

ENROLLED ORDINANCE 180-76

APPROVE THE TOWN OF MERTON ORDINANCE WHICH AMENDS SECTION 17.03(2) AND CREATES SECTIONS 17.22(4)(h) AND (i) RELATING TO SHIPPING CONTAINERS (RZ170)

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 October 27, 2025; 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 Town of Merton Ordinance which amends which amends Section 17.03(2) and creates Sections 17.22(4)(h) and (i) relating to shipping containers, as more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference, 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.

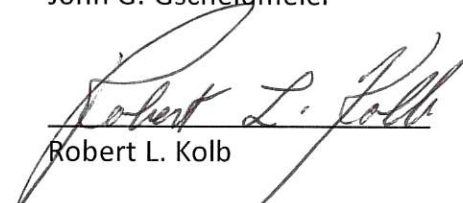
APPROVE THE TOWN OF MERTON ORDINANCE WHICH AMENDS SECTION 17.03(2) AND  
CREATES SECTIONS 17.22(4)(h) AND (i) RELATING TO SHIPPING CONTAINERS (RZ170)

Presented by:  
Land Use, Parks, and Environment Committee


  
Christine M. Howard, Chair

  
Wayne Euclide

  
John G. Gscheidmeier

  
Robert L. Kolb

  
Johnny Koremenos

  
Brian Meier

  
Steve Styza

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

Date: 3-27-2026,   
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 4/7/2026,   
Paul Farrow, County Executive


## COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Merton Zoning Code hereby recommends approval of **RZ170 (Town of Merton Board)** in accordance with the attached "Staff Report and Recommendation".

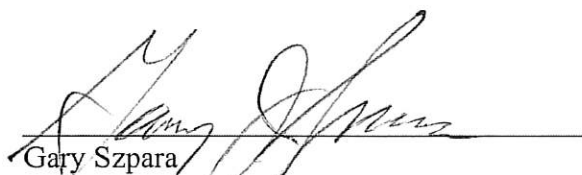
**PARK AND PLANNING COMMISSION**

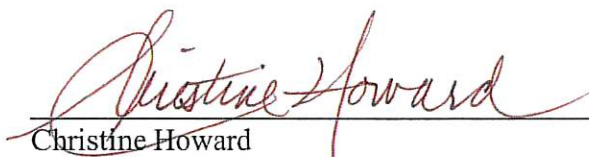
**February 26, 2026**

  
Robert Peregrine, Chairperson

  
James Siepmann

  
William Groskopf

  
Gary Szpara

  
Christine Howard

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

**DATE:** February 26, 2026

**FILE NO.:** RZ170

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

**REQUEST:**  
Text amendment to the Town of Merton Zoning Code to amend section 17.03(2) and create Sections 17.22(4)(h) and (i) relating to shipping containers.

**PUBLIC HEARING DATE:**

October 1, 2025

**PUBLIC COMMENT:**

One person stated a preference for shipping containers to be limited based upon square footage of containers rather than specifying two containers up to 45' in length.

**TOWN PLAN COMMISSION ACTION:**

On October 15, 2025 the Town Plan Commission recommended approval of the request to the Town Board.

**TOWN BOARD ACTION:**

On October 27, 2025, the Merton Town Board of Supervisors unanimously approved the request.

**STAFF ANALYSIS:**

The Town of Merton has created provisions for regulating shipping containers in business, industrial and residential zoning districts. The town has clarified that shipping containers shall be classified as accessory structures and that business and industrial zoned properties are entitled to two shipping containers when incorporated into a Site Plan/Plan of Operation approval. The maximum size of each container would be 45' long, 8.5' wide and 10' in height. Containers cannot be stacked and must be painted or maintained to match the principal structure on a property.

In residential districts, one container may be permitted during construction or renovation of a home with prior approval of the building inspector. Shipping containers would need to be removed within 30 days of obtaining occupancy.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The new provisions will accommodate shipping containers on commercial and industrial properties with site plan review to ensure that the location does not conflict with easements or cause other conflicts. Incidental use of a single shipping container would be allowed during times of construction on residential properties. These provisions will ensure limited use of shipping containers while also ensuring that nuisance conditions are not created by an overabundance of containers or undesirable placement of containers.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Attachment: Town Ordinance

STATE OF WISCONSIN: TOWN OF MERTON: WAUKESHA COUNTY:

**ORDINANCE AMENDING SECTION 17.03(2) AND CREATING SECTIONS 17.22(4)(h),  
AND (i), OF THE MUNICIPAL CODE OF THE TOWN OF MERTON**

**NOW THEREFORE**, the Town Board of the Town of Merton, Wisconsin does ordain as follows:

SECTION 1. Section 17.03(2) of the Town Code is hereby amended by creating the definition "SHIPPING CONTAINER" to read as follows:

SHIPPING CONTAINER. A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship that is used for the storage of personal property and placed on private property. Shipping container includes cargo containers, storage units, portable on demand storage (generally known as "PODS"), or other prefabricated storage structures.

