

ENROLLED ORDINANCE 162-47

AMEND THE TEXT OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO ELIMINATE CERTIFIED MAIL NOTIFICATION REQUIREMENTS FOR PUBLIC HEARINGS AND REQUIRE FIRST CLASS MAIL NOTIFICATION (SCZ-1660)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on January 23, 1970; and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Section 59.692, Wisconsin Statutes; and

WHEREAS, the subject matter of this Ordinance been duly referred, considered and approved by the Waukesha County Park and Planning Commission after public hearing on July 25, 2007 and the giving of requisite notice of said hearing and a recommendation thereon reported to the Land Use Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statute,

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the text of the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended in accordance with the proposed amendments adopted by the Land Use, Parks and Environment Committee is hereby amended as follows:

Subsection 4(c) is hereby repealed and recreated to read as follows:

(c) **Public Hearing**

Upon receipt of the application, the foregoing data and fees, the Zoning Administrator shall establish a date for a joint public hearing by the Town Plan Commission and the County Zoning Agency, or its designee, and shall publish notice of said hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the area of the proposed conditional use. Notice of the public hearing shall be given by first class mail to the owners of all lands within three hundred (300) feet of any part of the land included in such conditional use at least seven (7) days before such public hearing. An exception to this requirement for notice to surrounding property owners is that for projects which are applied for and the responsibility of the municipality or other governmental agency as mentioned in section 4(b), notice is not required to be mailed to each affected property owner or those who own property within three hundred (300) feet of the project area. All other requirements for notice shall be provided as specified herein.

A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Town Clerk by first class mail not less than ten (10) days prior to the date of the hearing. Testimony of all interested parties will be recorded at the public hearing and the Town Plan Commission shall take action within thirty (30) days, to either recommend approval or disapproval of the application along with any recommended conditions of approval or reasons for

recommending denial. If additional time is necessary beyond the thirty (30) days referred to above, unless time is extended, such time may be extended with the consent of the petitioner. The action of the Town Plan Commission, and any conditions made applicable thereto, shall then be sent in writing to the County Zoning Agency. In the case of conditional use applications for a cemetery or mausoleum, the recommendation of the Town Plan Commission must first be submitted to the Town Board for official action of that body before transmittal to the County Zoning Agency.

Subsection 18 (a) 9 is hereby repealed and recreated to read as follows

9. Hobby kennel accessory to an otherwise permitted use, provided such use has the specific approval of the town plan commission and will not adversely affect the use of adjacent lands as may be determined by findings of the town plan commission. The proposed use of parcels in such a manner shall be made by written notice to land owners within one hundred (100) feet of the subject property and in any case to land owners immediately adjacent and across the street from such use by first class mail from the town plan commission prior to the meeting at which the town plan commission will consider approval of such use. The town plan commission may require such measures or provisions by the applicant as it may deem necessary to provide adequate protection of surrounding property. The town may deny the right to a hobby kennel on the basis of a finding that such a use would be incompatible and a possible nuisance to surrounding uses and not in the public interest. Any person aggrieved by a decision of the plan commission relative to this provision may appeal such decision to the board of adjustment for review and determination as provided for in section 38 of this Ordinance.

Where two (2) or fewer dogs are kept, such use shall be considered accessory to the principal use and shall not require special approval by the plan commission. In any case, if the keeping of any number of dogs accessory to the principal use becomes a nuisance to the neighborhood as may be determined by the town plan commission or town board, such use shall be terminated or the nuisance abated. Where necessary, the town plan commission or town board may take appropriate steps to abate such nuisance.

Subsection 38(d) 3 is hereby repealed and recreated to read as follows:

3. Hearing: Each appeal shall be heard within a reasonable time and not to exceed ninety (90) days-from the time the appeal was filed with the board. Notice of hearing shall be given by publishing in a newspaper of general circulation in the vicinity of the appeal at least once each week for two (2) consecutive weeks and not less than seven (7) days from the date of hearing. Written notice shall be given to the state department of natural resources not less than ten (10) days prior to the hearing. Written notice shall also be given to the administrative officer appealed from and by first class mail to the petitioner, the clerk of the town wherein the affected lands are located, the owners of each parcel of land within one hundred (100) feet of the land in question, and any other specifically interested parties. At the hearing, any party may appear in person, or by agent or by attorney.

