

RESOLUTION NO. _____ - 2021

**APPROVING AN AMENDMENT TO THE
TOWN OF MERRIMAC ZONING ORDINANCE**

Background: Pursuant to Wis. Stat §60.10(2)(c) the Town of Merrimac has been granted village powers to develop, adopt, and amend their town zoning ordinance. In counties that have county zoning, Wis. Stat §60.62(3) states that no (town) zoning ordinance or amendment to a (town) zoning ordinance may be adopted unless approved by the county board.

The Town of Merrimac Board amended the Town of Merrimac Zoning Ordinance on March 3, 2021. A public meeting was held by the Land Resources and Environment (LRE) Committee on March 30, 2021, as requested by the Town of Merrimac, to consider the amendment to the Town of Merrimac Zoning Ordinance. The LRE Committee found the amendment reasonable and recommended approval of the amendment by the Sauk County Board of Supervisors.

Fiscal Impact: ☒ None ☐ Budgeted Expenditure ☐ Not Budgeted

NOW, THEREFORE, BE IT RESOLVED, by the Sauk County Board of Supervisors, met in regular session, that the amendment to the Town of Merrimac Zoning Ordinance as referenced under Appendix and more specifically Town of Merrimac Ordinance #2021-38 be Approved.

For consideration by the Sauk County Board of Supervisors on April 20, 2021.

Respectfully submitted,

LAND RESOURCES AND ENVIRONMENT COMMITTEE

Martin Krueger, Chair

Peter Kinsman, Vice Chair

Ross Curry

Brandon Lohr

Rob Nelson

Valerie McAuliffe

Dennis Polivka

TOWN OF MERRIMAC ORDINANCE 2021-38

Amending the Town of Merrimac Zoning Ordinance

The Town Board of the Town of Merrimac, Sauk County, Wisconsin, ordain that the Town of Merrimac Zoning Ordinance be amended as follows (new language is underlined):

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:

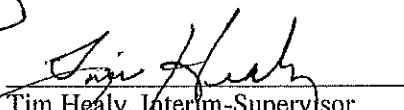
- 1) No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance without the granting of a variance by the Board of Appeals. An existing primary residential structure, that was lawfully placed when constructed may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level as defined by the Town of Merrimac Zoning ordinance.
- 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.
 - a) An existing primary residential structure subject to the Sauk County Chapter 8 Shoreland Protection Ordinance that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure even when it encroaches in town setbacks. Further, an existing primary use structure that was lawfully placed in this district when constructed, but that does not comply with the required shoreland setback, may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level as defined by the Town of Merrimac Zoning ordinance.


The Town Board further ordain that the above amendments of the Zoning Ordinance shall be effective immediately upon adoption and publication of this ordinance as provided by law, subject to approval by the Sauk County Board of Supervisors. The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Statutes.

The foregoing ordinance was adopted by the Town Board of the Town of Merrimac at a meeting held on March 3rd, 2021.

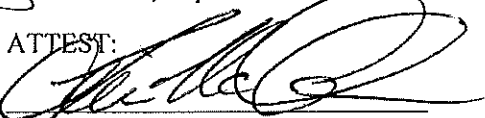
APPROVED:


Charlie Hall, Interim-Town Chair


Tim Healy, Interim-Supervisor


John Gaedke, Supervisor

ATTEST:


Tim McCumber
Town Administrator & Clerk – Treasurer

S6911 State Road 113
P.O. Box 115
Merrimac, WI 53561



Telephone: (608) 493-2588
Fax: (608) 493-2238
Website: TownOfMerrimac.net

NOTICE

Notice is hereby given that at a regular meeting of the Town Board of the Town of Merrimac on March 3, 2021 the Town Board approved Ordinance #2021-38 amending Section 2.08 of the Town of Merrimac Zoning Ordinance as it relates to Non-Conforming Uses in the Sauk County Shoreland Protection District. The amendment will allow for a legally non-conforming primary residential structure that was lawfully placed when constructed in the shoreland district to be reconstructed in the same footprint as conditioned by the county ordinance even if it encroaches into town setbacks.

The entire ordinance is available for review at Town Hall, the posting locations of Charlie's Lakeside, and Palmer Manufacturing, as well as online at <https://www.townofmerrimac.net/zoning.html>.

Dated this 29th day of January, 2021.
Tim McCumber, Town Administrator and Clerk-Treasurer