

ENROLLED ORDINANCE 171-22

AMEND THE TEXT OF THE TOWN OF MERTON ZONING CODE BY AMENDING  
SECTION 17.81(2) REGARDING THE MAILING AND POSTING OF  
PUBLIC HEARING NOTICES (ZT-1833)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Merton Town Board on May 23, 2016, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Merton Zoning Code, adopted by the Town of Merton on October 23, 2007, hereby amends Section 17.81(2) regarding the mailing and posting of public hearing notices, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference ZT-1833, is hereby approved.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Merton.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

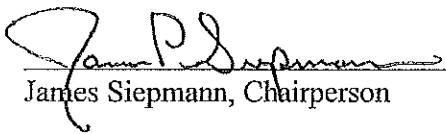
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

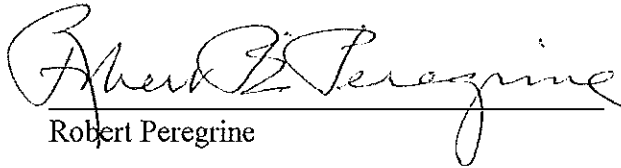
COMMISSION ACTION

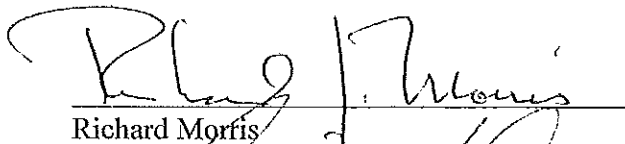
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Merton Zoning Code hereby recommends approval of (ZT-1833 Town of Merton Text Amendment) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

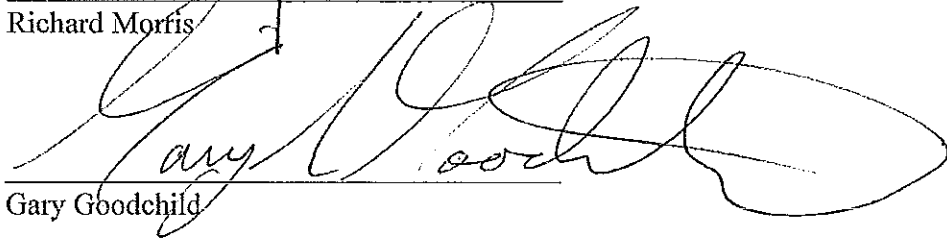
June 16, 2016

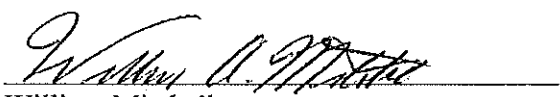
  
James Siepmann, Chairperson

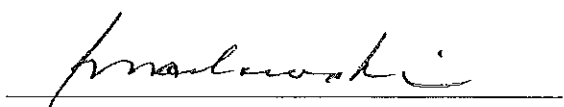
  
Robert Peregrine

  
Richard Morris

Richard Morris

  
Gary Goodchild

  
William Mitchell

  
William Maslowski

  
Keith Hammitt

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**FILE NO.:** ZT-1833

**DATE:** June 16, 2016

**PETITIONER:** Town of Merton Board  
Town of Merton Town Hall  
P.O. Box 128  
North Lake, WI 53064

**NATURE OF REQUEST:**

Amend Section 17.81(2) of the Town of Merton Zoning Code regarding the mailing and posting of public hearing notices.

**PUBLIC HEARING DATE:**

May 18, 2016.

**PUBLIC REACTION:**

None.

**TOWN PLAN COMMISSION:**

On May 18, 2016, the Town of Merton Plan Commission voted to recommend adoption of the proposed ordinance to the Town Board.

**TOWN BOARD ACTION:**

On May 23, 2016, the Town of Merton Board approved the Zoning Ordinance Amendments as recommended by the Town Plan Commission.

