

1 REPEAL AND RECREATE THE TEXT OF THE TOWN OF GENESEE ZONING CODE (RZ106)
2
3

4 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
5 this Ordinance was approved by the Genesee Town Board on June 13, 2022; and
6

7 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
8 Planning Commission, which recommended approval and reported that recommendation to the
9 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
10 as required by Section 60.62, Wis. Stats.
11

12 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town
13 of Genesee Zoning Code, adopted by the Town of Genesee on July 23, 2015, is hereby amended
14 by repealing and recreating the text of the Town of Genesee Zoning Code, more specifically
15 described in the "Staff Report and Recommendation" on file in the office of the Waukesha
16 County Department of Parks and Land Use and made a part of this Ordinance by reference
17 RZ106, is hereby approved.
18

19 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
20 Ordinance with the Town Clerk of Genesee.
21

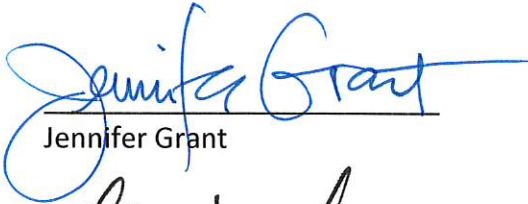
22 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
23 approval and publication.

REPEAL AND RECREATE THE TEXT OF THE TOWN OF GENESEE ZONING CODE (RZ106)

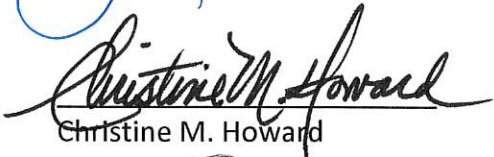
Presented by:
Land Use, Parks, and Environment Committee



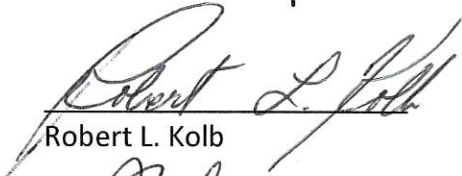
Thomas A. Michalski, Chair



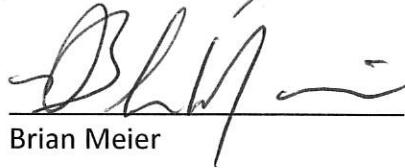
Jennifer Grant



Christine M. Howard



Robert L. Kolb




Brian Meier



Chris Mommaerts

Vacant

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

Date: 9/30/22 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

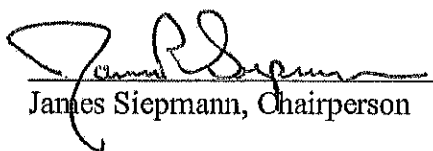
Date: 9/30/2022 
Paul Farrow, County Executive


COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to repeal and recreate the text of the Town of Genesee Zoning Code hereby recommends approval of RZ106 (Town of Genesee Board) in accordance with the attached "Staff Report and Recommendation".

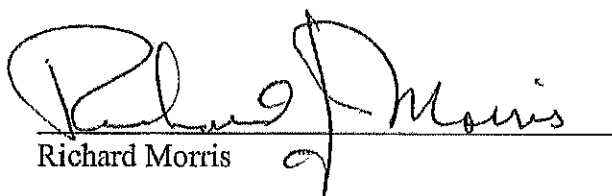
PARK AND PLANNING COMMISSION


August 18, 2022


James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson


Robert Peregrine


Richard Morris


William Groskopf

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

DATE: August 18, 2022

FILE NO.: RZ106

TAX KEY NO.: N/A

APPLICANT: Town of Genesee Board
P.O. Box 242
Genesee Depot, WI 53127

NATURE OF REQUEST:

Repeal and recreate the Town of Genesee Zoning Code to incorporate amendments to the town's conditional use standards and other miscellaneous sections of the code.

