otherwise provided in this Ordinance, telephone and power distribution poles and lines, gas lines, and necessary appurtenant equipment shall be permitted if they meet the conditions set forth in the town Ordinance regarding utility locations. Any other public utility uses, such as transformers, unit substations, structures and equipment housing, may be approved only as conditional uses.

2.11 Temporary Uses

Uses not specifically mentioned in this Ordinance which would last for less than 10 days may be permitted if approved in writing by the Town Board provided that they will not conflict with adjacent uses or the intent of this Ordinance and do not pose any threat to the health or welfare of the public.

2.12 Like Uses

A use not specifically listed in this Ordinance which is similar to and compatible with uses on adjacent land and not contrary to the intent of the district in which the use would be located as determined by the Zoning Administrator may be allowed as a conditional use.

2.13 Accessory Structures

Structures accessory to a residential use shall not be used as a separate dwelling unit. No accessory structure shall be within any required rear yard, side yard, highway or water setbacks.

2.14 Manufactured Homes

1. Manufactured homes will be permitted only in a Manufactured Housing Park or Subdivision approved by the Town Board.
2. Manufactured Housing Subdivisions shall meet all requirements pertaining to a residential subdivision.
3. Manufactured Housing Parks shall meet all requirements of the Conditional Use Permit or Planned Area Development approved by the Town Board.
4. Manufactured homes not located with a Manufactured Housing Park or Subdivision on the effective date of this ordinance are legal non-conforming structures subject to the rules and regulations governing such class of structures.
5. “Manufactured home” has the meaning given in s. 101.91(2) Wis. Stats. and includes any additions, attachments, annexes, foundations, and appurtenances.
6. “Mobile home” has the meaning given in s. 101.91 (10) Wis. Stats. and includes any additions, attachments, annexes, foundations and appurtenances.

2.15 Surface Water Management

All buildings and developments shall be planned with responsible surface water management practices. All gradings, excavations and other land surface disturbances shall be carried out in such a way that erosion and runoff are minimized.

The Planning and Zoning Commission may require erosion control plans and/or storm water management plans to be developed and followed as a contingency for conditional use approval.

2.16 Site Restrictions

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Zoning Administrator or Town Planning and Zoning Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general character of this community. The Zoning Administrator or Town Planning and Zoning Commission in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability. Thereafter the Zoning Administrator or Town Planning and Zoning Commission may affirm, or modify, or withdraw its determination of unsuitability.

1. For Public Safety reasons, all lots shall have access to a public street with a minimum width of 40 feet.
2. All principle structures shall be located on a lot; and only one principle structure shall be located, erected, or moved onto a lot. Principal structure is one that meets the requirements for human habitation.

2.17 Height Regulation Exemptions

Farm buildings not for human habitation, ornamental structures, radio and television broadcasting and receiving towers, telephone, telegraph and power transmission poles, towers and lines, microwave radio relay structures and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein, may be allowed as a conditional use.

2.18 Required Yards and Setbacks

Every part of required yard or setback area shall be open and unoccupied from the ground upward.

2.19 Highway Setback Lines

All buildings and other structures shall be a minimum of the following distances from the right-of-way line of any public street or highway:

1. State and federal highways – 75 feet
2. County trunk highways – 42 feet
3. Town roads – 30 feet
4. Internal subdivision roads – 30 feet

2.20 Parking Requirements

Adequate off street parking facilities shall be provided for all uses which generate vehicular traffic.

1. Access: Parking facilities shall have adequate access to a public road or street, the minimum width of such access being 10 feet.
2. Size: All parking spaces shall have a minimum area of 200 square feet and shall have a minimum width of 10 feet and a minimum length of 20 feet.
3. All parking spaces shall be graded, drained, and paved with blacktop or concrete so as to prevent the accumulation of surface waters.
4. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the recommended minimums.
5. Minimum number of spaces required by the Town will be set by using the ITE Parking Standard Guidelines.

Ordinance adopted November 10, 1992

Approved by the Sauk County Board of Supervisors January 19, 1993

Effective January 19, 1993

Amendment recommended for approval by the Zoning Commission November 17, 2010

Amendment approved by the Town Board January 5, 2011

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Approved by the Merrimac Town Board on May 1, 2019

Approved by the Sauk County Board of Supervisors May 18, 2019