

T H E T O W N O F
MERRIMAC

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

**NOTICE OF PUBLIC HEARING
TOWN OF MERRIMAC**

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Planning and Zoning Commission of the Town of Merrimac on Wednesday, June 15, 2016, beginning at 7:00 p.m. at the Merrimac Town Hall, S6911 State Highway 113, to consider proposed Town Ordinance 2016-18 amending the Town of Merrimac Zoning Ordinance Section 5 and Section 6 to comply with the Farmland Preservation Credit Program.

The purpose of the amendments are to include language that farmers and agricultural property owners within these districts who may be able to qualify for farmland preservation tax credits.

Interested parties may contact the Town Administrator at (608) 493-2588 or by email to tnadmin@merr.com. A full copy of the proposed changes are posted at the Town Hall, Charlie's Lakeside Hardware (Mobil), and Palmer Manufacturing, as well as on the town's website at <http://www.tn.merrimac.wi.gov>.

During the Public Hearing, the public is invited to speak regarding the amendments. Written comments can be submitted to the Town Clerk prior to the meeting and shall become part of the record. The Public Hearing shall be closed when all interested parties in attendance have had a chance to offer comment.

Upon the close of the Public Hearing, a meeting of the Planning & Zoning Commission of the Town of Merrimac shall be called to order and the amendment shall be discussed and considered per the agenda.

By Order of the Town Board of the Town of Merrimac
Tim McCumber, Town Administrator & Clerk - Treasurer

CLASS II Notice

HEARING NOTICE POSTED: May 27, 2016
HEARING NOTICE PUBLISHED: May 28 & 31, 2016

Telephone: (608) 493-2588
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www.Tn.Merrimac.Wi.Gov

TOWN OF MERRIMAC ORDINANCE 2016-18

AN ORDINANCE AMENDING SECTION 5 & SECTION 6 OF THE TOWN OF MERRIMAC ZONING ORDINANCE TO COMPLY WITH THE FARMLAND PRESERVATION CREDIT PROGRAM

WHEREAS, farmers and agricultural property owners who farm lands within a certified farmland preservation plan and current farmland preservation plan maps identifying farmland preservation areas, may qualify for tax credits; and

WHEREAS, the Sauk County Farmland Preservation Plan includes a farmland preservation plan map for the Town of Merrimac that identifies farmland preservation areas consistent with the current official zoning map and future land use map in local comprehensive plan; and

WHEREAS, the Town of Merrimac as updated the town farmland preservation plan map to be included in Sauk County Farmland Preservation Plan in accordance with Town of Merrimac Resolution 2013-06 approved on August 13, 2013.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Merrimac, Sauk County, Wisconsin, upon recommendation of the Town of Merrimac Planning and Zoning Commission, do ordain that the Town of Merrimac Zoning Ordinances Section 5 and Section 6 are amended as follows (**new language is in bold**, deleted language is stricken):

5.0 AGRICULTURAL DISTRICT

1.1 Permitted Uses

1. General farming, including dairying, livestock raising, grazing, and poultry raising when the operation involves fewer than 1,000 birds **for the purpose of producing an income or livelihood.**
2. Raising of grain, grass, seed crops, nuts, root crops, mint, berries, and herbs **for the purpose of producing an income or livelihood.**
3. Greenhouses, nurseries, orchards, floriculture, viticulture, sod-farming. **Excluding greenhouses, these activities shall be for the purpose of producing an income or livelihood.**
4. Beekeeping **for the purpose of producing an income or livelihood.**
5. Forest and game management; nature trails and walks. **Excluding nature trails and walks, these activities shall be for the purpose of producing an income or livelihood.**
6. Roadside stands to sell produce **for the purpose of producing an income or livelihood.**
7. One single-family dwelling per farm operation, except that there may be up to two (2) per farm operation for the farm operator, parents or children of the farm operator or hired persons all deriving at least 51 percent of their income from the farm operation. A farm operation may be comprised of one or more parcels, as defined by this Ordinance.
8. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm lot onto a parcel of not less than one acre. **The farm dwelling must have existed prior to January 1, 2014.**

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9. Garages and other similar structures or uses accessory to housing uses.

