

AGENDA - FINAL
WAUKESHA COUNTY PARK AND PLANNING COMMISSION - Regular
Thursday, August 21, 2025 1:00 P.M. Room AC 255/259
Administration Center, 515 W. Moreland Blvd., Waukesha, WI 53188

CALL TO ORDER
CORRESPONDENCE
MEETING APPROVAL
MINUTES
PUBLIC COMMENT

Approval of the June 19, 2025, Minutes

REZONES

- **RZ159 (John Havnen/Philip Rozman) Town of Delafield, Section 33**
Certified Survey Map No. 2323, located in part of the NE ¼ of the NW ¼, of Section 33, T7N, R18E, Town of Delafield. More specifically, the property is located at W316 S198 Highway 83.
Request: Rezone from the A-2 Rural Home and EC Environmental Overlay District (County) to the A-3 Suburban Estate District with EC Overlay to remain (County).
- **RZ165 (John Havnen/Philip Rozman, Town of Delafield, Section 33**
Certified Survey Map No. 2323, located in part of the NE ¼ of the NW ¼, of Section 33, T7N, R18E, Town of Delafield. More specifically, the property is located at W316 S198 Highway 83.
Request: Rezone from the A-2 Rural Home District (Town) to the A-3 Suburban Home District (Town).
- **RZ160 (Marian C. Igl Living Trust) Town of Ottawa, Section 8**
Lot 2, Certified Survey Map No. 11448, part of the NW ¼ and SW ¼ of Section 8, T6N, R17E, Town of Ottawa. More specifically, the property is located at W382 S2728 County Road Z.
Request: Rezone six acres from the Farmland Preservation District to the A-1 Agricultural District.
- **RZ163 (Town of Genesee Board) Town of Genesee**
Request: Repeal and recreate the Town of Genesee Zoning Code.
- **RZ161 (Town of Genesee Board/St. Paul's Catholic Church) Town of Genesee, Section 10**
Part of the SE ¼ of the SE ¼ of Section 10, T6N, R18E, Town of Genesee. More specifically, the property is located at S30 W30032 CTH D.
Request: Rezone from the R-1 Residential District to the CEM Cemetery District.
- **RZ162 (Town of Genesee Board/Genesee Cemetery Association) Town of Genesee, Section 27**
Part of the NE ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located at W303 S5078 Seville Lane.
Request: Rezone from the A-2 Rural Home District to the CEM Cemetery District.

ADJOURNMENT

Robert Peregrine

Robert Peregrine, Chairperson

Park and Planning Commission
Thursday, August 21, 2025

(The Staff Reports and Recommendations for the issues listed above are available upon request. For questions regarding this agenda, please call (262) 896-8300).

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

DATE: August 21, 2025

FILE NO.: RZ159 and RZ165

OWNER: John Havnen and Philip Rozman
S15 W32056 High Meadow Circle
Delafield, WI 53018-3219

TAX KEY NO.: DELT 0850.999.001

LOCATION:

The property is described as Certified Survey Map No. 2323, located in part of the NE ¼ of the NW ¼, of Section 33, T7N, R18E, Town of Delafield. More specifically, the property is located at W316 S198 Highway 83 containing approximately 6.8 acres.

EXISTING ZONING:

A-2 Rural Home District (County and Town), EC Environmental Corridor Overlay District (County)

PROPOSED ZONING:

A-3 Suburban Estate District (County) and A-3 Suburban Home District (Town)

EXISTING USE(S): Single-family residence and vacant land.

REQUESTED USE(S):

Land division for a new residential parcel.

PUBLIC HEARING DATE:

July 1, 2025

PUBLIC COMMENT:

Two neighbors expressed concerns with the information Zillow is providing to the public and expressed concern about the land being further divided in the future.

TOWN PLAN COMMISSION AND BOARD ACTION:

On July 1, 2025, the Town of Delafield Plan Commission unanimously recommended rezone approval with conditions as noted in the staff recommendation section of this report.

On July 22, 2025, the Town of Delafield Board unanimously recommended approval of RZ159 (county shoreland rezoning) and approved RZ165 (town rezoning), consistent with the Plan Commission's recommendation.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF DELAFIELD CDP:

The town and county plans designate the majority of the west part of the property in the Suburban Density 1 Residential (1.5-2.9 acres per dwelling unit) and the east part of the property in the Primary Environmental Corridor (maximum one dwelling unit per five upland acres) categories. This yields two development rights. The proposal to rezone the property to allow for two lots complies with the plan density recommendations. The proposal to place the second dwelling unit outside of the environmental corridor is also consistent with the plan's recommendations.

STAFF ANALYSIS:

The approximately 6.8-acre subject property is located on the south side of State Highway 83, which runs parallel to Scuppernong Creek, near the intersection of Mary Ct. and approximately 1.3 miles south of Interstate 94. The county's shoreland jurisdiction extends 300' from the creek which includes the area of the property immediately along the highway. The balance of the property is subject to the Town of Delafield Zoning Code. The property contains significant terrain ranging from 975' amsl near the highway to approximately 1,080' amsl in the southeast corner of the parcel. The east part of the site is heavily wooded and is mapped as Primary Environmental Corridor.

The property is proposed to be rezoned from the A-2 to the A-3 District under both the town (RZ165) and county (RZ159) codes. The A-2 District has a three-acre minimum lot size, whereas the A-3 Suburban Estate District has a two-acre minimum lot size. The petitioner is proposing to divide the property to create a two-acre parcel containing the existing improvements and a 4.8-acre parcel to allow for a future residence (See Exhibit A). The existing single-family residence and accessory building are located near Highway 83. Lot 2 would be L shaped with the building site in an elevated clearing to the south of Lot 1 and to the west of the environmental corridor.

The existing residence has driveway access to STH 83 and there is a second existing driveway access to STH 83 along the proposed Lot 2 frontage that is expected to be used to access Lot 2. The State DOT has been consulted to determine that the two access points are acceptable. Soil tests still need to be submitted for Lot 2 to demonstrate an acceptable septic location, but that can be completed as part of the review of the proposed Certified Survey Map.

There is a mix of zoning categories in the immediate area. Properties to the south are generally zoned A-2 while properties to the north are zoned A-3, including the adjacent Scuppernong Springs condominium community.

STAFF RECOMMENDATION:

Based upon the above analysis, the Planning and Zoning Division Staff recommends **conditional approval** of the zoning change subject to the following conditions. Conditions No. 1-3 will apply to both RZ159 and RZ165. Condition No. 4 will apply to RZ159:

1. The land division shall substantially conform to that as depicted upon Exhibit A and, prior to the north driveway being constructed, the local fire inspector shall be consulted and tree removal, grading and erosion control plans shall be reviewed and approved by the town and county.
2. No residence shall be constructed in the Primary Environmental Corridor (PEC).
3. Disturbance through the primary environmental corridor for access to a residence shall be minimized and the only land that can be disturbed is for a driveway corridor which shall be no greater than 24 feet wide.
4. The subject acreage shall be limited to a maximum of two parcels.

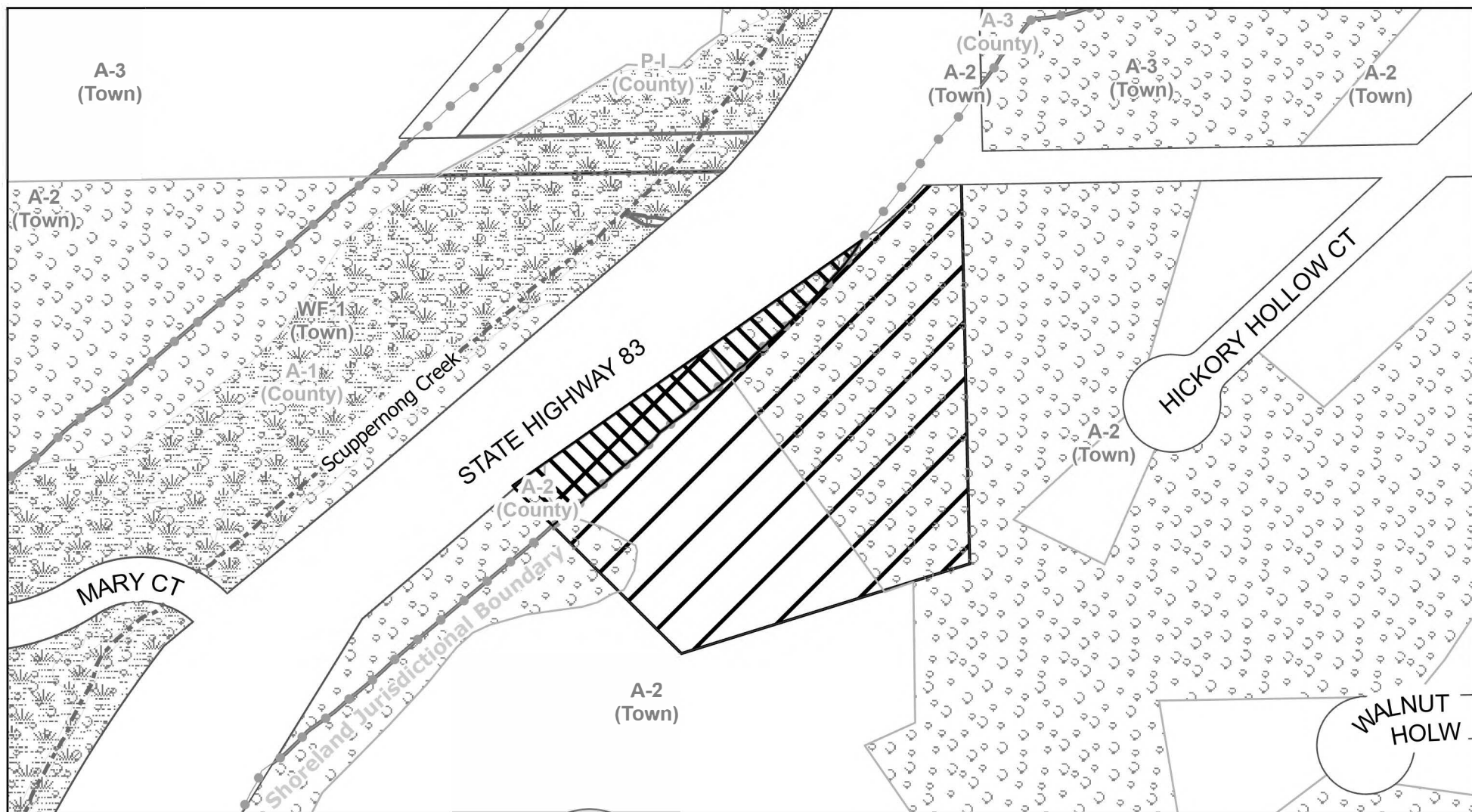
The proposed rezone is consistent with the Town and County Comprehensive Development Plan recommendations relative to density and protection of environmental corridors. The rezoning allows for the property owner to divide the property to create a second building site.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Slotty". The signature is fluid and cursive, with the first letter of the last name being a large, stylized "S".

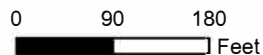
Kassie Slotty
Senior Land Use Specialist





Attachments: Rezone Map
 Exhibit A (concept land division)



ZONING AMENDMENT

PART OF NW1/4 SEC 33, T7N, R18E,
TOWN OF DELAFIELD



-  TOWN ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO A-3 SUBURBAN HOME DISTRICT
-  COUNTY ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO A-3 SUBURBAN ESTATE DISTRICT (EC OVERLAY TO REMAIN)
-  EC Environmental Corridor Overlay
-  C-1 Conservancy Overlay

Note: FEMA Floodplain not shown on map

FILE.....RZ159 (COUNTY), RZ165 (TOWN)
DATE OF PLAN COMMISSION.....8/21/25
AREA OF CHANGE.....6.834 ACRES
TAX KEY NUMBER.....DEL T0850999001