PUBLIC HEARING DATE:

June 13, 2022

PUBLIC REACTION:

None

TOWN PLAN COMMISSION:

On June 13, 2022, the Town Plan Commission recommended approval of the proposed text amendments to the Town Board.

TOWN BOARD ACTION

On June 13, 2022, the Town Board approved proposed text amendments to the Town of Genesee Zoning Code.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (CDP) AND THE TOWN OF GENESEE LAND USE PLAN:

The town and county plans call for a variety of land use types in appropriate settings. The town's proposal to modernize and update its conditional use standards and other miscellaneous provisions serve to better accomplish this purpose.

STAFF ANALYSIS:

As noted above, the Town of Genesee is proposing amendments to the town zoning code to modernize their conditional use requirements and make other minor changes. A full copy of the amendments in "track changes" is available for viewing at www.waukeshacounty.gov/planningandzoning (click the zoning ordinances tab to access the draft Town of Genesee code. The following is a brief summary of the conditional use (CU) section changes:

- Add introductory language that references requirements for substantial evidence to be relied upon in considering conditional use applications, consistent with statute.
- Clarify that uses not specified in the section are not allowed.
- Clarify that existing CUs remain valid, even if not conforming to new standards.
- Adds or amends standards for numerous use types including:

- Vet clinics/kennels
 - Service stations
 - Churches/cemeteries
 - Commercial stables- require minimum 10 acres, fencing plan, owner or employee reside on site.
 - Limited family businesses- expand to allow professional office space
 - Motels- make available in B-3 rather than B-1 District and retain in B-2 District.
 - Private Clubs
 - Create truck/trailer sales and rental as option in B-3
 - Telecommunications facilities
- Delete several use types that have not been sought, are no longer relevant or may be instead accommodated in industrial or business districts:
 - Antique shop, craft studio
 - Business park/shopping center
 - Contractors yard
 - Feed lots
 - Labs for testing
 - Mobile home parks
 - Outdoor theaters
 - Public and commercial refuse sites

Other miscellaneous changes being proposed include the following:

- Clarify that roads platted at 60' only need a 30' base setback line rather than 33'.
- Specify that solar energy systems on roof only require a zoning and building permit vs. other zoning approvals.
- Modify restaurant/bar parking requirements to 7 spaces per 1000 square feet rather than 1 space per 50' square feet of gross space.
- Designate the town plan commission with the authority to grant special exceptions for expansions to legal non-conforming structures. The board of adjustment was previously the assigned committee.

STAFF RECOMMENDATION

The Planning and Zoning Division Staff recommends **approval** of this request. The changes incorporate language that is intended to clarify legal requirements for conditional uses. In addition, a number of dated conditional use types are being removed and modernized standards are proposed for a number of uses. The changes provide more specificity for several use types making administration easier for the town and making the standards more understandable for the public.

Respectfully submitted,

Jason Fruth

Jason Fruth
 Planning & Zoning Manager

Attachments: Town Ordinance, No. 22-3
 Ordinance amendments in “track changes” located at
www.waukeshacounty.gov/planningandzoning under the Zoning Ordinances tab.

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE NO. 22-3

AN ORDINANCE TO REPEAL AND RECREATE A ZONING CODE FOR
THE TOWN OF GENESEE

WHEREAS, the Town of Genesee Town Board adopted a zoning code for the Town of Genesee in 2015 and amended it in 2017; and

WHEREAS, the Town Board does hereby exercise its right to repeal and recreate the Town of Genesee Zoning Code which is subject to approval of the Waukesha County Board pursuant to Wisconsin Statutes Section 60.62(3); and

WHEREAS, the Town Board for the Town of Genesee has initiated this proposed zoning ordinance and has referred to the matter to the Town Plan Commission pursuant to Wisconsin Statutes Section 62.23(7)(d)(1)(a); and

WHEREAS, following the formation of tentative recommendations a public hearing was held by the Town Board upon due notice as required by Wisconsin Statutes Section 62.23(7)(d)(1)(a); and

WHEREAS, the Town Board has received a recommendation from the Town Plan Commission in favor of adopting the ordinance repeal and recreate the Zoning Code for the Town of Genesee; and

WHEREAS, the Zoning Ordinance that is hereby adopted has been available for public inspection for not less than two weeks before its enactment, and shall be published as a code pursuant to Wisconsin Statutes Section 66.0103; and

WHEREAS, the Town Board of the Town of Genesee having carefully reviewed the recommendation of the Town Plan Commission, being fully informed and advised, having determined that all procedural requirements and notice requirements have been satisfied, having determined that the Zoning Ordinance are consistent with the recommendations found in the Town of Genesee Comprehensive Plan, having given the matter due consideration, and having based its determination on the effect of the adoption of such Zoning Ordinance on the health, safety and welfare of the community, and having given due consideration to such municipal issues as noise, dust, smoke and odor, and others, hereby determines that the Zoning Code adoption will be a benefit to, and will not be contrary to, the public health, safety and general welfare of the Town of Genesee.

NOW, THEREFORE, the Town Board of the Town of Genesee, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

RECEIVED

JUN 20 2022

SECTION 1. The Town of Genesee Zoning Code is hereby repealed and recreated as the Town of Genesee Zoning Code to read as indicated in Exhibit A, attached hereto.

SECTION 2. ORDINANCES SAVED FROM REPEAL. The Adoption of this Zoning Code and the Repeal of Ordinances provided for in this Adoption Ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- a. Any ordinance adopted subsequent to the enactment of this Adoption Ordinance.
- b. Any ordinance adopted establishing the applicable zoning district/classification(s) of specific land(s) within the Town.
- c. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this Adoption Ordinance or any action or proceeding brought for the enforcement of such right or liability.
- d. Any offense or act committed or done before the effective date of this Adoption Ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- e. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this Adoption Ordinance brought pursuant to any legislative provision.
- f. Any conditional use, license, right, easement, or privilege heretofore granted or conferred.
- g. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- h. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.

SECTION 3. CHANGES IN PREVIOUSLY ADOPTED ORDINANCES. In compiling and preparing the ordinances for publication as the Zoning Code of the Town of Genesee, changes in the meaning or intent of such ordinances may have been made, including, but not limited to, certain grammatical and other changes. It is the intention of the Town Board that all such changes included in the copy of the Zoning Code on file with the Town Clerk be adopted as part of the Zoning Code as if the ordinances had been previously formally amended to read as such. If you should have any questions or concerns regarding this matter.

SECTION 4. SUBMITTAL TO WAUKESHA COUNTY. The Town of Genesee Town Clerk is directed to send three (3) signed copies of this Ordinance to the Waukesha County Clerk for Approval of the Waukesha County.

SECTION 5. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as a Code of Ordinances pursuant to Wisconsin Statutes Section 66.0103, immediately upon the approval of the Waukesha County Board of Supervisors pursuant to Wisconsin Statutes Section 60.62(3).

Dated this 15 day of June, 2022.

TOWN OF GENESEE


Sharon L. Leair, Town Chairman

ATTEST:


Meri Majeskie, Town Clerk


Published and/or posted this 15 day of June, 2022.

VOTING RESULTS

AYE 23 NAY 0 ABSTAIN 0 ABSENT 2

Ordinance 177-O-053

Ordinance 177-O-053: Repeal And Recreate The Text...

 Passed By Majority Vote

D1 - Foti	AYE	D14 - Mommaerts	ABSENT
D2 - Weil	AYE	D15 - Kolb	AYE
D3 - Morris	AYE	D16 - Crowlev	AYE
D4 - Batzko	AYE	D17 - Meier	AYE
D5 - Grant	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Enriquez	AYE
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Vacant	ABSENT
D10 - Thieme	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Bangs	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

September 27 2022 with Closed Session - September 27 2022 07:49:52 PM

