

ENROLLED ORDINANCE 178-75

APPROVE AMENDMENTS TO THE TOWN OF GENESEE ZONING CODE TO REPEAL
AND RECREATE SECTION 19 (A) OF THE TOWN OF GENESEE ZONING CODE
RELATING TO ACCESSORY USES AND STRUCTURES
(RZ134)

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 October 10, 2023; 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(3), Wis. Stats.

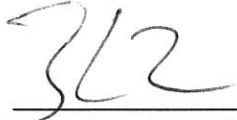
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the amendment to the Town of Genesee Zoning Code approved by the Town of Genesee Town Board under Town of Genesee Ordinance No. 23-3, to repeal and recreate Section 19(A) of the Town of Genesee Zoning Code relating to accessory uses and structures, and 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 RZ134, 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.

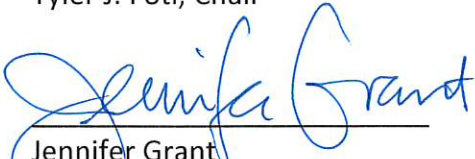
APPROVE AMENDMENTS TO THE TOWN OF GENESEE ZONING CODE TO REPEAL AND RECREATE
SECTION 19 (A) OF THE TOWN OF GENESEE ZONING CODE RELATING TO
ACCESSORY USES AND STRUCTURES (RZ134)

Presented by:

Land Use, Parks, and Environment Committee



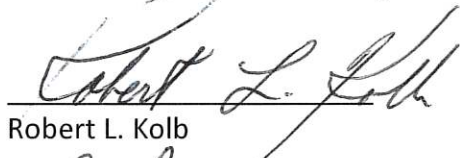
Tyler J. Foti, Chair



Jennifer Grant



Christine M. Howard



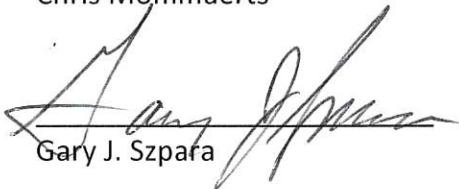
Robert L. Kolb



Brian Meier



Chris Mommaerts



Gary J. Szpafa

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

Date: 1/3/2024, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 1/3/2024, 
Paul Farrow, County Executive

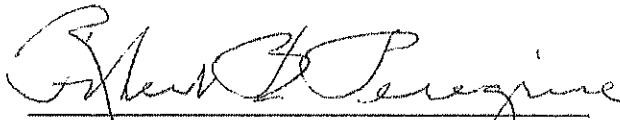
COMMISSION ACTION

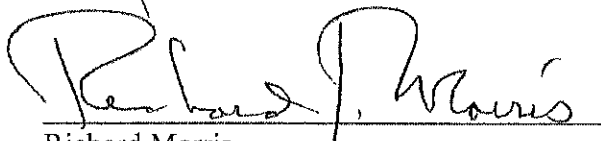
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the text of the Town of Genesee Zoning Code, hereby recommends approval of **RZ134 (Text Amendment)** in accordance with the attached "Staff Report and Recommendation".

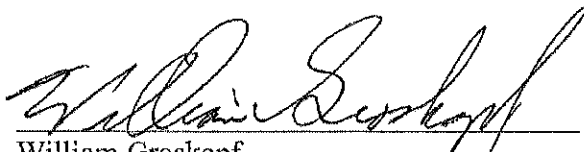
PARK AND PLANNING COMMISSION


November 16, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


Gary Szpara

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

DATE: November 16, 2023

FILE NO.: RZ134

TAX KEY NO.: N/A

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

NATURE OF REQUEST:

Repeal and recreate Section 19 (A) of the Town of Genesee Zoning Code relating to Accessory Uses and Structures.

PUBLIC HEARING DATE:

August 28, 2023.

PUBLIC REACTION:

There were a number of comments offered during two public hearing sessions. Many supported the proposed change to an accessory building footprint limitation. Some expressed support for a higher accessory footprint threshold of 3-5%. Others felt that the proposed 2% of lot area threshold for lots of one acre or more was a good limit. Others offered comments either in support or opposition of multiple story accessory buildings. One person was in favor of no size limit.

TOWN PLAN COMMISSION:

On September 26, 2023, the Town Plan Commission recommended approval of the proposed text amendments to the Town Board.

TOWN BOARD ACTION

On October 10, 2023, 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 do not contain specific recommendations regarding accessory building size. However, the plans recommend environmental corridor preservation, and the proposed ordinance provides for limited building envelopes on such lots to further those recommendations.

STAFF ANALYSIS:

The Town of Genesee is proposing text amendments to the accessory structure provisions of the town zoning code. The existing accessory structure size provisions specify maximum building size (square footage) based upon a property's zoning district. The current code allows for larger buildings within larger minimum lot size zones. The town's smallest residential lot district currently allows for a maximum 500 square foot building, whereas the R-1 and EC districts allow for a 1,000 square foot maximum. Agricultural and rural type districts are currently permitted to have accessory structures equal to 2% of their lot area.