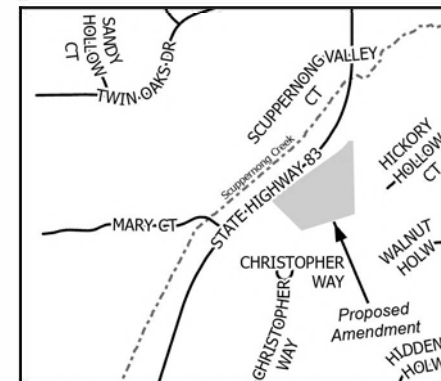


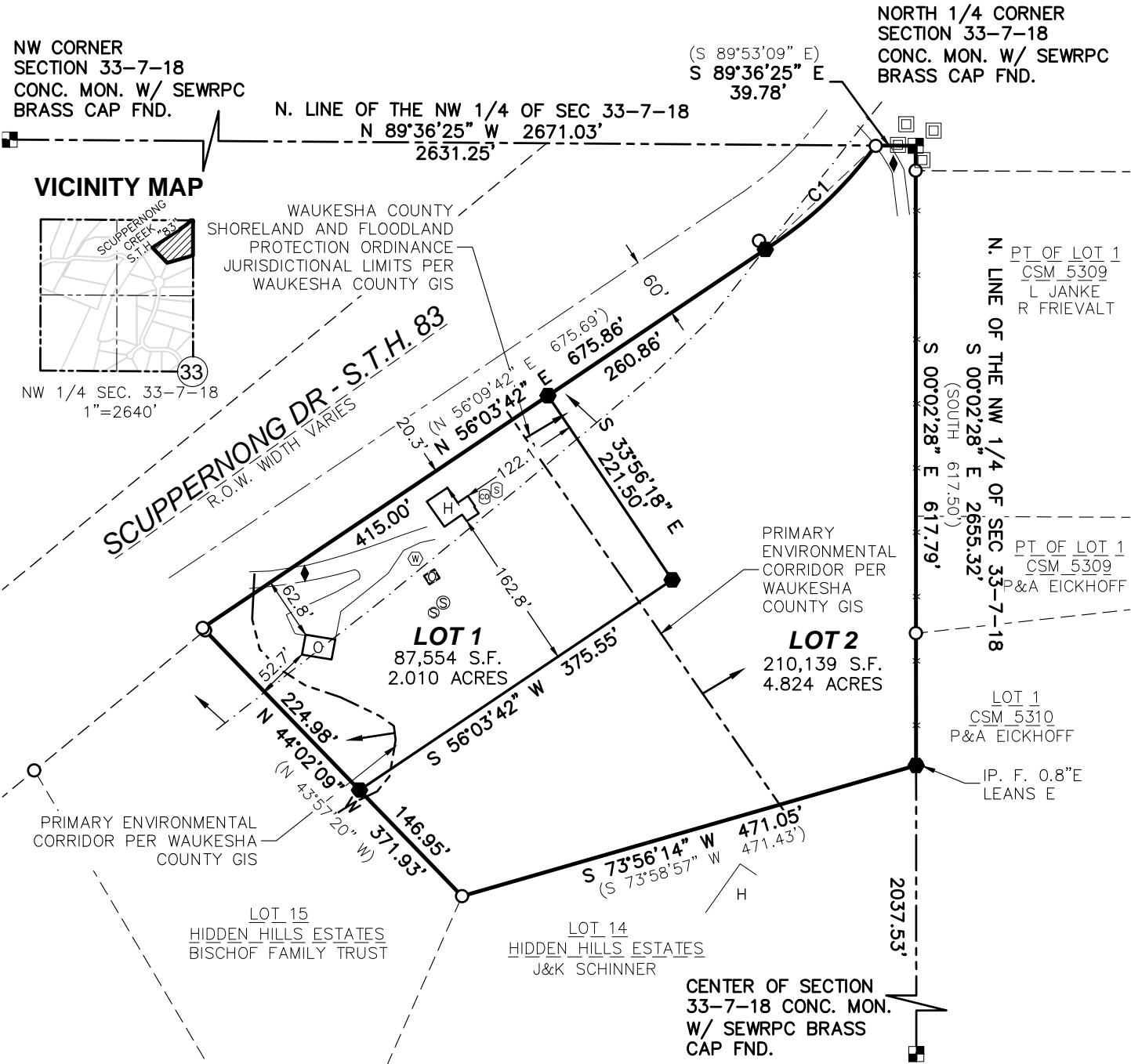
EXHIBIT A

RECEIVED 5/15/2025
DEPT PARKS & LAND USE

PRELIMINARY

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

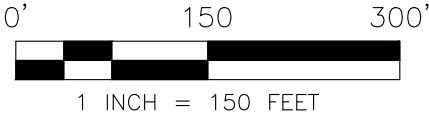
A REDIVISION OF CSM 2323, RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE JUNE 13, 1975, IN VOL. 16, PAGES 312-313 AS DOCUMENT NO. 913994, BEING A PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 33, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	408.05'	21°22'31"	152.23'	151.35'	N 46°45'28" E	N 57°26'44" E	N 36°04'13" E
(C1)					(N 46°51'28" E)		



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SEC. 33-7-18 MEASURED AS N 89°36'25" W.



LEGEND

- SECTION CORNER MONUMENT
- CONCRETE MONUMENT
- FOUND 1" IRON PIPE OR NOTED WELL
- SEPTIC VENT
- SEPTIC CLEANOUT
- WIRE FENCE
- EXISTING CONTOUR PER GIS
- SOIL TYPE PER GIS
- RECORD DIMENSION
- EXISTING DRIVEWAY LOCATION
- EXISTING DWELLING
- EXISTING OUTBUILDING

PREPARED FOR:
JOHN HAVNEN & PHILLIP ROZMAN
S15W32056 HIGH MEADOW CIR.
DELAFIELD, WI 53018

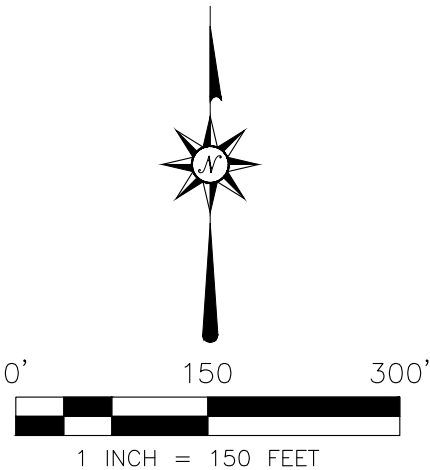
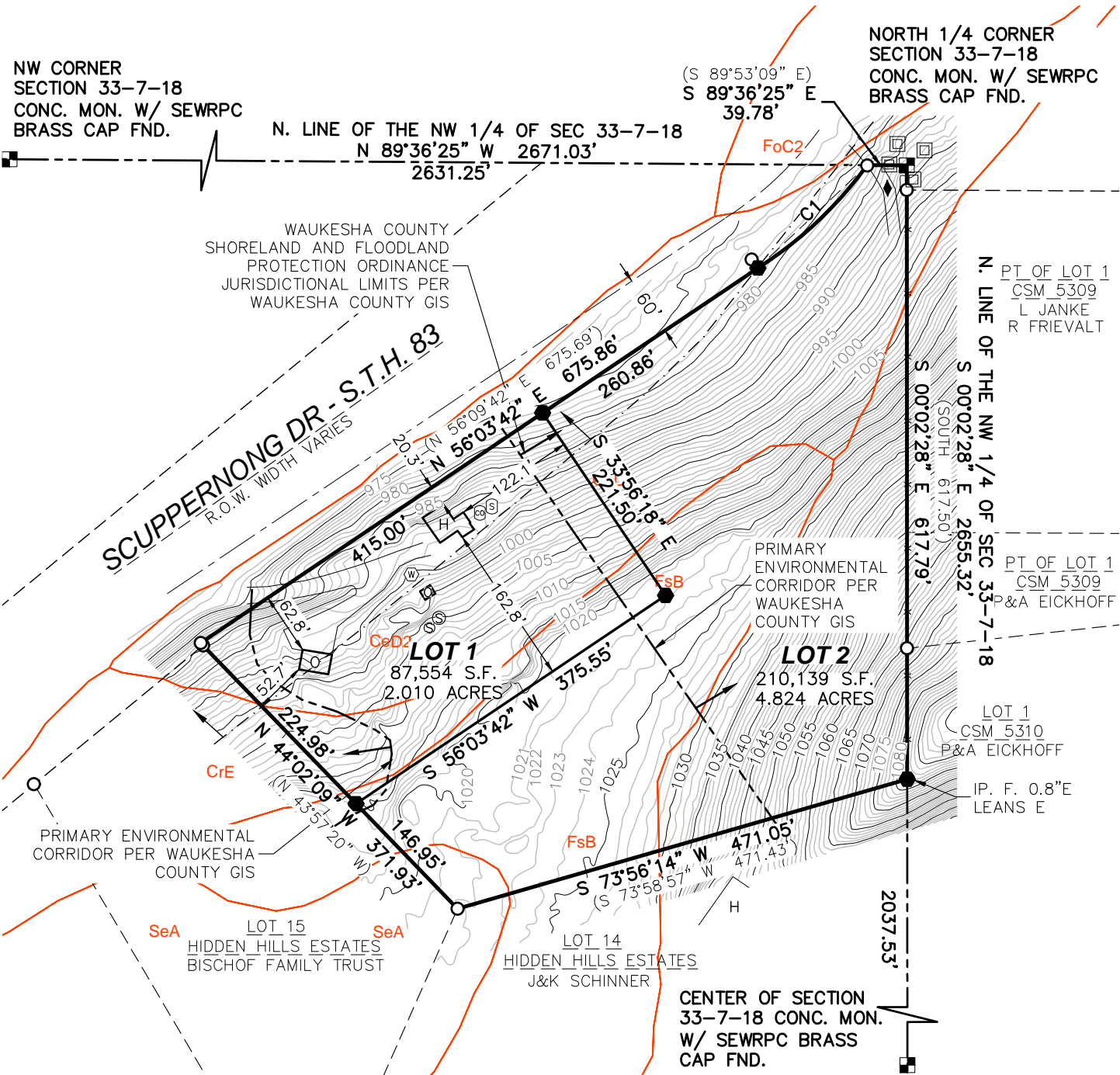
LAND SURVEYING • LAND PLANNING
955 LEXINGTON DRIVE
OCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599

REV 05/15/2025
DATED 05/13/2025
JOB# 25129
SHEET 1 OF 4

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF CSM 2323, RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE JUNE 13, 1975,
IN VOL. 16, PAGES 312-313 AS DOCUMENT NO. 913994, BEING A PART OF THE NE 1/4 OF THE NW 1/4 OF
SECTION 33, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



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

DATE: August 21, 2025

FILE NO.: RZ160

OWNER: Marian C. Igl Living Trust
601 Bergum Road
Mount Horeb, WI 53572

APPLICANT: Attorney Matthew Jelenchick
N94 W17900 Appleton Avenue
Menomonee Falls, WI 53052-0444

TAX KEY NO: OTWT 1614.998.004

LOCATION:

Lot 2, Certified Survey Map No. 11448, part of the NW ¼ and SW ¼ of Section 8, T6N, R17E, Town of Ottawa. More specifically, the property is located at W382 S2728 County Road Z, containing approximately 119 acres. Six of the 119 acres is proposed to be rezoned.

