

Zoning Amendments Town of Merrimac

DEFINITION AMENDMENTS:

FAMILY –one person; two unrelated persons who regularly and customarily reside together as a single housekeeping unit; or three or more persons who customarily reside together as a single housekeeping unit wherein no more than one such person is not related to any or all other such persons by blood, marriage, or legal guardianship.

DEFINITION ADDITIONS:

CAMPING UNIT. A camping unit is a sleeping unit, such as a tent or recreational vehicle or part thereof, which is used to house person(s) on a temporary basis and shall not be considered a structure as defined in this ordinance.

FIXTURE – a fixture is defined as a feature that is a permanent attachment to a structure and include, but may not be limited to: interior and exterior paint, wallpaper, lights, ceiling fans, cabinets, countertops, siding, shingles, carpet, linoleum, tile, windows and doors.

MECHANICAL – a mechanical is defined as an operational feature of a structure and include, but may not be limited to: wiring, sinks, faucets, water and sewage pipes, water softeners, water heaters, heating and cooling systems.

ORDINANCE ADDITIONS:

2.30 Park Fees.

A park fee shall be paid to the Town Clerk at the time of first application for approval of a final plat of a Planned Area Development, or subdivision plat or replat, in the amount of four hundred eighty five dollars (\$485.00) for each proposed dwelling unit within the plat. Park fees collected by the Town Clerk under the provisions of this code shall be deposited in a non-lapsing special fund for Town parks and open spaces within the Township and shall be separate from the General Fund of the Town, and said special fund shall be used exclusively for the improvement of existing parks, acquisition and development of parks, recreation, and other open space areas within each specifically designated area of the Town.

2.31 Camping

No persons shall establish a camping unit outside a designated campground. A designated campground shall be established pursuant to Section 9.02 of this Ordinance.

2.27 Planned Area Development

IV. PERFORMANCE GUARANTEE, ENFORCEMENT OF PLANNED AREA DEVELOPMENT, AND PENALTIES

- 1) To ensure compliance with the Zoning Ordinance and conditions imposed at the time of issuance of the Planned Area Development, the Town Board shall require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Town Board, equivalent to one hundred fifteen

percent (115%) of the total cost of improvements, be deposited with the Town Clerk to ensure faithful completion of the improvements. The Town Board shall, upon evidence presented by the applicant and/or appropriate Township officials authorize the Town Clerk to release the funds upon completion of all improvements. If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Planning Commission shall, by resolution, request the Town Board to take appropriate legal steps to ensure completion using so much of the security deposit as is necessary for such purpose. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Town Board to protect natural resources, or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including, but not limited to, roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project, which is the subject of zoning approval.

- 2) The occurrence of either of the following events shall be considered violations of this ordinance and subject the developer of any property which is subject to an approved Planned Area Development, or any agent, lessee, employee, representative, successor or assign thereof, to the enforcement remedies contained in this Ordinance:
 - a. Failure to comply with any terms, conditions or limitations contained on a site plan, or other approved documents pertaining to a Planned Area Development which has received final approval from the town, whether under the provisions of this ordinance or under the provisions of prior law.
 - b. Failure to comply with any order of record imposed by the Town upon its approval of a Planned Area Development, whether under the provisions of this ordinance or under the provisions of prior law.
- 3) Should an order to remove any alleged violation be served upon the developer, or any other person who commits or assists in any alleged violation, and such person fails to comply with such order within fifteen days, shall be considered to be in violation of this ordinance.
- 4) Each day that such a violation occurs shall constitute a separate offense.
- 5) In addition to any of the foregoing remedies, the town's attorney, acting in behalf of the Town Board may maintain an action for an injunction to restrain any violation of this ordinance.
- 6) Any person, firm or corporation violating any provisions of this Ordinance, upon conviction therefore, shall be fined not more than five hundred dollars (\$500.00) per violation and/or may face additional penalties as subject to Sauk County or State of Wisconsin law.

ORDINANCE AMENDMENTS:

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:

2) No structural alteration or repair to any non-conforming building, as long as such use continues, shall increase by more than 50% of its assessed value, except upon the granting of a variance by the Board of Appeals. Should a nonconforming structure be destroyed by fire, wind, or other disaster beyond 50% of its current fair market value, or voluntarily moved or torn down, it cannot be rebuilt unless it conforms to the provisions of this ordinance.

2.27 9 Dedication of Natural Areas

Whenever a lot is to be created a dedication for natural area purposes shall be made, or at the Town's option a payment in lieu of dedication shall be made. Dedications and payments in lieu of dedication shall be made according to the following procedure:

a) Dedications: The subdivider shall dedicate an area equal to five percent (5%) of the area shown on any new preliminary plat, final plat or certified survey map for natural area purposes, provided that said dedication is acceptable to the Town Board. Ownership of lands to be dedicated may be transferred to Sauk County, or the township, or incorporated municipality in which the subdivision is located at the time of approval of the first, final plat of the subdivision by means of a warranty deed free and clear of all encumbrances and restrictions. The unit of government to receive title shall be designated by the Town Board.

b) Payment in lieu of dedication: Where the Town determines that a dedication of land is inappropriate, they shall require a payment of four hundred eighty five dollars (\$485.00) per lot, payable at the time of approval of all final plats and certified survey maps. Said payments are in addition to any other fees collected, and shall be deposited into a non-lapsing special fund to be used exclusively for the improvement of existing parks, acquisition and development of parks, recreation, and other open space areas within each specifically designated area of the Town.

c) Waiver of dedication and payments in lieu of dedication: The Agency may waive the aforementioned dedication and payment requirements for lots created solely for purposes of transfer of ownership where a residence or farmstead exists at the time the lot is created, the lot is certified as unbuildable on the plat or certified survey map and is to be used only for agricultural or other open space purposes, or the property is to be developed for public transportation or utility purposes.

Adopted and published December 2, 2004