Subsections 40(b) (1) B and C are hereby repealed and recreated to read as follows:

- B. When the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, notice of the public hearing shall be given by first class mail to the owners of all lands within three hundred (300) feet of any part of the land included in such proposed change or conditional use at least seven (7) days before such public hearing. The failure of such notice to reach any property owner, provided such failure be not intentional, shall not invalidate any amending ordinance or granting of conditional use.
- C. When the hearing involves an amendment to the zoning ordinance, a copy of such notice shall be sent without delay by first class mail to the town clerk of each town which would be affected by the amendment, and in no case less than seven (7) days prior to the date of such hearing. The town clerk shall in turn notify the plan commission without delay.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or contravention of provisions of this Ordinance are hereby repealed.

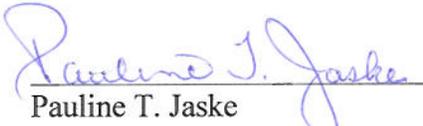
AMEND THE TEXT OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO ELIMINATE CERTIFIED MAIL NOTIFICATION REQUIREMENTS FOR PUBLIC HEARINGS AND REQUIRE FIRST CLASS MAIL NOTIFICATION (SCZ-1660)

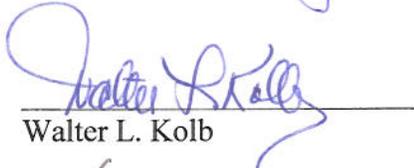
Presented by:  
Land Use, Parks, and Environment Committee

  
William A. Mitchell, Chair

  
Keith Hammitt

absent  
Keith Harenda

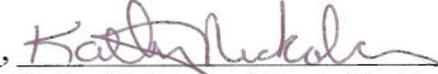
  
Pauline T. Jaske

  
Walter L. Kolb

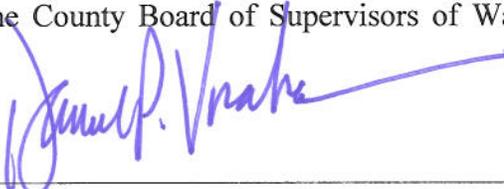
  
Vera Stroud

  
Peter M. Wolff

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 9-27-07,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 10-2-07,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/25/07

(ORD) NUMBER-1620043

- |                          |                          |
|--------------------------|--------------------------|
| 1 K. HERRO.....AYE       | 2 R. THELEN.....AYE      |
| 3 T. ROLFS.....AYE       | 4 R. HUTTON.....AYE      |
| 5 J. MARCHESE.....AYE    | 6 D. BROESCH.....AYE     |
| 7 J. JESKEWITZ.....AYE   | 8 J. DWYER.....AYE       |
| 9 P. HAUKOHL.....AYE     | 10 S. WOLFF.....AYE      |
| 11 K. HARENDA.....AYE    | 12 T. SCHELLINGER....AYE |
| 13 J. MORRIS.....        | 14 S. WIMMER.....AYE     |
| 15 D. SWAN.....AYE       | 16 R. STEVENS.....AYE    |
| 17 J. BEHREND.....AYE    | 18 B. MORRIS.....AYE     |
| 19 W. MITCHELL.....AYE   | 20 P. WOLFF.....AYE      |
| 21 W. KOLB.....AYE       | 22 G. BRUCE.....AYE      |
| 23 J. TORTOMASI.....AYE  | 24 J. VITALE.....AYE     |
| 25 K. CUMMINGS.....AYE   | 26 F. RUF.....AYE        |
| 27 D. PAULSON.....AYE    | 28 P. JASKE.....AYE      |
| 29 T. BULLERMANN.....AYE | 30 K. NILSON.....AYE     |
| 31 V. STROUD.....        | 32 P. GUNDRUM.....AYE    |
| 33 K. HAMMITT.....AYE    | 34 R. SINGERT.....AYE    |
| 35 P. MEYER.....AYE      |                          |

TOTAL AYES-33

TOTAL NAYS-00

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-33