EXISTING USE(S):

Vacant land that has been farmed in the past, wetlands.

REQUESTED USE:

Rezone two, three-acre portions of the property for lots for single family residences, while retaining most of the subject parcel in Farmland Preservation.

EXISTING ZONING DISTRICT CLASSIFICATION(S):

The southwest area of the property is zoned FLP Farmland Preservation District, C-1 (Wetland) Conservancy Overlay District, and EC Environmental Corridor Overlay District under the Waukesha County Zoning Code and the northwest area of the property is zoned FLC Farmland Conservancy, C-1 Conservancy, EC Environmental Corridor, and FF Flood Fringe District under the Waukesha County Shoreland and Floodland Protection Ordinances.

PROPOSED ZONING DISTRICT CLASSIFICATION(S):

Rezone two proposed residential parcels (3-acres each) from the Farmland Preservation District to the A-1 Agricultural District which requires a minimum lot size of three (3) acres and a minimum average width of 200 feet. The remaining lands will not be rezoned.

CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (CDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN (CDP):

The Town CDP designates the subject parcel as Prime Agricultural (35+ acres/dwelling unit), Agricultural 10 Acre Density, Primary Environmental Corridor, and a small sliver of Recreational. The County's CDP designates the property as Farmland Preservation and Farmland Preservation with EC Overlay, which are 35-acre density categories. The FLP District allows for the rezoning of parcels between one and three acres in size (minimum average width of 150 feet) to the R-1 category with adherence to lot siting standards. The proposal is to alternatively rezone to a category that does not require the same lot siting standard compliance. Per ATCP 49, the Department of Agriculture, Trade, and Consumer Protection (DATCP) does permit a parcel in FLP to be rezoned to a district other than R-1 so long as the following requirement is met:

- Within the town, there needs to be 80% consistency between lands that are planned FLP and lands that are zoned FLP (80% of the lands planned FLP need to be zoned FLP).

The proposed density of two dwelling units complies with plan recommendations, but the town and county will need to determine if the proposed configuration of the proposed lots aligns with plan recommendations.

PUBLIC HEARING DATE: August 4, 2025

PUBLIC COMMENT :

Two nearby property owners asked questions. One speaker expressed concerns about the potential for additional lots in the future. Another person asked why the westerly natural resource lands are part of farmland preservation zoning. Town and County staff explained that the property has only two dwelling unit rights remaining, therefore, there would be no additional residential lots available in the future. Staff explained that state rules allow for the entirety of a farm to be eligible for agricultural tax credits, even for wooded, wetland or uncultivated portions of farms, so long as the lands are zoned to a farmland preservation zoning category. A plan commissioner asked about whether the town can approve the two parcels that are proposed to not directly abut a road. Staff advised that the town and county would need to approve any such lots and noted that, in farmland preservation areas, parcels may more commonly be located without direct frontage in order to balance preserving the majority of the farm's land in the larger preservation parcels.

TOWN PLAN COMMISSION:

On August 4, 2025, the Town of Ottawa Plan Commission unanimously recommended approval of the zoning amendment request subject to the Town Planner's report and conditions (see conditions 1-6 of the staff recommendation).

STAFF ANALYSIS:

The property owner is requesting to rezone six (6) acres of the subject 119-acre farm on the north side of CTH Z to be able to create two 3-acre parcels (Lots 3 and 4- see Exhibit A). The parent parcel is a fairly unorthodox configuration with a little under 400' of frontage on CTH Z and the bulk of the acreage extending to the north and west. Approximately one-half of the subject parcel is dominated by natural resources (wetlands, floodplain and Primary Environmental Corridor). The formerly cultivated part of the lands contains prime agricultural soils that are on the higher ground that is fairly level. As noted above, the entire property is planned for Farmland Preservation on the County Farmland Preservation Plan and a good portion of the property is similarly designated for preservation on the town plan. The farmland preservation designation allows for a maximum density of one dwelling unit per 35 acres. The subject 119-acre parcel is part of a farm tracking unit that includes an adjacent home on 10 acres to the southwest. Therefore, the subject farm has two density rights remaining. The proposed creation of two residential parcels would be acceptable per the state administrative rules for farmland preservation (ATCP 49), as described above.

The property abuts state owned lands to the west and there are surrounding agricultural and rural residential uses. With the exception of the residential parcels to the south, which are designated as Suburban II Density Residential on the CDP, the subject parcels are bordered by Farmland Preservation/Prime Agricultural, Recreational, and Agricultural 10 Acre Density plan designations.

The petitioners have been marketing the lands for the past couple of years without success, consistent with the Farmland Preservation District lot siting standards that call for clustering of residences, locating lots near roadways and other homes, and siting lots off of uncultivated lands. The petitioners feel that buyers do not want two homes near the highway or in the narrow part of the road frontage. Rather than clustering the two lots, they are seeking a change to the A-1 Agricultural District category, as the A-1 District does not contain lot siting requirements and allows for lots of a minimum of three acres and 200' in width. The proposal is that the lands would still be developed in conformance with the Farmland Preservation density requirements which yields two development rights on the subject parcel. The remaining 113 acres would be

placed in outlots to allow for the remaining acreage to be owned by one or both of the two future 3-acre lot owners, another adjacent owner, or someone interested in its farmland value. Agricultural outbuildings could be sited on the outlots if authorized via the rezoning conditions. Lots 3 and 4 would each be approximately three acres in area and 250 feet in width and would be available for single-family use. The balance of the acreage would be configured into two (2) parcels, one (1) approximately 35 acres in size and one (1) approximately 78 acres in size (Lots 1 and 2). There is a USDA Wetland Reserve Program Conservation Area Easement on a small portion of proposed Lot 1 which is intended to restore, protect, manage, maintain, and enhance the functional values of the wetlands and other lands. Per the easement agreement, the landowner has the opportunity to participate in the restoration and management activities on the easement area.

Lots 3 and 4 would not directly abut a public road. Easements would need to be prepared to ensure access for all parcels. The town and county would need to review and consider a certified survey map to divide the lands and the petitioner would also need to obtain lot not abutting a public road authorization for any such parcels. A shared access drive is proposed from CTH Z for both parcels to utilize and each residential parcel will have their own driveway off of the access drive.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning staff recommends **conditional approval** of the rezoning request subject to the following conditions:

1. This rezoning authorizes two future dwelling units, one unit each for proposed Lot 3 and Lot 4 as depicted upon the attached Exhibit A.
2. The two proposed building lots shall be three acres in area.
3. The configuration of Lots 3 and 4 shall be substantially consistent with the layout attached as Exhibit A.
4. Proposed Lots 1 and 2 shall be labeled as outlots rather than lots.
5. A deed restriction shall be prepared, reviewed, and approved by the Town Planner and the Waukesha County Planning & Zoning Division staff prior to its recording in the Waukesha County Register of Deeds Office. The deed restriction shall state that two dwelling units are permissible (proposed Lots 3 and 4) and that there is no remaining density available on the subject 119 acres. The restriction shall further stipulate that Lots 1 and 2 can only be used for agricultural or natural resource purposes including agricultural outbuildings.
6. No buildings shall be allowed within the Primary Environmental Corridor.
7. The proposed lots not abutting a public road must be approved by the town and county and access easements must be provided so that all proposed parcels have access to a public road.
8. The lots and outlots shall not be deed restricted to tie lots and outlots together so that the outlot acreage can be conveyed separately for agricultural or natural resource use to other potential farmers or owners in the future. The outlots can contain agricultural buildings without benefit of a residence being located on the same parcel.

As conditioned, the proposal is consistent with the density parameters of the Town and County Comprehensive Development Plans and the County Farmland Preservation Plan, and the proposed rezoning will allow for the lands to be more broadly marketed as having the potential for two three-acre building sites with substantial preserved farmland and natural resource land. The proposed layout will keep the environmental corridor free from buildings while retaining the vast majority of the farm in farmland preservation zoning, consistent with the 35 acre farmland plan density requirement. As conditioned, the deed restriction will disclose to future owners that the creation of the two proposed building lots utilizes the

remaining density for this property. The deed restriction will ensure that the acreage encompassing Lots 1 and 2 will be limited to agricultural, open space, and agricultural outbuilding uses. The town and county will have further review authority in considering a subsequent CSM for the lands.

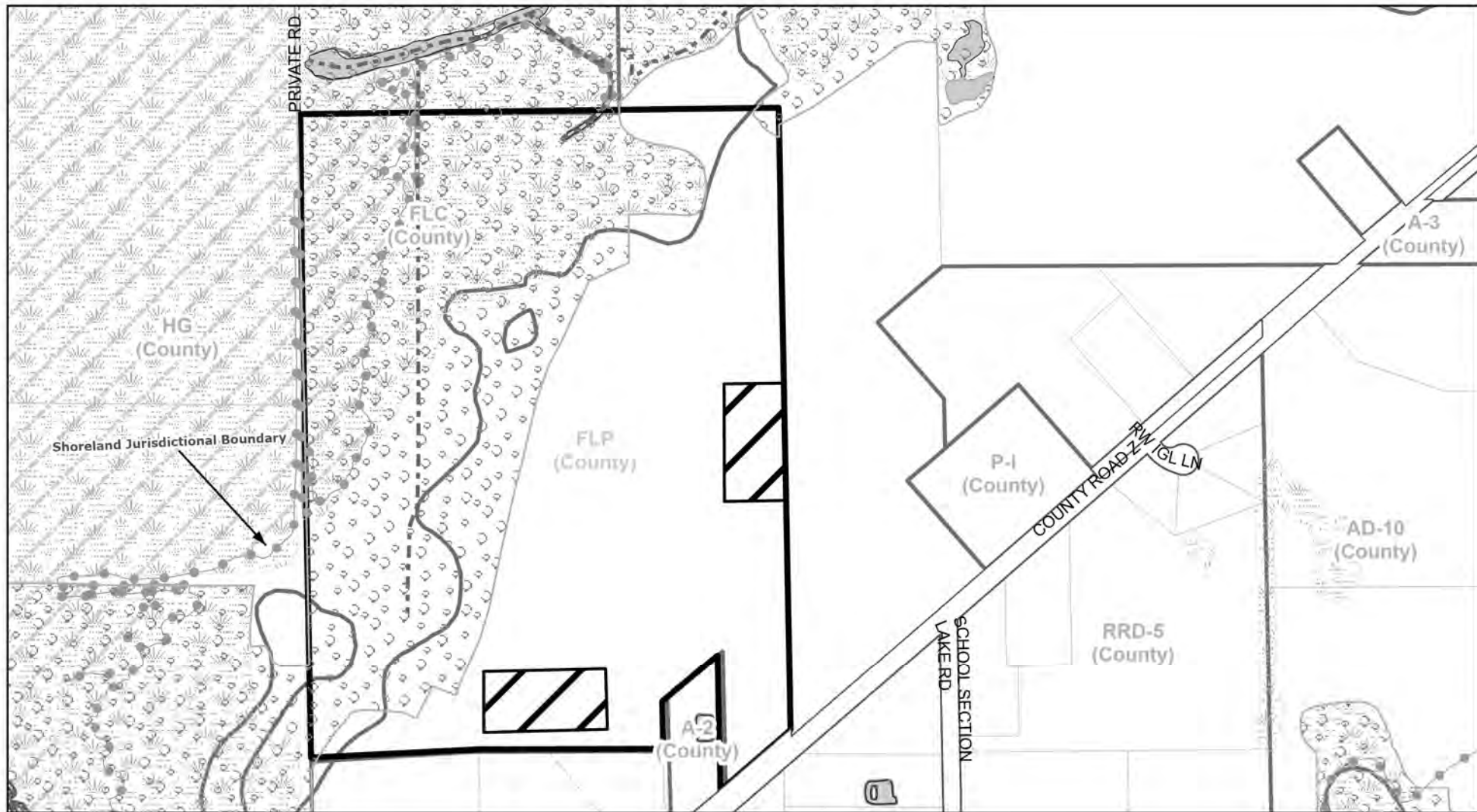
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K Slotty', is positioned above the printed name.

Kassie Slotty
Senior Land Use Specialist

Attachment: Rezone Map
 Exhibit A

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ZONING AMENDMENT

PART OF NW1/4, SW1/4,
TOWN OF OTTAWA

0 500 1,000
Feet



COUNTY ZONING CHANGE FROM FARMLAND
PRESERVATION DISTRICT TO A-1 AGRICULTURAL DISTRICT



EC Environmental Corridor Overlay

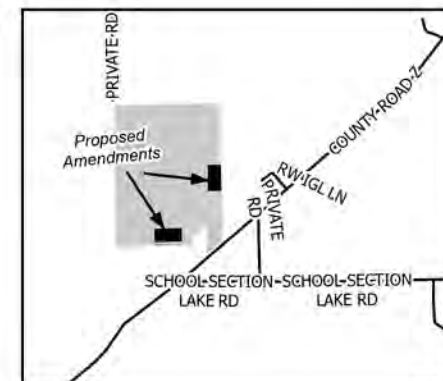


C-1 Conservancy Overlay



Flood Fringe District

FILE.....RZ160
DATE OF PLAN COMMISSION.....08/21/25
AREA OF CHANGE.....TWO 3.0 ACRE PARCELS
TAX KEY NUMBER.....OTWT1614998004



RECEIVED 06/13/2025 BY
WAUKESHA COUNTY PLANNING
AND ZONING DIVISION

LOT 2
78.21 ACRES
FLP

LOT 4
3 ACRES
A-1

LOT 1
35 ACRES
FLP

LOT 3
3 ACRES
A-1

PROPOSED SHARED
ACCESS POINT FOR
RESIDENTIAL DRIVEWAYS

PROPOSED RESIDENTIAL
DRIVEWAY(S) TO ACCESS
HOME SITE(S)

N SCHOOL SECTION LAKE RD

mapbox

0 200 400 600 800ft

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

DATE: August 21, 2025

FILE NO.: RZ163

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 various text changes.

PUBLIC HEARING DATE:
March 24, 2025.

PUBLIC REACTION:
One person acknowledged the work that the Town Plan Commission has done to get Agritourism in the Zoning Code. She suggested changes in the definition section as well as adding an Outdoor Recreational Activities section and added that certain Conditional Use sections should be eliminated.

TOWN PLAN COMMISSION:
On March 24, 2025, the Town Plan Commission unanimously recommended approval of the proposed text amendments to the Town Board.

TOWN BOARD ACTION
On June 9, 2025, the Town Board unanimously 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 plans provide for a variety of use types to be accommodated including rural and agricultural type uses along with incidental recreational uses. The amendments provide additional use definitions and make adjustments to the town's Conditional Use section to allow the town to better respond to inquiries regarding various use types.

STAFF ANALYSIS:
The Town of Genesee is proposing comprehensive amendments to the town zoning code to provide some new use type definitions, update the Conditional Use section of the code, create a new Cemetery Zoning District and other miscellaneous changes. The town provided a version of the amendments in tracked changes format with strikethroughs and underlines to show proposed changes in context and also provided a copy with changes accepted (See Exhibits A, B). Some Conditional Use types that have not been utilized recently within the town are proposed to be eliminated such as commercial fish/bait ponds and airports, while other uses types will become available as permitted uses rather than Conditional Uses. Some use types will be allowed in business zoning districts rather than in certain non-business districts. Below is a generalized summary of other proposed changes:

- Create new definitions for agritourism uses such as camping related uses and event spaces and create accommodations for such use types in agricultural zoning districts. Within such districts and via a Conditional Use process, indoor special event venues will be available on a minimum of ten acres and outdoor event venues would require a minimum of twenty acres. Other uses such as campsites and limited overnight stay accommodations would also be available, subject to a number of health, noise and nuisance standards.
- Clarify that building and fire inspections must be completed as part of the Site Plan review process.
- Provide flexibility for covered areas attached to accessory buildings
- Procedural clarifications for adjourning Conditional Use hearings.
- Modify commercial kennel parameters.
- Transition animal hospitals, vet clinics from conditional uses to permitted uses in the Agricultural Business District.
- Adds landscaping and lawn and garden businesses as permitted uses in the Q-1 Quarrying District.
- Removes the B-1 and B-2 Districts from the list of districts where churches are available as Conditional Uses.
- Modifies rules for landscaping and lawn and garden businesses and makes this use a Conditional Use option in the B-2 District.
- Converts hotel/motel use from a Conditional Use option to a permitted use in the B-2 District.

STAFF RECOMMENDATION

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

The town is proposing amendments to recognize that use trends have changed over time, new use types have emerged and parts of the town have become less rural. The changes modernize definitions and update both permitted and conditional use types to accommodate a broad range of use types. New Conditional Use options are provided for agritourism to recognize the growing interest in those types of uses in rural settings. Other definition changes and technical edits will help the town in administration of their code and will provide landowners and applicants clarity as they look to improve properties.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Town Ordinance, No. 25-3
Exhibits A, B (Text Amendments in track changes and tracked changes accepted formats;
click the following link: [Draft County/Town Ordinances | Waukesha County](#) or navigate to
www.waukeshacounty.gov/planningandzoning and click “Zoning and Land Use
Information” and then “Draft County/Town Ordinances”)

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE NO. 25-3

**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 2022; 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 purposed 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:

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 Waukesha County.

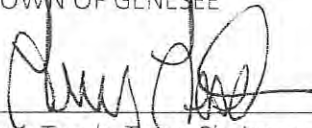
SECTION 5. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly 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 9 day of June, 2025.

TOWN OF GENESEE


Terry Tesch, Town Chairman

ATTEST:


Meri Majeskie, Town Clerk

Published and/or posted this 11 day of June, 2025.

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

DATE: August 21, 2025

FILE NO.: RZ161

TAX KEY NO.: GNT 1480.995.001

OWNER: St. Paul's Catholic Church
P.O. Box 95
Genesee Depot, WI 53127

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

LOCATION:
Part of the SE ¼ of Section 10, T6N, R18E, Town of Genesee. More specifically, the property is located at S30 W30032 CTH D, containing approximately 3.7 acres.

EXISTING ZONING:
R-1 Residential District (town).

PROPOSED ZONING:
CEM Cemetery District.

EXISTING LAND USE:
Cemetery.

PROPOSED LAND USE:
Cemetery.

PUBLIC HEARING DATE:
March 24, 2025.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION:
On March 24, 2025, the Town Plan Commission unanimously recommended approval of the rezoning request.

TOWN BOARD ACTION:
On May 27, 2025, the Town Board unanimously approved the rezoning request.

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

The town and county plan designations for the property are Governmental & Institutional. The proposal to rezone the existing cemetery to the new Cemetery Zoning District is consistent with both plans.

STAFF ANALYSIS:

St. Paul's Cemetery is located on the north side of CTH DE (Sunset Dr.) and to the east of Snowdon Dr. The use pre-dates zoning. In 1961, the cemetery obtained a Conditional Use permit to allow for a three-acre expansion. In 1974, a Conditional Use amendment authorized the sale of a narrow strip of land to a neighboring property to the north. The town has recently revised its zoning ordinance to create a new Cemetery (CEM) zoning district. The town is proposing to rezone two existing cemeteries, including the subject lands, from a residential zoning category to the new zoning district which will alleviate the need for Conditional Use permits as changes to the use or site are made in the future.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezone request. The designation of the existing cemetery in the newly created Cemetery District makes the cemetery use a legal permitted use and will allow subsequent improvements to the property to be made via a Site Plan/Plan of Operation process.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Town Ordinance No. 25-4
Map

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE 25-4

**An Ordinance to amend the Zoning Map of the Town of Genesee
from R-1 Residential District to CEM Cemetery District on lands located in the
SE ¼ of the SE ¼ of Section 10, T6N, R18E, Town of Genesee,
Waukesha County Wisconsin**

The Town Board of Genesee, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

The Town of Genesee Zoning Map is hereby amended to change the zoning classification from R-1 Residential District to CEM Cemetery District on the following described parcel of land:

Part of the SE ¼ of the SE ¼ of Section 10, T6N, R18E, Town of Genesee. More specifically, the property is also known as Tax Key No. GNT 1480.995.001 (See Exhibit A).

Section 2: Severability.

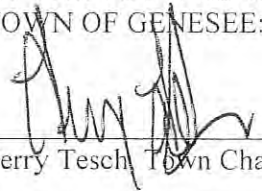
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 27 day of May, 2025.

BY THE TOWN BOARD OF THE
TOWN OF GENESEE:


Terry Tesch, Town Chairman

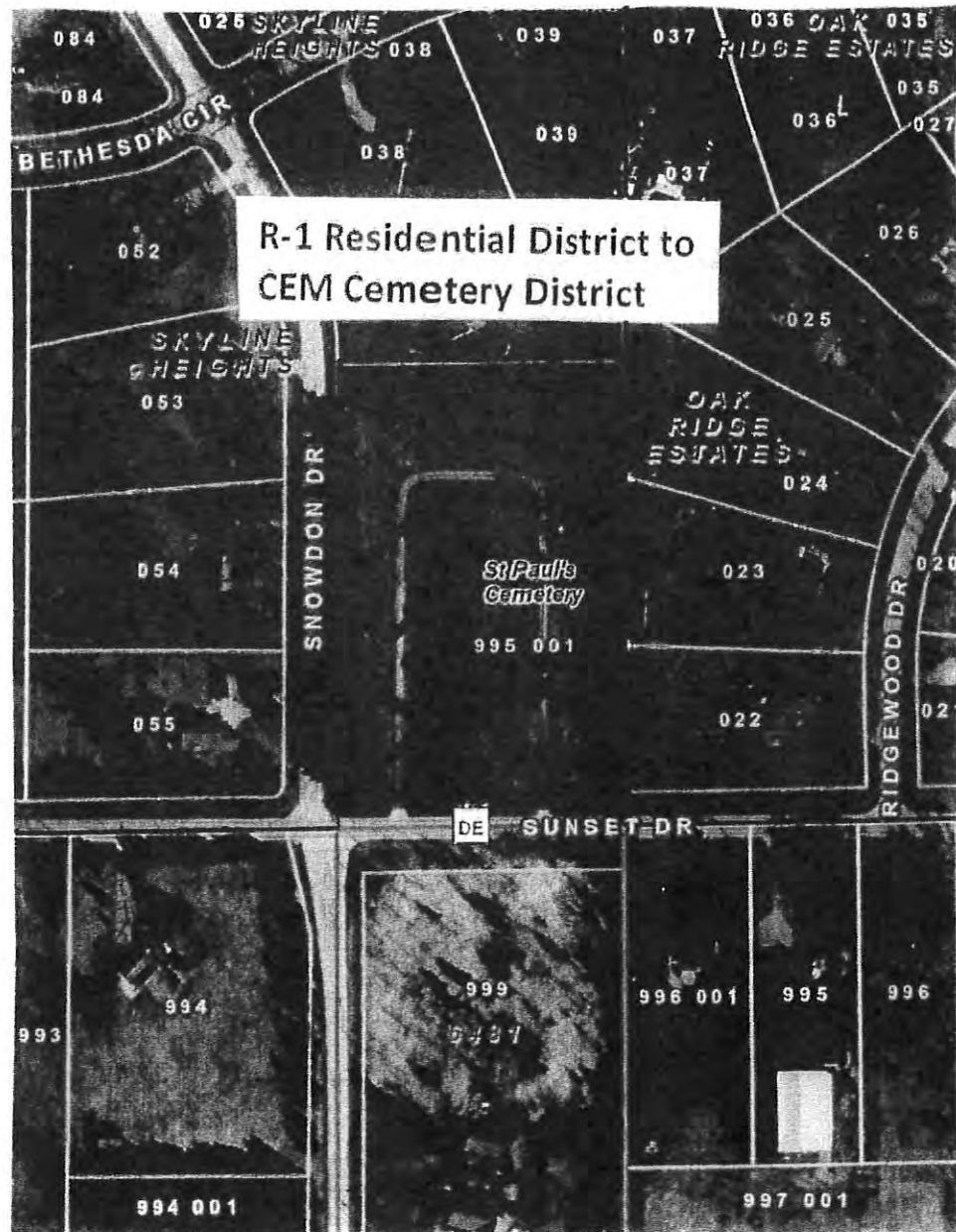
ATTEST:


Meri Majeskie, Town Clerk

Exhibit A

Zoning Map Amendment

St. Paul's Catholic Church, PO Box 95 Genesee Depot, Wisconsin from the R-1 Residential District to the CEM Cemetery District consistent with the updated Town of Genesee Zoning Code. The property is described as part of the SE ¼ of the SE ¼ of Section 10, T6N, R18E, Town of Genesee. More specifically, the property is located at S30 W30032 CTH DE.





ZONING AMENDMENT

PART OF SE1/4 SEC 10 T6N R18E,
TOWN OF GENESEE

0 170 340
Feet



TOWN ZONING CHANGE FROM R-1 RESIDENTIAL DISTRICT TO CEM CEMETERY DISTRICT

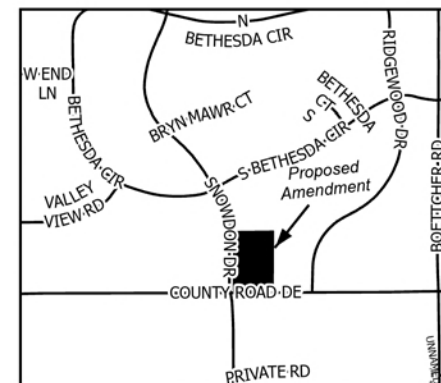


EC Environmental Corridor Overlay



C-1 Conservancy Overlay

FILE.....RZ161
DATE OF PLAN COMMISSION.....08/21/25
AREA OF CHANGE.....3.6 ACRES
TAX KEY NUMBER.....GNT 1480995001



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

DATE: August 21, 2025

FILE NO.: RZ162

TAX KEY NO.: GNT 1545.988.001

OWNER: Genesee Cemetery Association
W298 S5705 Cliffside Court
Waukesha, WI 53189-9033

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

LOCATION:
Part of the NE ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located at W303 S5078 Seville Lane, containing approximately 4.5 acres.

EXISTING ZONING:
A-2 Rural Home District (town).

PROPOSED ZONING:
CEM Cemetery District.

EXISTING LAND USE:
Cemetery.

PROPOSED LAND USE:
Cemetery

PUBLIC HEARING DATE:
March 24, 2025.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION:
On March 24, 2025, the Town Plan Commission unanimously recommended approval of the rezoning request.

TOWN BOARD ACTION:
On May 27, 2025, the Town Board unanimously approved the rezoning request.

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

The town and county land use plans designate the property in the Suburban Density II Residential category which calls for rural residential type uses at densities of 3.0 to 4.9 acres per dwelling unit. The plan envisions institutional use types such as churches, schools and cemeteries in residential and rural residential settings. The continued use of the property as a cemetery is consistent with plan recommendations.

STAFF ANALYSIS:

Genesee Cemetery is located on the south side of Seville Ln., just east of STH 83 on the south end of unincorporated Genesee. The site contains approximately 4.5 acres and has a loop road system that serves the property. The property is surrounded by rural residential uses. The cemetery's origins date to the mid-1800s. A Conditional Use permit was authorized in 2000 to allow for two-acre expansion. No changes to the property are being proposed at this time; this is only a request to rezone the lands.

The Town of Genesee recently adopted amendments to the town zoning ordinance that include removing cemeteries as a category in the Conditional Use section of the code. Alternatively, the town has created a new zoning district for cemeteries to accommodate this use type. Therefore, the town is proposing to amend the zoning of the existing Genesee Cemetery Association property from the A-2 Rural Home District to the new CEM Cemetery District category which will make the cemetery a permitted use.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezone request. The designation of an existing cemetery in the newly created Cemetery District makes the long existing cemetery use a legal permitted use and will allow subsequent improvements to the property to be made via a Site Plan/Plan of Operation process.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Town Ordinance No. 25-5
Map

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE 25-5

**An Ordinance to amend the Zoning Map of the Town of Genesee
from A-2 Rural Home District to CEM Cemetery District on lands located in the
NE ¼ of Section 27, T6N, R18E, Town of Genesee,
Waukesha County Wisconsin**

The Town Board of Genesee, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

The Town of Genesee Zoning Map is hereby amended to change the zoning classification from A-2 Rural Home District to CEM Cemetery District on the following described parcel of land:

Part of the NE ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is also known as Tax Key No. GNT 1545.988.001 (See Exhibit A).

Section 2: Severability.

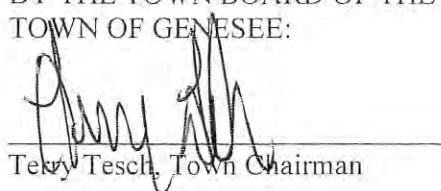
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 27 day of May, 2025.

