

ENROLLED ORDINANCE 180-39

APPROVE TOWN OF GENESEE ORDINANCE NO. 25-3
TO REPEAL AND RECREATE THE TOWN OF GENESEE ZONING CODE TO
INCORPORATE VARIOUS TEXT CHANGES
(RZ163)

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 9, 2025; and

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

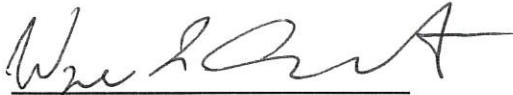
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Town of Genesee Ordinance No. 25-3 which repeals and recreates the Town of Genesee Zoning Code to incorporate various text changes, as more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and which is made a part of this Ordinance by reference, is hereby approved.

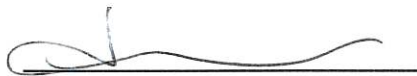
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Genesee.

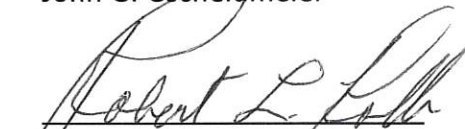
APPROVE TOWN OF GENESEE ORDINANCE NO. 25-3 TO REPEAL AND RECREATE THE
TOWN OF GENESEE ZONING CODE TO INCORPORATE VARIOUS TEXT CHANGES (RZ163)

Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair


Wayne Euclide

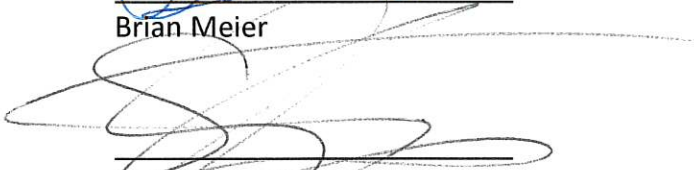

John G. Gscheidmeier


Robert L. Kolb


Absent

Johnny Koremenos


Brian Meier


Steve Styza

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

Date: 09-26-2025, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

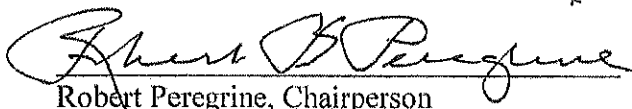
Date: 10/2/2025, 
Paul Farrow, County Executive

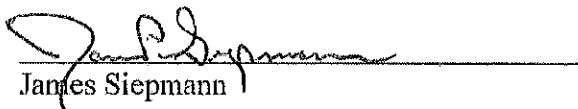
COMMISSION ACTION

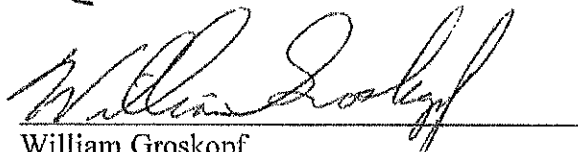
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Genesee Zoning Code, hereby recommends **approval** of **RZ163 (Town of Genesee Board-Zoning Code Text Amendment)** in accordance with the attached "Staff Report and Recommendation".

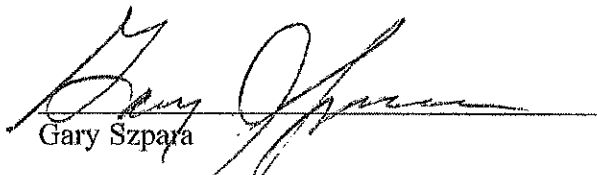
PARK AND PLANNING COMMISSION

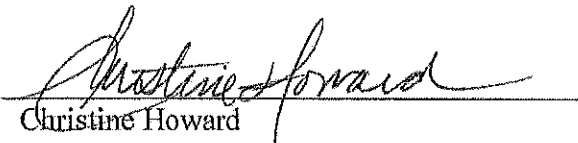
August 21, 2025


Robert Peregrine, Chairperson


James Siepmann


William Groskopf


Gary Szpara


Christine Howard

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

DATE: 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")

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Staff Report Text Amendment T Genesee Zoning Code.Docx

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.

VOTE RESULTS

Consent Agenda

22 AYE 0 NAY 0 ABSTAIN 3 ABSENT

Majority Vote of Members Present

Passed

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

09 23 2025 County Board Mtg (ID 3091)



Waluksha County Board of Supervisors

September 23, 2025 07:26:43 PM



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