The proposed changes would transition to accessory building size being determined based upon lot size rather than zoning district across all zoning districts. Specifically, lots of less than ½ acre would be limited to 500

square feet, lots between ½ acre and 0.99 acres would be limited to 900 square feet and lots of one acre or more would be limited to 1,000 square feet or 2% of lot size, whichever is greater. The change would allow for larger buildings on most lots that are larger than one acre as compared to the current code. Both the existing and proposed code language requires that buildings larger than 1,600 square feet (roughly 40' x 40') must be reviewed by the town plan commission for a review of the development patterns within the surrounding area and consideration of the impact upon neighboring properties. There are also special exception provisions whereby owners may seek an increase in size as compared to the basic requirements.

STAFF RECOMMENDATION

The Planning and Zoning Division Staff recommends **approval** of this request.

The proposed changes recognize that lot sizes often exceed zoning district minimums. The changes transition accessory building size limits based upon lot size, which makes allowable accessory building area more equitable. Many property owners will have the ability to have larger buildings with the rule changes and the town has carefully considered other options and believes the proposed standards strike a balance in accommodating personal storage needs while ensuring that structure size does not cause aesthetic concerns for neighbors.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Town Ordinance, No. 23-3

N:\PRKANDLU\Planning And Zoning\Rezoning\PROJECT FILES\Genesee\RZ134 T Gen Text Amendment\RZ134 Staff Report Text Amendment T Genesee Zoning Code.Docx

ORDINANCE NO. 23-3**AN ORDINANCE TO AMEND THE ZONING
CODE FOR THE TOWN OF GENESEE**

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 ordinance 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 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 to amend a section of 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 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 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 ORDAIN AS FOLLOWS:

SECTION 1

Repeal and Recreate Section 19 (A) Accessory Uses and Structures as Follows:

Section-19. Accessory Uses and structures.

(A) Size and location.

- (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.

- (2) Square Footage and Number of Accessory Buildings
 - (a) In all Districts, the aggregate floor area of accessory buildings shall not exceed the maximum per lot square footage as outlined in the following table. Accessory buildings shall also not exceed the floor area ratio requirements for the applicable district. Temporary buildings shall be included in calculating the square footages for any lot.

<i>Lot Area</i>	<i>Accessory Building Maximum Size</i>
< 0.49 acres	500 square feet
0.50 to 0.99 acres	900 square feet
one (1) acre or more	1,000 square feet or 2% of Lot Size whichever is greater

(i) For parcels of three (3) acres of more in size in any zoning district other than the Environmental Corridor District, the accessory building areas may be greater than those requirements set forth in subsection 2(a), if the Town Board in its discretion, upon consideration of a recommendation from the Town Plan Commission, grants a special exception and makes all of the following findings:

1. That one or more rural accessory buildings(s) as defined herein, are located on the property;
2. That such rural accessory building(s) is (are) not a nuisance or detriment to the existing neighborhood;
3. That the property is in compliance with the floor area ratio requirements of the District in which it is located; and
4. That the total floor area of all accessory buildings, excluding the floor area of such rural accessory building(s), is in compliance with the requirements set forth in subsection 2(a).

(ii) Environmental Corridor District Accessory Buildings

1. For any size parcel in the EC Environmental Corridor District, the Town Plan Commission, may in its discretion, grant a special exception to the maximum square footage requirements for accessory building set forth in subsection 2(a) where all of the following criteria have been met;
 - a. The Zoning administrator determines that no more than 32,600 sq. ft. of land disturbance has or will occur for all structures, septic systems, driveways and parking areas, patios, decks, pools, lawns and play areas. For purposes of this Section, the areas of disturbance shall include any area where, due to development, the natural vegetation has previously been removed or land altering activities have previously occurred and areas where, due to any proposed accessory building(s), natural vegetation will be removed or land altering activities will occur.

- b. Only one accessory building will be allowed on a parcel which is entirely within the Environmental Corridor District.
 - c. The use of the accessory building is for personal use only by the person(s) occupying the subject parcel.
 - d. The location of the proposed accessory building is not high-quality environmental corridor or wildlife habitat area. The Town Plan Commission may require the applicant to provide an environmental assessment by a qualified professional as to the impact the proposed accessory building and any associated vegetative disturbance or land altering may have on the environmental quality of the corridor.
- (iii) On parcels of 15-acres or more, in area, the building areas may be greater than those set forth in subsection 2(a) when used solely for agricultural purposes and when consistent with the floor area ratio requirements of the Zoning Code.

SECTION 2: 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 3: 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 10th day of October, 2023.

TOWN OF GENESEE


Sharon L. Leair, Town Chairman

ATTEST:


Meri Majeskie, Clerk-Treasurer


Published and/or posted this 11 day of October, 2023.

VOTE RESULTS

25 YES 0 NO 0 ABSTAIN 0 ABSENT

Ordinance 178-O-074

Ordinance 178-O-074: Approve Amendments to the Town of Genesee Zoning Code to Repeal and Recreate S...
Relating to Accessory Uses and Structures (RZ134)

 **Passed By Majority Vote**

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