BY THE TOWN BOARD OF THE
TOWN OF GENESEE:


Terry Tesch, Town Chairman

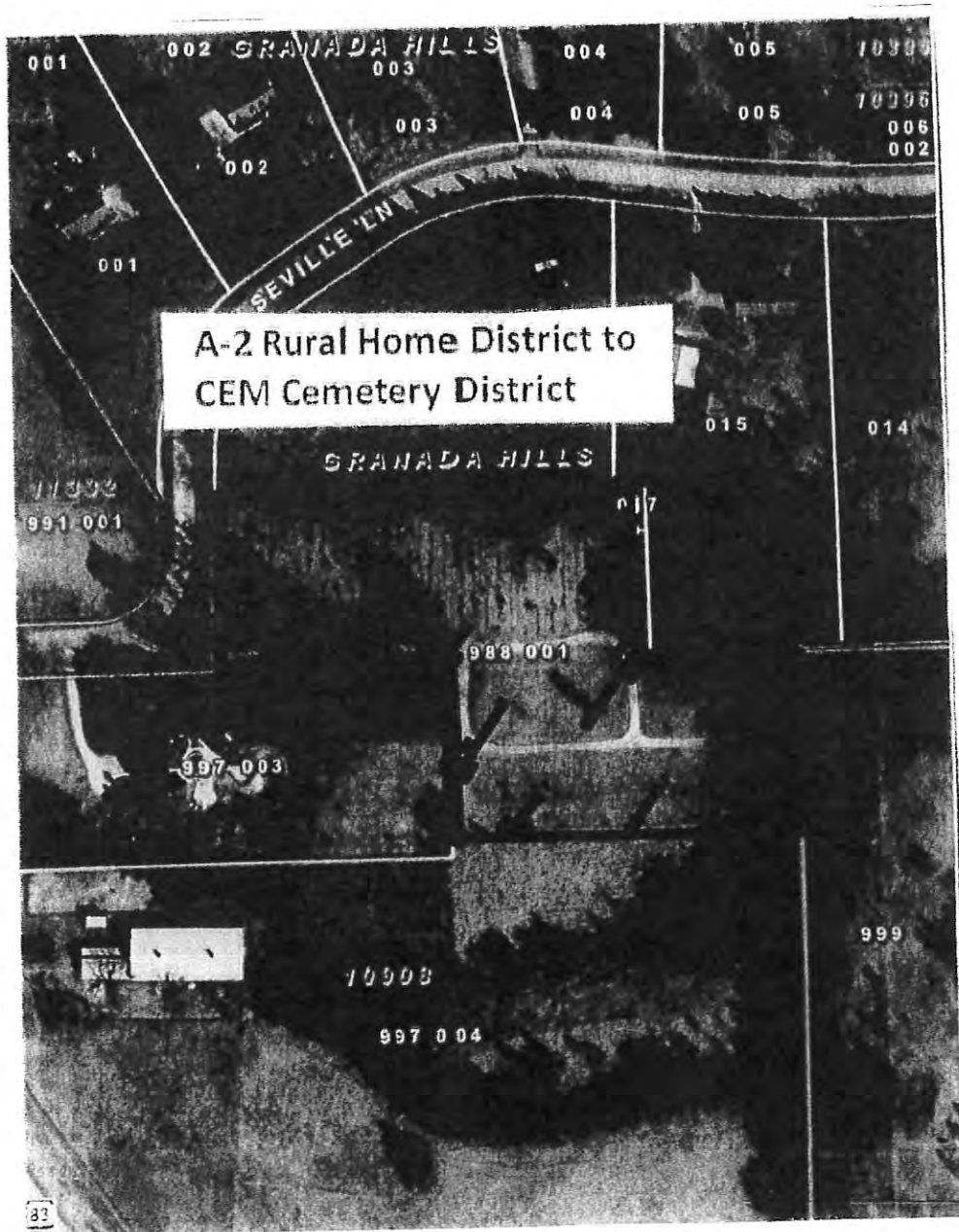
ATTEST:

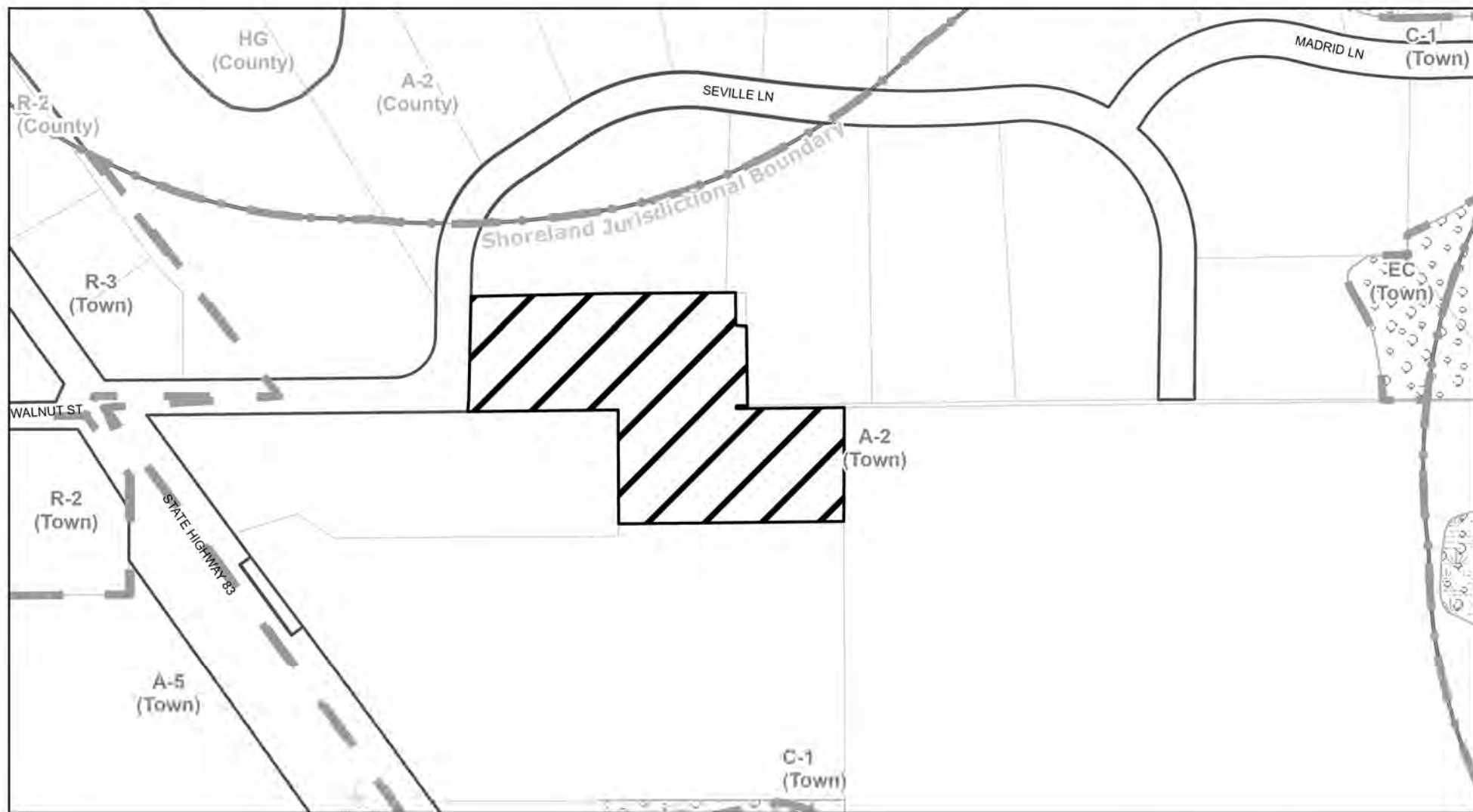

Meri Majeskie, Town Clerk

Exhibit A

Zoning Map Amendment

Genesee Cemetery Association, c/o Martha Ryan, W298S5705 Cliffside Court, Waukesha, Wisconsin from the A-2 Rural Home District to the CEM Cemetery District consistent with the updated Town of Genesee Zoning Code. The property is described as part of the NE ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located at W303 S5078 Seville Lane.





ZONING AMENDMENT

PART OF NE1/4, SE1/4 SEC 27 T6N R18E,
TOWN OF GENESSEE

0 1,500 3,000
Feet



TOWN ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO CEM CEMETERY DISTRICT



EC Environmental Corridor Overlay



C-1 Conservancy Overlay

FILE.....RZ162
DATE OF PLAN COMMISSION.....08/21/25
AREA OF CHANGE.....4.4 ACRES
TAX KEY NUMBER.....GNT 1545988001

