

VARIANCES AND FEES

35) Variances

- a) Where the Agency finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations.
- b) Any modifications or variance thus granted shall be entered in the minutes of the Agency, setting forth the reasons which, in the judgement of the Agency, justified the modification or variance.

36) Fees

The subdivider shall pay such fees as shall be periodically established by the Town Board.

37) Violations and Penalties

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in Sections 236.30, 236.31, 236.32, 236.335 and 236.35 of the Wisconsin Statutes.

2.28 Occupancy

No person(s) shall reside in a dwelling that does not have running water, a septic system and electrical services all hooked up and functioning.

2.29 Public Access To Lake Wisconsin

Definition: A Public Access is a parcel of land with frontage on Lake Wisconsin which has been dedicated to the Town for use by the general public.

1) Permitted uses

- a) General passive recreation and picnicing by the public.
- b) Swimming and fishing from the shore.
- c) Erection of one pier per public access site for the use of boats by the public subject to current Town Board Policy.

- d) Placement of benches and picnic tables for the summer season, provided they are in good condition and available for use by anyone.
 - e) Mowing of grass.
- 2) Restrictions
- a) Piers and the boats moored at them must be removed by October 31.
 - b) All activities must be such that they do not create excessive noise or litter or other public nuisance.
 - c) Portable grills and open fires are subject to fire restrictions in effect at such time period in the Town.
 - d) Property owners desiring to undertake DNR-approved shoreline protection work on the public access may do so at their own expense with the approval of the Town Board and Sauk County Planning and Zoning Department and DNR.
- 3) Not permitted
- a) Overnight camping or parking
 - b) Storage of personal property
 - c) Out of season storage of boats and/or pier sections
 - d) Any structural enhancement or landscaping
 - e) Changing of landscape or cutting trees
 - f) All other land uses and site activities not otherwise approved in above

3.0 TOWN PLANNING AND ZONING COMMISSION

3.01 Establishment

A Town Planning and Zoning Commission is hereby created to carry out the intent of the Town of Merrimac Zoning Ordinance. The membership and duties shall be prescribed by Chapter 62.23 of the Wisconsin Statutes.

3.02 Membership

1) Commission

- a) The council of any city may by ordinance create "City Plan Commission," to consist of the mayor, who shall be its presiding officer, the city engineer, the president of the park board, an alderman, and 3 citizens. In case the city has no engineer or no park board, an additional citizen member shall be appointed so that the board has at all times 7 members. Citizen members shall be persons of recognized experience and qualifications. The council may by ordinance provide that the membership of the commission shall be as provided thereunder.
 - b) The alderman member of the commission shall be elected by a two-thirds vote of the council, upon the creation of the commission, and during each April thereafter.
 - c) The three citizen members shall be appointed by the mayor, upon the creation of the commission, to hold office for a period ending one, two and three years, respectively, from the succeeding first day of May, and thereafter annually during April one such member shall be appointed for a term of three years.
 - d) The additional citizen members, if any, shall be first appointed to hold office for a period ending one year from the succeeding May first, and thereafter annually during the month of April. Whenever a park board is created, or a city engineer appointed, the president of such board or such engineer shall succeed to a place on the commission when the term of an additional citizen member expires.
 - e) The city plan commission shall have power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commission by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.
 - f) Any city may by ordinance increase the number of members of the city plan commission so as to provide that the building commissioner or building inspector shall serve as a member thereof.
- 2) Zoning Administrator shall attend all meetings when requested by the commission for the purpose of provide technical assistance.

- 3) Terms of the Town Planning Commission shall be staggered as prescribed by 62.23(1)(b)(c)(d) of the Wisconsin Statutes.
- 4) At all public hearings the secretary shall be the Town Clerk or an appointed deputy.
5. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

3.03 Powers

The Town Planning and Zoning Commission shall have the following powers:

- 1). Review and act upon application for Planned Area Developments.
- 2) To review and recommend to the Town Board changes and amendments to the Town Zoning Ordinance.
- 3) Other matters as prescribed by Chapter 62.23 of the Wisconsin Statutes.
- 4) Annually review and recommend any necessary amendments to the Town of Merrimac Development Plan, Zoning Ordinance and Zoning Map.
- 5) Recommendations - the Town Planning and Zoning Commission shall review all proposed changes and amendments within the Town limits, conduct a public hearing (with Class 2 Notice) and shall recommend that the petition be granted as requested, modified, or denied.
- 6) Town Board's Action - following such hearing and after careful consideration of the Town Planning Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.
- 7) Protest - in the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership (3 of 3). Protest must be filed within 60 days from original vote of passage by Town Board.