

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be conducted by the Town of Genesee Plan Commission and Town of Genesee Town Board on Monday, August 28, 2023, beginning at 5:45 p.m. at the Town of Genesee Town Hall, S43 W31391 Hwy 83, Genesee Depot, Wisconsin, to consider an amendment to the Town of Genesee Zoning Code. The purpose of the public hearing is to accept public comment on the proposed amendment.

The proposed amendment is to Section 19 Accessory Uses and Structures, specifically to Section 19 (A) Size and Location, to allow accessory buildings based on size of property rather than just on zoning.

The public will have an opportunity to speak on the proposed amendment to the Town of Genesee Zoning Code. Written comments on the amendment may be submitted to the Town Clerk until the Public Hearing is closed on August 28, 2023.

Copies of the draft amendments to the Town of Genesee Zoning Code are available for public viewing at the Town of Genesee Town Hall located at S43 W31391 Hwy 83, Genesee Depot, Wisconsin, or on the Town of Genesee Website at [www.towngenesee.org](http://www.towngenesee.org).

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information you can contact Jeff Herrmann, Town Planner or Meri Majeskie, Town Clerk at P.O. Box 242, Genesee Depot, Wisconsin 53127 or (262) 968-3656.

All interested parties will be heard

**GENESEE TOWN BOARD**

**Sharon L. Leair**

**Town Chairman**

**Legal Notice to be published in the**

**Waukesha Freeman on**

**Friday August 11, 2023**

**Friday August 18, 2023**

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 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 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.

<b><i>Lot Area</i></b>	<b><i>Accessory Building Maximum Size</i></b>
< 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 or 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**

The Zoning Map of the Town of Genesee attached hereto and incorporated herein as Exhibit B, is adopted as the Zoning Map for the Town of Genesee, Waukesha County, Wisconsin

## **SECTION 3: 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

TOWN OF GENESEE

\_\_\_\_\_  
Sharon L. Leair, Town Chairman

ATTEST:

\_\_\_\_\_  
Meri Majeskie, Clerk-Treasurer

Published and/or posted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.