5.04 Standards for Rezoning

- 2) The Planning and Zoning Commission may approve petitions for rezoning lands out of the Agricultural District only upon finding that such a rezoning is in the public interest after consideration of the following factors:

j) In compliance with Wisconsin Statute 91.48 “Rezoning of land out of a farmland preservation zoning district.”

6.0 AGRICULTURE CONSERVATION

6.02 Permitted Uses.

1. General farming, cultivation of crops, including dairying, livestock raising, poultry raising, and grazing when conducted in accordance with the county conservation standards **for the purpose of producing an income or livelihood. Roadside stands should be owned and operated by the property owner.**
2. Forest preservation, nature trails and walks, forest and game management, and hunting and fishing as permitted by landowners and state regulations. **Excluding nature trails and walks, these activities shall be for the purpose of producing an income or livelihood.**
- a) One single-family dwelling on parcels (as defined by this Ordinance) which are lots of record at the time of adoption of this ordinance on January 11, 1993. All standards for the Single Family Residential District (R-1) shall apply to such dwellings as a minimum standard and:
 1. **Farm dwellings and related structures shall be a permitted use.** All new residential dwellings and structures shall ~~be reviewed by~~ **require a conditional use permit the Planning and Zoning Commission** and subject to approval by the Town Board.
 2. A driveway construction plan shall be prepared by a licensed civil engineer when construction of a driveway or segment of a driveway requires disturbing land with a grade of 10 percent or more.
 3. All driveways in this district shall have a firm surface capable of supporting emergency vehicles under all weather conditions. A clear space of 14 feet high and 16 feet wide shall be maintained at all times for emergency vehicle access. Appropriate signage shall be placed at the entrance to a driveway servicing a residence so emergency personnel can accurately and expediently locate the driveway. The sign shall conform to Sauk County regulations.
 4. The maximum length of a driveway is 400 feet. Any driveway longer than 400 feet may be approved as a Conditional Use when the landowner shows satisfactory evidence that the same is necessary because of natural barriers or some special condition of the land. The Town Board may consult with the Fire Department.
- b) Pre-existing dwellings located in areas subject to zoning under this district may be continued in residential use **if they existed prior to January 1, 2014.** Such pre-existing residences and other

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structures may be altered, repaired or rebuilt if destroyed, and porches, room additions, and other remodeling may be permitted, but shall be subject to the setback, height, and other dimensional requirements of the R-1 District.

- c) Home occupations ~~conducted within and accessory structures to a permitted residential use, subject to the requirements for such occupational uses in the R-1 District~~ **whether or not associated with an agricultural use, that is conducted by the owner or farm operator subject to the requirements for such occupational uses in the Single Family Residential District (R-1) and does not impair or limit current or future agricultural use of the farm or protected farmland.**

6.04 Standards for Rezoning

- 1) **Rezoning land out of this district may only be considered if the rezoning meets the standards established in the Agricultural District and is done in compliance with Wisconsin Statute 91.48 “Rezoning of land out of a farmland preservation zoning district”.**

This ordinance is effective on the day following publication per s. 60.80, or upon approval of the Sauk County Board, whichever date is latter. The town clerk shall properly publish this ordinance as required per s. 60.80.

Adopted this 6th day of July, 2016;

Steve Peetz, Town Chair

I hereby certify that the foregoing resolution was duly passed by the Town Board of the Town of Merrimac on this 6th day of July, 2016 and approved by the Town Chair on that date.

Tim McCumber, Town Administrator & Clerk -Treasurer

Recommended by the Zoning Commission:

Adopted by the Town Board:

Approved by Sauk County Board of Supervisors: