

Enrolled Ordinance 172-020

AMEND THE TEXT OF THE TOWN OF GENESEE ZONING CODE RELATIVE
TO MISCELLANEOUS ZONING MATTERS (ZT-1851)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Genesee Town Board on June 6, 2017; 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 Genesee Zoning Code, adopted by the Town of Genesee on July 23, 2015, is hereby amended relative to various zoning matters 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-1851, 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 Genesee.

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

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance text amendments to the Town of Genesee Zoning Code, hereby recommends **approval** of **ZT-1851 (Text Amendments)** in accordance with the attached "Staff Report and Recommendation".

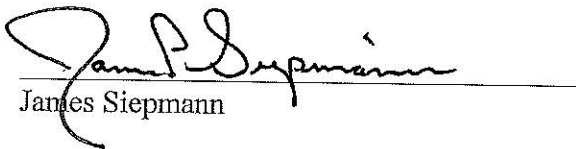
PARK AND PLANNING COMMISSION

July 20, 2017


Richard Morris, Chairperson


William Mitchell


Robert Peregrine


James Siepmann

Absent
William Maslowski

Absent
Robert Hamilton

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

FILE NO.: ZT-1851

DATE: July 20, 2017

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

NATURE OF REQUEST:
Amend various sections of the Town of Genesee Zoning Code.

PUBLIC HEARING DATE:
April 24, 2017 and June 6, 2017.

PUBLIC REACTION:
Two residents spoke in favor of changes to accommodate chickens and another resident supported increasing the number of livestock (cattle/horses) allowed on three (3) acres from one (1) to two (2).

TOWN PLAN COMMISSION:
The Town of Genesee Plan Commission unanimously recommended approval of the proposed text amendments on June 6, 2017.

TOWN BOARD ACTION:
The Town of Genesee Board unanimously approved the text amendments on June 6, 2017.

OTHER CONSIDERATIONS:

The Town is proposing a set of amendments that addresses miscellaneous topics including the following:

- Several modified and new definitions
- Accommodations for persons with disabilities
- Clarification of building height and size restrictions
- Increase number of livestock allowed on minimum three acre lots
- Accommodations for the keeping of chickens
- Other technical and drafting modifications

The Zoning Administrator will be granted the authority to modify ordinance standards to provide reasonable accommodations for persons with disabilities. Relief will be limited to the minimum necessary to provide reasonable use of a facility. Such accommodations are becoming common in newer ordinances. Building height provisions are proposed to be simplified and modified slightly to generally match the height parameters specified within the County zoning ordinances. All residential districts will allow for a maximum roof height of 44', except for flat roofed structures which will be limited to 35' in height. The Town is also proposing a requirement that requires accessory buildings of more than 1600 square feet to obtain Town Plan Commission approval. This requirement is intended to ensure harmony with surrounding uses.

The keeping of chickens is proposed to be allowed on lots less than three acres. A maximum of six chickens will be allowed on such lots, while lots greater than 3 acres will be allowed up to 20 chickens for the first three acres and 20 additional chickens for each additional acre. Roosters will not be permitted on lots under three acres. Chicken coops will be required to be located at least 25' from property lines and 50' from existing dwellings on neighboring properties. Nuisance provisions have also been provided to prevent neighbor conflicts. Other animal regulations have been eased to allow for two head of livestock on the first three acres of land rather than the current limitation of one.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The amendments provide clarification to definitions and terms, simplify ordinance height requirements and provide more flexibility to Town residents regarding the keeping of chickens and other animals.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Town Ordinance

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1851 Text Amendment Gnt.Docx

RECEIVED

JUN 09 2017

STATE OF WISCONSIN

TOWN OF GENESEE

DEPT OF PARKS & LAND USE
WAUKESHA COUNTY

ORDINANCE NO. 17-4

AN ORDINANCE TO AMEND THE ZONING CODE FOR THE TOWN OF GENESEE; TO CLARIFY THE DEFINITIONS OF SINGLE-FAMILY DWELLING, FLOOR AREA, LOT, LOT AREA, SUSTAINED YIELD FORESTRY, AND CREATE DEFINITIONS OF LOCAL ROAD, WETLAND SETBACK AND WETLANDS; ESTABLISH A PROCESS TO ALLOW ACCOMMODATIONS TO BE GRANTED FOR PERSONS WITH DISABILITIES; CLARIFY REGULATIONS CONCERNING BUILDINGS REQUIRED TO BE LOCATED ON LOTS; CLARIFY MAXIMUM HEIGHT RESTRICTIONS AND SIZE RESTRICTIONS; INCREASE THE NUMBER OF LIVESTOCK ALLOWED ON A THREE (3) ACRE LOT; ADDRESS THE KEEPING OF CHICKENS; AND MAKE OTHER TECHNICAL AND DRAFTING MODIFICATIONS TO THE ZONING CODE

WHEREAS, the Town of Genesee Town Board has been authorized to exercise Village powers pursuant to Wisconsin Statutes Section 60.10(2)(c); and

WHEREAS, the Town of Genesee Town Board has received approval of the Town Meeting to exercise Town zoning authority, pursuant to Wisconsin Statutes Section 60.10(2)(h), and Wisconsin Statutes Section 60.62(2); and

WHEREAS, the Town Board on March 23, 2015 adopted a zoning code pursuant to Wisconsin Statutes Section 60.62(1), 61.35, and 62.23(7), and other applicable laws, and exercises such authority; and

WHEREAS, the Town Board's does hereby exercise its right to amend certain sections of 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 ordinance to amend the zoning code for the Town of Genesee 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 to amend certain sections of the Zoning Code for the Town of Genesee; and

WHEREAS, the 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, pursuant to Wis. Stats. §66.10015(3), as enacted within 2015 Wisconsin Act 391, a two-thirds vote of the members-elect of the Town Board is required for the ordinance to be adopted, because this ordinance is found to reduce the permitted uses of the property in the Town of Genesee in some limited respects, in order to comply with all applicable State mandates; 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 Ordinance is 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 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 amendment to the Town of Genesee Zoning Code will be a benefit to, and will not be contrary to, the public health, safety and general welfare of the Town of Genesee, and further finds that these amendments are consistent with the recommendations found within the Town of Genesee Comprehensive Plan – 2035.

WHEREAS, The proposed amendments herein replace the amendments approved by the Town Plan Commission and Town Board on April 24, 2017, which have been determined to be inadequate; and

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

SECTION 1

The Town of Genesee Zoning Code Section 4 entitled "Definitions," subsection (8) entitled "Specific Words and Phrases," the existing definitions of one-family dwelling, floor area, lot, lot area, and sustained yield forestry are hereby repealed and re-created as follows (with the definition of one-family dwelling being revised to define instead the term "single-family" dwelling), with the remaining definitions within such subsection B unchanged:

Dwelling, Single-family: A detached or semi-detached building designed for and occupied exclusively by one (1) family.

Floor area: The sum of the horizontal areas of each floor of an enclosed building as measured to the outside edges of the outside walls. This definition does not include basements, exterior balconies or unenclosed porches and as further described in this Code.

Lot: A parcel of contiguous land with described boundaries and abutting or having access via an approved easement to a public street or other approved way and exclusive of any land lying in any public right-of-way, mil tax roads, or below the ordinary high water mark of navigable waters. Where public rights-of-way divide a single described parcel into two or more parts, such severed portions shall be considered separate individual Lots if such

separate parcels individually meet the use regulations, building location and area regulations of the zoning district in which they are located. Where such separate parcels do not meet those requirements and have been described as a single parcel of record, together such severed portions shall be considered to be a single lot for regulatory purposes, under the provisions of this Ordinance, and such severed areas shall not be sold separately.

Lot area: The area of a lot as defined herein bounded by lot lines exclusive of land provided for public rights-of-way, mill tax roads, and lands below the ordinary high water mark any navigable waters.

Sustained yield forestry: The management of forested lands, including planting, thinning, and harvesting to provide annual or periodic crops of forest products.

SECTION 2

The Town of Genesee Zoning Code Section 4 entitled "Definitions," subsection (B) entitled "Specific Words and Phrases," is hereby amended to add the following definitions, which will be inserted within said subsection 4(B) in alphabetical order as follows:

Road, Local: A public road that is not a county, state, or federal Highway.

Setback, Wetland: The horizontal distance between the closest point of a structure or Building and the wetland boundary, excluding a roof Overhang measuring twenty-four inches (24") or less.

Wetlands: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

SECTION 3

The Town of Genesee Zoning Code, Section 7 entitled "Use Permit," subsection (B) entitled "Application," subsection (5) entitled "Accommodations for persons with disabilities," is hereby created as follows:

- (5) Accommodations for persons with disabilities: The Zoning Administrator may issue a permit to modify the standards of this Ordinance in order to provide reasonable accommodations as required by provisions of federal and state law. Such modification shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person(s). A person applying for a permit for construction under the section shall establish the nature and extent of the

disability and that the modification requested is the minimum necessary to provide reasonable use of the facility. The reasonable accommodations shall be evidenced by an instrument that is reviewed and approved by the Zoning Administrator and recorded in the Office of the Register of Deeds.

SECTION 4

The Town of Genesee Zoning Code Section 10 entitled "Site Regulations; building must be on a lot" is hereby repealed and re-created as follows:

Building on a lot: Every building hereafter erected, structurally altered, or relocated shall be located on a lot as defined in this Ordinance. Any building used for the Principal Use permitted in a particular District shall constitute the Principal Building and in no case, except in Restricted Business, Limited Business and General Business Districts and Planned Unit Developments, shall there be more than one (1) principal building on a lot unless otherwise stated in this Ordinance. An accessory Building is considered attached to and part of a Principal Building only if the attachment consists of a breezeway that is at least six (6) feet in width and contains an entire roof structure as determined by the Town Building Inspector. The principal building, as herein described, shall be built first in all districts. In any residential district where a building other than a residence is considered principal, such construction shall be subject to the prior approval of the Town Plan Commission. The Town Plan Commission may allow the issuance of a new residential home building permit and the occupancy of an existing residential structure on a parcel for one continuous two-year period, subject to specific Town Plan Commission approval and the following conditions:

- (1) Subject to the occupancy of the existing single-family residential structure being made by the same person who will occupy the new single-family residential structure for which the new residential home building permit is issued.
- (2) Subject to the applicant submitting to and receiving approval from the Town Plan Commission written proof that the waste disposal system for the property upon which the current residence exists conforms to the applicable sanitary ordinances of the county environmental health division or is otherwise allowed to be used by the county environmental health division.
- (3) Subject to the applicant submitting to the Town Board and receiving approval as to form from the Town Attorney and as to amount from the Town Building Inspector or Town Engineer, a letter of credit or cash in the amount of 115 percent of the removal and restoration costs relative to the existing single-family residence as determined by the Town Building Inspector or Town Engineer; and also submitting to and receiving approval from the Town Attorney and the Town Building Inspector or Town Engineer, an agreement which would allow the Town to access the property and remove the existing structure at the applicant's expense if the new applicant fails to do so within sixty (60) days of issuance of an occupancy permit for the new residence; upon either of the following occurrences:

- (a) Prior to the issuance of a new residential home building permit for any lot on which an existing residential home is occupied; or
 - (b) Prior to occupancy of any existing residential home on any lot for which a new residential home building permit has been issued.
- (4) Subject to such additional conditions as the Town Plan Commission may require in the interest of the health, safety and welfare of the Town.

SECTION 5

The Town of Genesee Zoning Code Section 17 entitled "Height regulations" is hereby repealed and re-created as follows:

Section 17 - Height regulations.

- (A) **Maximum height.** Principal Structures: The following height provision applies to principal structures in all Districts except for the P-I, Q-1, M-1 and M-2 Districts, where height regulations are specified in each respective District section: Overall Maximum building height, forty-four (44) feet. A structure with a flat roof is limited to an overall height of thirty-five (35) feet.
- (B) **Maximum height.** Accessory Structures: The following height provisions apply to accessory structures in all Districts except for A-E, A-B, P-I, Q-1, M-1 and M-2 Districts, where height regulations are specified in each respective District section:
- (1) Maximum overall height is limited to eighteen (18) feet, or
 - (2) Maximum overall height is limited to sixty (60) feet if the structure is used for farm or agricultural purposes in the A-5 and A-1 Districts.
- (C) **Exceptions; no Town Plan Commission approval required.** The following should be excepted from the height regulations of all districts, but are subject to all other regulations of the Town:
- (1) Chimneys and flues.
 - (2) Electrical transmission and distribution facilities.
 - (3) Roof-mounted television and radio receiving antennas not exceeding ten feet in height from the roof and roof-mounted licensed amateur radio operator antennas not exceeding ten (10) feet in height from the roof.

- (D) **Exemptions; Town Plan Commission approval required.** The following shall be exempted from the height regulations of all districts, subject to the approval of the Town Plan Commission, but are subject to all other regulations of the Town: Cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, wind towers, spires, masts, free standing towers, roof-mounted licensed amateur radio operator antennas ten (10) feet or more in height from the roof, aerial and necessary mechanical appurtenances.
- (D) **Increase permitted.** All other buildings or structures not exempted by subsections (C) and (D) of this Section may be increased by not more than ten (10) feet, subject to satisfying the following conditions:
- (1) All required offsets and setbacks are increased by one foot for each foot which such building or structure exceeds the height limit of the district in which it is located.
 - (2) Subject to all other regulations of the Town.

SECTION 6

The Town of Genesee Zoning Code Section 19 entitled "Accessory Use and Structures", subsection (A) entitled "Size and location", subsection (1) is hereby repealed and re-created as follows:

- (1) No accessory buildings shall be erected, structurally altered or placed on a lot in any district so that any portion thereof is closer than ten (10) feet to the principle building or other accessory buildings and structures on such lot unless it complies with all local building code requirements. All requests for accessory structures in excess of one thousand six hundred (1,600) square feet shall be submitted to the Town Plan Commission prior to the erection of the building and the Town Plan Commission may approve, conditionally approve or reject the request based upon the following standards. In reaching its decision, the Town Plan Commission shall consider the purposes of the Zoning Code, the extent to which the structure would exceed the limits of the Zoning District requirements and the development patterns in the surrounding area, and the structure might have on neighboring properties.

SECTION 7

The Town of Genesee Zoning Code Section 19 entitled "Accessory Use and Structures," subsection (B) entitled "Number of Accessory Structures," subsection (1) is hereby repealed and re-created as follows:

- (1) No more than two (2) accessory buildings per parcel are permitted in any district except as follows:
 - (a) On parcels of fifteen (15) acres or more, in area used solely for agricultural purposes, more than two (2) accessory buildings may be permitted by the Town Plan Commission subject to compliance with the floor area ratio requirements of the Zoning Code.
 - (b) In all Business, Industrial, Public and Institutional and Quarrying Districts (B-1, B-2, B-3, B-4, BP, Q-1, M-1, M-2 and P-I, when approved by the Town Plan Commission as part of a site plan and plan of operation review, and where said buildings are used accessory to the principal use on the Lot, and when consistent with the maximum overall Floor Area Ratio requirements of this Ordinance.
 - (c) Where a Conditional Use Permit has been issued for the lot that expressly permits more than two accessory buildings/structures.
 - (d) Where more than two (2) accessory buildings are proposed, the Town Plan Commission shall review the request and render a finding to allow or disapprove said structure.

SECTION 8

The Town of Genesee Zoning Code Section 40 entitled "Conditional Uses," subsection (B) entitled "Conditional Uses permitted," subsection (27) entitled "Multi-family units and condominiums," subsection (a) is repealed and re-created as follows:

- (a) The minimum lot area shall be determined by the number of units to be constructed. The number of units shall be based on a density of one (1) unit for each fifteen thousand (15,000) square feet of land area, exclusive of Wetlands or Lands Zoned C-1. Where the use will be served by municipal sewerage, the density requirements can be reduced to a minimum of nine thousand (9,000) per dwelling unit. The width of the Lot shall be increased as the size of the Lot increases in order to avoid excessively long and narrow lots and shall, however, be no less than one hundred and eighty (180) feet in width. The amount of green space, exclusive of parking areas, sidewalks driveways, roads and other paved areas or impervious surfaces shall be five thousand (5,000) square feet per unit.

SECTION 9

The Town of Genesee Zoning Code Section 40 entitled "Conditional Uses," subsection (B) entitled "Conditional Uses permitted," subsection (27) "Multi-family units and condominiums," subsection (e) is repealed and re-created as follows:

- (e) There shall be two (2) off-street parking spaces for each dwelling unit. The location and arrangement of these spaces is subject to approval of the Plan Commission.

SECTION 10

The Town of Genesee Zoning Code Section 61 entitled "A-E Exclusive Agricultural Conservancy District," subsection (E) entitled "Height regulation," is repealed and re-created as follows:

- (E) Height regulations.

Height regulations for the A-E exclusive agricultural Conservancy District shall be as follows:

- (1) Principal building: Thirty-five (35) feet maximum.
- (2) Accessory structures: Farm, sixty (60) feet; other, eighteen (18) feet, except that this height limit may be increased to allow structures up to one-hundred (100) feet where the setback and offset are equal to or exceed the height of the structure itself.

SECTION 11

The Town of Genesee Zoning Code Section 64 entitled "EC Environmental Corridor District," subsection (B) entitled "Permitted Uses," is repealed and re-created as follows:

- (B) Permitted Uses:

- (1) Any uses permitted in C-1 Conservancy District.
- (2) Single family dwellings.
- (3) Keeping of poultry or livestock shall not be permitted on any lot less than three (3) acres. There shall be no more than two (2) head of livestock or twenty (20) poultry for the first three (3) acres of land. There may be one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land, except as otherwise provided herein. All lands to be utilized for the keeping of livestock or poultry must be under the same ownership or

additional leased lands may be used to increase the maximum permitted livestock or poultry if contiguous to the owners' property. Where such use lawfully existed prior to the date of this Code, such use may be continued subject to the limitations regulating non-conforming uses as regulated in Section 34 of this Code. The grazing of livestock and the keeping of poultry shall be prohibited in environmental corridors areas on parcels of land which contain areas outside of the corridor. The keeping of pigs (of any type), hogs, male goats or fur-bearing animals shall not be permitted.

- (4) The following accessory buildings and uses, subject to the conditions specified:
 - (a) Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected or commenced unless the principal building on such lot has been erected or is to be erected simultaneously with said garage.
 - (b) Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full-time on the premises and their families.
 - (c) Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than fifty (50) feet from an adjacent property line.
- (5) Signs shall comply with the Town of Genesee Sign Ordinance.
- (6) Hobby kennel in accordance with Section 19 (J) of this Code.
- (7) The establishment and enhancement of public parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and wildlife habitat areas, provided that any tree and vegetation removal and subsequent restoration done in the EC Environmental Corridor District and any improvements and/or construction shall be approved by the Town Administrator before beginning any development activities. Vegetative restoration may be allowed within the corridor for the purpose of improving wildlife habitat or to otherwise enhance wildlife values provided all necessary permits are obtained and said activities shall only be approved after review and approval and issuance of all permits, as required. Roads and trails to service the recreational and wildlife areas, etc. may be permitted, but said roads and trails may not include vegetation removal or other construction activity within the corridor without obtaining all approvals, as required.

- (8) Community living arrangements and community based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23 (7) (I) of the Wisconsin Statutes and amendments thereto.
- (9) Family daycare home or foster family home of eight (8) or fewer persons.
- (10) Keeping of chickens shall comply with the requirements of Section 65 (A)(13).

SECTION 12

The Town of Genesee Zoning Code Section 65 entitled "A-1 Agricultural District," subsection (A) entitled "Permitted uses," is repealed and re-created as follows:

(A) Permitted uses

- (1) Any use permitted in the A-E exclusive agricultural district.
- (2) One-family dwelling.
- (3) Agricultural or farm uses on not less than five (5) acres of land, including the keeping of poultry and livestock, except that the keeping of hogs, unneutered male goats or fur-bearing animals shall not be permitted on less than twenty (20) acres. Those practicing agricultural uses under this Section must comply with standard manure disposal practices.
- (4) Horticulture, including greenhouses and nurseries.
- (5) The following accessory buildings, subject to the conditions specified:
 - (a) Private garages when located on the same lot, and not involving the conduct of a business; no private garage shall be erected unless the principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
 - (b) Quarters for household or farm employees, provided, however, those quarters shall be occupied only by those individuals employed full time on the premises and their families.
 - (c) Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than fifty (50) feet from an adjacent property line.
- (6) Home occupations and professional offices as regulated in Section 19 (J) of this Code.

- (7) Signs shall comply with the Town of Genesee Sign Ordinance.
- (8) Hobby kennel as regulated in Section 19 (I) of this Code.
- (9) Private stables subject to a written refuse disposal plan being submitted to and approved by the Town Plan Commission if requested by the Town Planner, provided that not more than one horse or other head of livestock are kept for each full open acre over two acres of open lot area and provided that the keeping of hogs, pigs of any kind (except potbellied pigs as defined in this Code for which a hobby kennel use permit has been issued), male goats or fur-bearing animals shall not be permitted on less than 20 acres.
- (10) Yard sales which shall be limited to 3 consecutive days. There shall be at least thirty (30) days between the last day of a yard sale and the first day of a subsequent yard sale.
- (11) Community living arrangements and community based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23 (7) (I) of the Wisconsin Statutes and amendments thereto.
- (12) Family daycare home or foster family home of eight (8) or fewer persons.
- (13) Keeping of chickens shall be regulated as follows:
 - (a) No more than six (6) chickens shall be allowed on a lot less than three (3) acres in size. Lots greater than three (3) acres in size shall contain no more than twenty (20) chickens for the first three (3) acres of land. There may be twenty (20) additional chickens for each additional one (1) acre of land. All lands to be utilized for the keeping of chickens must be under the same ownership or additional leased lands may be used to increase the maximum permitted chickens, if contiguous to the owners' property.
 - (b) The keeping of roosters is prohibited on less than three (3) acres of land.
 - (c) Chickens shall be kept in a covered enclosure or coop that is predator proof, thoroughly ventilated, of sufficient size to allow free movement of the chickens and designed to be easily accessed, cleaned and maintained by the owners. Chickens shall be kept in an enclosure or fenced in area at all times.

- (d) A covered enclosure or coop is considered a structure and is subject to all applicable zoning and building restrictions and codes. However, a small enclosure or coop less than 100 square feet shall not count toward the number of accessory buildings allowed on a lot. Only one (1) covered enclosure or coop is allowed per lot.
- (e) The covered enclosure or coop housing the chickens and chicken runs shall be located at least 25 feet off the property line and 50 feet from all existing dwellings on adjoining properties. The covered enclosure or coop and chicken run shall not be located in the front yard.
- (f) The keeping of chickens shall not cause any nuisance or unhealthy conditions or otherwise interfere with the normal use of any property.
- (g) On Lots less than three (3) acres, no commercial activities shall be permitted by the homeowner, such as the sale of eggs, sale of live or dressed chickens, sale of live chicks, feathers, etc.
- (h) Feed for chickens shall be stored indoors or in a sealed container if stored outside.
- (i) All enclosures or coops and chicken runs shall be removed from the property no later than six (6) months after the keeping of the chickens is no longer a use on the property.
- (j) All applicable Federal, State, County and Local laws, codes, licenses and requirements must be complied with and followed.

SECTION 13

The Town of Genesee Zoning Code Section 65 entitled "A-1 Agricultural District", subsection (D) entitled "Height regulations," is repealed and re-created as follows:

- (D) **Height regulations,** See Section 17 "Height regulations" for regulations and exceptions.

SECTION 14

The Town of Genesee Zoning Code Section 66 entitled "A-2 Rural Home District," subsection (A) entitled "Permitted uses," is repealed and re-created as follows:

(A) Permitted uses:

- (1) Any use permitted in the A-1 Agricultural District, except that the keeping of poultry or livestock shall not be permitted on any lot less than three (3) acres, and the keeping of hogs, male goats or fur-bearing animals shall not be permitted. There shall be no more than two (2) head of livestock or twenty (20) poultry for the first three (3) acres of land. There may be one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land, except as otherwise provided herein. All lands to be utilized for the keeping of livestock or poultry must be under the same ownership or additional leased lands may be used to increase the maximum permitted livestock or poultry if contiguous to the owners' property. Where such use lawfully existed prior to the date of this Code, such use may be continued subject to the limitations regulating non-conforming uses as regulated in Section 27 of this Code.
- (2) Keeping of chickens shall comply with the requirements of Section 65 (A)(13).
- (3) Nurseries and greenhouses for the private and exclusive use of the dwelling occupant are permitted.

SECTION 15

The Town of Genesee Zoning Code Section 66 entitled "A-2 Rural Home District," subsection (C) entitled "Height regulations," is repealed and re-created as follows:

- (C) Height regulations,** See Section 17 "Height regulations" for regulations and exceptions

SECTION 16

The Town of Genesee Zoning Code Section 67 entitled "A-3 Suburban Estate District," subsection (B) entitled "Building location," is repealed and re-created as follows:

(B) Building location

- (1) Setback: Fifty (50) feet minimum.
- (2) Offset: Twenty (20) feet minimum.

SECTION 17

The Town of Genesee Zoning Code Section 67 entitled "A-3 Suburban Estate District," subsection (C) entitled "Height regulations," is repealed and re-created as follows:

- (C) Height regulations, See Section 17 "Height regulations" for regulations and exceptions

SECTION 18

The Town of Genesee Zoning Code Section 68 entitled "R-1 Residential District," subsection (C) entitled "Height regulations," is repealed and re-created as follows:

- (C) Height regulations, See Section 17 "Height regulations" for regulations and exceptions.

SECTION 19

The Town of Genesee Zoning Code Section 69 entitled "R-2 Residential District," subsection (C) entitled "Height regulations," is repealed and re-created as follows:

- (C) Height regulations, See Section 17 "Height regulations" for regulations and exceptions.

SECTION 20

The Town of Genesee Zoning Code Section 70 entitled "R-3 Residential District," subsection (C) entitled "Height regulations," is repealed and re-created as follows:

- (C) Height regulations, See Section 17 "Height regulations" for regulations and exceptions.

SECTION 21

The Town of Genesee Zoning Code Section 72 entitled "B-1 Restricted Business District," subsection (C) entitled "Height regulations," is repealed and re-created as follows:

- (C) Height regulations, See Section 17 "Height regulations" for regulations and exceptions.

SECTION 22

The Town of Genesee Zoning Code Section 73 entitled "B-2 Local Business District," subsection (C) entitled "Height regulations," is repealed and re-created as follows:

- (C) Height regulations, See Section 17 "Height regulations" for regulations and exceptions.

SECTION 23

The Town of Genesee Zoning Code Section 74 entitled "B-3 General Business District," subsection (C) entitled "Height regulations," is repealed and re-created as follows:

- (C) Height regulations, See Section 17 "Height regulations" for regulations and exceptions.

SECTION 24

The Town of Genesee Zoning Code Section 75 entitled "B-4 Community Business District," subsection (F) entitled "Height regulations," is repealed and re-created as follows:

- (F) Height regulations, See Section 17 "Height regulations" for regulations and exceptions.

SECTION 25

The Town of Genesee Zoning Code Section 76 entitled "B-P Mixed Use Business Park District," subsection (E) entitled "Height regulations," is repealed and re-created as follows:

- (E) Height regulations, See Section 17 "Height regulations" for regulations and exceptions.

SECTION 26

The Town of Genesee Zoning Code Section 77 entitled "Q-1 Quarrying District," subsection (D) entitled "Height regulations," is repealed and re-created as follows:

- (D) Height regulations.
 - (1) Principal building: Thirty-five (35) feet maximum.
 - (2) Accessory buildings:
 - (a) Quarrying operations: Sixty (60) feet maximum.
 - (b) Other permitted uses: Eighteen (18) feet maximum.

SECTION 27

The Town of Genesee Zoning Code Section 100 entitled "Board of Appeals – Establishment," subsection (B) entitled "Appeals," subsection (3) entitled "Hearing," is repealed and re-created as follows:

- (3) **Hearing.** Each appeal shall be heard within a reasonable time and not to exceed 65 days from the time the appeal was filed with the Board of Appeals. Notice of hearing shall be given by publishing in a paper of general circulation in the vicinity of the appeal, at least once each week for two consecutive weeks and not less than seven days from the date of the hearing. In addition, written notice shall be given to the administrative officer appealed from, and by regular mail to the petitioner, the owners of each parcel of land within 300 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.

SECTION 28: 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 29: 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 8th day of June, 2017.

TOWN OF GENESEE

Sharon L. Leair

Sharon L. Leair, Town Chairman

ATTEST:

Barbara A. Whitmore
Barbara A. Whitmore, Town Clerk

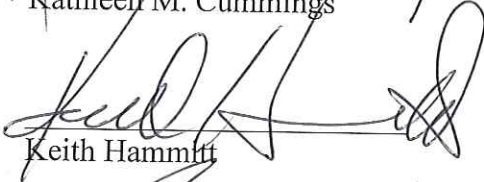
Published and/or posted this 8th day of June, 2017.

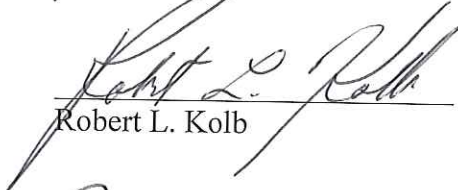
AMEND THE TEXT OF THE TOWN OF GENESEE ZONING CODE RELATIVE
TO MISCELLANEOUS ZONING MATTERS (ZT-1851)

Presented by:
Land Use, Parks, and Environment Committee

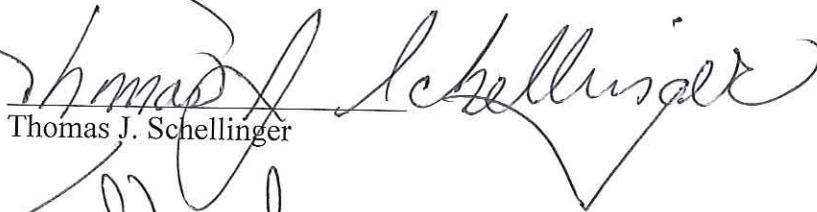

David D. Zimmermann, Chair

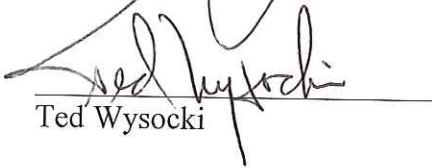

Kathleen M. Cummings


Keith Hammit


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: 8/22/17, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 8/28/17, 
Paul Farrow, County Executive

Roll Call	Discussion	Voting...	Results	Agenda	Setup	Options
D1 - Kolb	Absent					
D2 - Zimmermann	(M) AYE					
D3 - Morris	AYE					
D4 - Batzko	AYE					
D5 - Dondlinger	AYE					
D6 - Walz	AYE					
D7 - Grant	NAY					
D8 - Michalski	Notified					
D9 - Heinrich	AYE					
D10 - Swan	AYE					
D11 - Howard	AYE					
D12 - Wolff	AYE					
D13 - Decker	AYE					
D14 - Wood						AYE
D15 - Mitchell						AYE
D16 - Crowley						AYE
D17 - Paulson						AYE
D18 - Nelson						AYE
D19 - Cummings						NAY
D20 - Schellinger						AYE
D21 - Zaborowski						AYE
D22 - Wysocki						AYE
D23 - Hammitt						(2) AYE
D24 - Whittow						AYE
D25 - Johnson						AYE

172-0-020

Passed (21 Y - 2 N - 2 Absent)

Majority Vote

