

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

ENROLLED ORDINANCE NO. 05-09

ORDINANCE TO ADOPT A COMPREHENSIVE DEVELOPMENT PLAN FOR THE TOWN OF LISBON – 2035 PURSUANT TO SECTION 66.1001 OF THE WISCONSIN STATUTES

WHEREAS the Town of Lisbon has adopted Village powers, including City planning powers as set forth in Section 62.23, Wis. Stats., and

WHEREAS the Town of Lisbon has, by ordinance, established a Plan Commission for the Town of Lisbon empowered to make and adopt a Comprehensive Plan for the physical development of the Town pursuant to Section 62.23 (1), (2), and (3), and Section 66.1001 Wis. Stats., and

WHEREAS Section 62.23 (2) and (3) of the Wis. Stats., provide that it is the duty of the Plan Commission to adopt a comprehensive plan for the physical development of the Town which, together with the accompanying maps, appendices, tables, figures, exhibits, and descriptive and explanatory matter, shall show the Plan Commission's recommendations for such physical development, and

WHEREAS Section 62.23 (3)(a) of the Wis. Stats., provides that the comprehensive plan shall be made "with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development", and

WHEREAS in 1999, the Wisconsin State Legislature enacted Section 66.1001, Wis. Stats., also known as the Comprehensive Planning (Smart Growth) Law, which requires that Comprehensive Plans be completed and adopted by local governing bodies by January 1, 2010 in order for counties, cities, villages or towns to enforce land use regulatory ordinances such as zoning, subdivision, or official mapping ordinances, and

WHEREAS Section 66.1001(2), Wis. Stats., sets forth specific requirements affecting the contents and procedures for adoption of a Comprehensive Plan under Section 62.23 (2) or (3) of the Wis. Stats., and

WHEREAS as of January 1, 2010, Sections 62.23(3)(b) and 66.1001(3) of the Wis. Stats., require towns engaging in any of the following actions to take such actions in accordance with their adopted Comprehensive Plan:

- Official mapping established or amended under Section 62.23(6) of the Wis. Stats.;
- Local subdivision regulation under Section 236.45 or 236.46 of the Wis. Stats.;
- Zoning Ordinances enacted or amended under Section 59.69, 60.61, 60.62 or 62.23(7) of the Wis. Stats.; and/or
- Zoning of shorelands or wetlands in shorelands under Section 59.692, 61.351 or 62.231 of the Wis. Stats., and

WHEREAS the Town of Lisbon intends to continue to engage in the foregoing activities and, therefore, desires to have a comprehensive plan that fully complies with Section 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS the Plan Commission has developed a comprehensive plan for the Town of Lisbon, that is based upon the Comprehensive Development Plan for Waukesha County – 2035, and which is attached

hereto and incorporated by reference as Exhibit A and all of the attachments thereto (A Comprehensive Development Plan for the Town of Lisbon – 2035), and the Plan Commission has considered the objectives, standards and principles of the Comprehensive Development Plan for the Town of Lisbon – 2035 in conjunction with the local objectives and standards to guide growth and development, and

WHEREAS the Town of Lisbon has, for the past five (5) years, actively participated in a joint Comprehensive Development Plan update process endorsed by the State of Wisconsin Department of Administration to analyze and consider amendments to the original 1996 Waukesha County Development Plan through cooperative agreements signed by 28 municipalities in Waukesha County, including the Town of Lisbon, to formulate a new county-wide Comprehensive Development Plan for Waukesha County, entitled A Comprehensive Development Plan for Waukesha County – 2035, to be compliant with the aforementioned Smart Growth Law of 1999, and

WHEREAS a Comprehensive Advisory Committee was established, consisting of one designee from each of the 28 participating communities, as well as a member of the Waukesha County Park and Planning Commission and a member of the Southeastern Wisconsin Regional Planning Commission, along with a series of subcommittees with expanded membership focusing on Plan topic areas (elements), and

WHEREAS, the joint planning effort utilized the professional planning resources of Southeastern Wisconsin Regional Planning Commission, the University of Wisconsin-Extension and the Waukesha County Department of Parks and Land Use; and

WHEREAS Section 66.1001 requires that the governing body of a local governmental unit adopt written procedures that are designed to foster public participation during the preparation of a comprehensive plan, including open discussion, communication programs, information services, distribution of the plan, and public meetings for which advance notice has been provided, and which provided an opportunity for written comments to be received from the public and for responses to be made to such comments, and

WHEREAS on October 6, 2005, the Town of Lisbon Plan Commission adopted a Public Participation Plan by Resolution, and

WHEREAS, a citizen survey was conducted by UW-River Falls, with the results made part of the Plan; and

WHEREAS A Comprehensive Development Plan for Waukesha County – 2035 has been completed and was adopted by the Waukesha County Board of Supervisors on February 24, 2009, and is the plan upon which the Town of Lisbon's plan is based, the Town Plan Commission has determined that the Comprehensive Development Plan for the Town of Lisbon – 2035 attached hereto and incorporated herein by reference as Exhibit A and all of the attachments thereto, complies with all nine elements of said Smart Growth Law, and Sections 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS the Town Clerk provided copies of the draft plan to the governmental bodies of Waukesha County, the Department of Administration, and the Southeastern Wisconsin Regional Planning Commission, and which are also available to the public electronically on the Town of Lisbon website at www.townoflisbonwi.com, and

WHEREAS the Town Board of the Town of Lisbon conducted a public hearing regarding the recommended comprehensive development plan on March 31, 2009, and again on August 27, 2009, upon due notice in compliance with the requirements of Section 66.001 of the Wis. Stats., and

WHEREAS the Town Board has reviewed the plan, and

WHEREAS the Town Board of the Town of Lisbon, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, including consideration of the plan components relating to issues and opportunities, housing, transportation, utilities and communication facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land use, and implementation, had determined that the comprehensive plan adopted on August 27, 2009, will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town of Lisbon which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Town Board of the Town of Lisbon, Waukesha County, Wisconsin, ORDAINS AS FOLLOWS:

SECTION 1. PLAN ADOPTION

The plan entitled "A Comprehensive Development Plan for the Town of Lisbon – 2035", and all attachments thereto, as attached to this Ordinance is hereby adopted.

SECTION 2. DISTRIBUTION OF THE ADOPTED PLAN

The Town Clerk shall forward a copy of the adopted comprehensive development plan to all of the following entities:

- a. Every Governmental body that is located in whole or in part within the boundaries of the Town of Lisbon;
- b. The Clerk of every local government unit that is adjacent to the Town of Lisbon;
- c. The Wisconsin Land Council;
- d. The State of Wisconsin Department of Administration;
- e. The Southeastern Wisconsin Regional Planning Commission; and
- f. The public libraries that serve the Town of Lisbon.

SECTION 3. REPEAL OF MASTER LAND USE PLAN

The plan entitled "Town of Lisbon Land Use Plan" with a date of 2004, including all revisions and amendments adopted from time to time regarding such plan, is hereby repealed in its entirety.

SECTION 4. 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 to those terms that conflict.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Adopted this 14th day of September, 2009, by a majority vote of the members-elect of the Town of Lisbon Town Board.

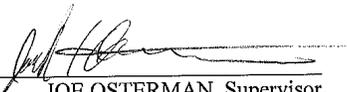
TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
MATTHEW J. GEHRKE, Chairman

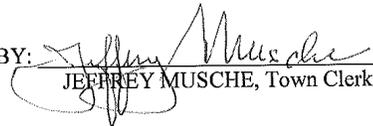
BY: _____
RONALD ESSER, Supervisor

BY: 
DANIEL HETER, Supervisor

BY: 
DANIEL FISCHER, Supervisor

BY: 
JOE OSTERMAN, Supervisor

ATTEST:

BY: 
JEFFREY MUSCHE, Town Clerk