SECTION 2: Sections 17.22(4)(h) and (i), of the Town Code are hereby created to read as follows:

- (h) Shipping containers are classified as accessory structures and only permitted if expressly stated in the Town's Code. In the Business and Industrial Districts, up to two shipping containers are permitted when included as part of the approved plan of operation and site plan and if the shipping containers are used solely as accessory to the principal use on the subject property. Shipping containers in the Business and Industrial Districts shall also be subject to the following provisions:
1. No shipping container shall exceed 45 feet in length, eight and one-half feet in width, and 10 feet in height.
  2. Shipping containers may be located adjacent to each other without minimum separation requirements, but shall not be connected by roof or walkway.
  3. Stacking of shipping containers is prohibited.
  4. Shipping containers must meet the setback, offset, and other requirements of the district.
  5. No wording, numbers, advertising, or graffiti shall be visible on the shipping container. Shipping containers shall be painted and maintained to match the principal structure.
  6. Shipping containers shall be located in the rear of the principal structure.
  7. If a shipping container is used for other than cold storage, it must obtain all permits and approvals from the State of Wisconsin.
  8. Shipping containers shall be used by the owner or actual occupant of the property, and be used in conjunction with the property's principal use. Shipping containers shall not be leased or rented. Shipping containers shall not cause an increase in traffic.

9. The removal of a shipping container may be ordered by the Town of Merton if it is determined to constitute a public nuisance. The cost for such removal shall be the responsibility of the property owner. If the property owner fails to pay for the removal, the Town of Merton may assess the cost of removal against the property.
  10. All shipping containers must obtain a building permit before installation.
  11. If property is located under Waukesha County Shoreland Protection Ordinance, owner must apply to Waukesha County Parks and Land Use for permission and a permit.
- (i) In residential districts, one shipping container may be permitted during construction of a new home, addition, or renovation, subject to prior approval of the Building Inspector and upon the provision to the Town of a bond. The shipping container shall be removed within 30 days of issuance of an occupancy permit and prior to releasing the bond. The failure to timely remove the shipping container shall result in the forfeiture of the bond. The Town may remove the shipping container and assess the cost of the removal against the property.

SECTION 3: The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

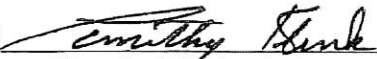
SECTION 4: Except as expressly provided in this Ordinance, all provisions of the Town Code remain in full force and effect.

SECTION 5: All ordinances or parts of ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall take effect upon passage and posting or publication as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Merton, Waukesha County, Wisconsin this 27, day of October, 2025.

TOWN OF MERTON

By:   
Timothy Klunk, Chairman

By:   
Donna Hann, Clerk

Date Adopted 10-27-2025

Date Published 10-30-2025

Effective Date 10-30-2025

**VOTE RESULTS**

23 AYE 0 NAY 0 ABSTAIN 2 ABSENT

Consent Agena

19 Yes Votes Needed

**Passed**

D1 - Styza	<b>AYE</b>	D10 - Thieme	<b>ABSENT</b>	D19 - Enriquez	<b>AYE</b>
D2 - Euclide	<b>AYE</b>	D11 - Howard	<b>AYE</b>	D20 - Schellinger	<b>AYE</b>
D3 - Gscheidmeier	<b>AYE</b>	D12 - Wolff	<b>AYE</b>	D21 - Gaughan	<b>AYE</b>
D4 - Batzko	<b>AYE</b>	D13 - Leisemann	<b>AYE</b>	D22 - Szpara	<b>AYE</b>
D5 - Dondlinger	<b>AYE</b>	D14 - Mommaerts	<b>AYE</b>	D23 - Hammitt	<b>M AYE</b>
D6 - Walz	<b>AYE</b>	D15 - Kolb	<b>AYE</b>	D24 - Schroeder	<b>ABSENT</b>
D7 - LaFontain	<b>S AYE</b>	D16 - Crowley	<b>AYE</b>	D25 - Johnson	<b>AYE</b>
D8 - Koremenos	<b>AYE</b>	D17 - Meier	<b>AYE</b>		
D9 - Heinrich	<b>AYE</b>	D18 - Nelson	<b>AYE</b>		

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