**OTHER CONSIDERATIONS:**

The Town of Merton is proposing to reduce certified mailing costs for notification of neighbors regarding conditional use and rezoning public hearings. The Town's Zoning Code currently requires the posting of a notice in the local paper and in a location near the subject property. The code also requires that the public notice be mailed to neighbors within 300' of a proposed conditional use or rezoning via certified mail. The Town proposes to change the mailing requirement to be via first class mail only, as each certified mailing costs the Town \$4.00. The County made a similar change a number of years ago and has had no complaints since.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that the proposed text amendment be **approved**. The proposed amendment will save the Town money while still providing adequate notice to nearby property owners regarding upcoming public hearings.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachment: Town Ordinance

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ORDINANCE NO. 17.81(2)

AN ORDINANCE TO AMEND §17.81(2) OF THE GENERAL CODE  
OF ORDINANCES OF THE TOWN OF MERTON RELATING TO  
MAILING OF NOTICES OF PUBLIC HEARING

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The Town Board of Supervisors of the Town of Merton, Waukesha County,  
Wisconsin, do ordain as follows:

SECTION 1. Section 17.81(2) of the General Code of Ordinances is amended to  
read as follows:

17.81 PROCEDURE.

(2) POSTING. When the hearing involves a proposed change in the zoning  
district classification of any property or the granting of a conditional use, one of the  
notices shall be posted in the vicinity of such proposed change or conditional use where  
practical, and notice of the public hearing shall be mailed by first class mail to the  
owners of all lands within 300 feet of any part of the land included in such proposed  
change or conditional use at least 10 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 grant of conditional use.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon  
passage and posting or publication as required by law.

DATED: May 23, 2016

TOWN OF MERTON


By: Richard Nawrocki  
Richard Nawrocki, Chairman

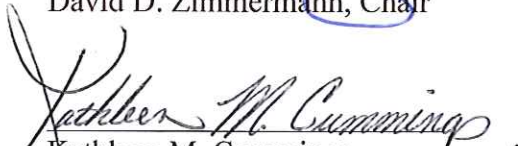
ATTEST:

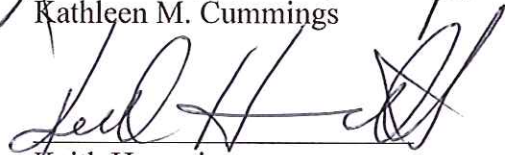
Holly R. Claas  
Nathan Bright, Clerk Holly R. Claas  
Acting Clerk

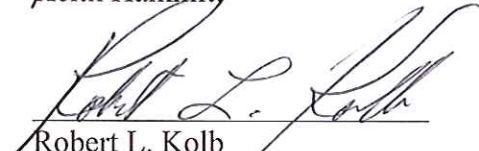
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SECTION 17.81(2) REGARDING THE MAILING AND POSTING OF  
PUBLIC HEARING NOTICES (ZT-1833)

Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair

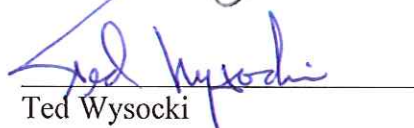
  
Kathleen M. Cummings

  
Keith Hammitt

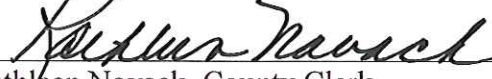
  
Robert L. Kolb

  
William Mitchell

  
Thomas J. Schellinger

  
Ted Wysocki

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

Date: 7/26/16,   
Kathleen Novack, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 8/1/16,   
Paul Farrow, County Executive

<b>Kolb</b>	<b>AYE</b>	<b>Wood</b>	<b>Absent</b>
<b>Zimmerman</b>	<b>(M) AYE</b>	<b>Mitchell</b>	<b>AYE</b>
<b>Morris</b>	<b>AYE</b>	<b>Crowley</b>	<b>AYE</b>
<b>Batzko</b>	<b>AYE</b>	<b>Paulson</b>	<b>AYE</b>
<b>Dondlinger</b>	<b>AYE</b>	<b>Nelson</b>	<b>AYE</b>
<b>Walz</b>	<b>AYE</b>	<b>Cummings</b>	<b>AYE</b>
<b>Grant</b>	<b>Absent</b>	<b>Schellinger</b>	<b>AYE</b>
<b>Michalski</b>	<b>AYE</b>	<b>Zaborowski</b>	<b>AYE</b>
<b>Heinrich</b>	<b>AYE</b>	<b>Wysocki</b>	<b>AYE</b>
<b>Swan</b>	<b>AYE</b>	<b>Hammitt</b>	<b>(2) AYE</b>
<b>Howard</b>	<b>AYE</b>	<b>Whittow</b>	<b>AYE</b>
<b>Wolff</b>	<b>AYE</b>	<b>Johnson</b>	<b>AYE</b>
<b>Decker</b>	<b>AYE</b>		

171-0-021

Recording 171-0-021 Results

Majority Vote

