

Ord. 08-17

**ORDINANCE TO ADOPT A COMPREHENSIVE DEVELOPMENT PLAN MAP
AMENDMENT (RECOMMENDED LAND USE PLAN MAP 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 (master 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, and amend as appropriate, a master plan for the physical development of the Town which, together with the accompanying maps, appendices, tables, figures 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 master 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 (master 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 (master 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 (master 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 62.23(7) of the Wis. Stats.; and/or
- Zoning of shorelands or wetlands in shorelands under Section 61.351 of the Wis. Stats., and

WHEREAS, the Town of Lisbon intends to continue to engage in the foregoing activities, and

WHEREAS, the Town of Lisbon 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 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, 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 public comment, during the preparation of a comprehensive plan, 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 was completed and adopted by the Waukesha County Board of Supervisors on February 24, 2009, and is the plan upon which the Town Plan Commission based the Town of Lisbon’s plan, the Town Plan Commission has determined that the Comprehensive Development Plan for the Town of Lisbon – 2035 complies with the goals, standards and objectives of all nine elements of said Smart Growth Law, and Sections 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS, copies of the plan have been provided to the public and the governmental bodies of Waukesha County, the Department of Administration and the Southeastern Wisconsin Regional Planning Commission, adjoining municipalities, public libraries serving the town, and other entities as required by law, and are also available electronically on the Waukesha County website at www.waukeshacounty.gov and the Town of Lisbon website at www.townoflisbonwi.com, and

WHEREAS, the Plan Commission of the Town of Lisbon, pursuant to Section 66.1001(4)(b) of the Wis. Stats., recommended to the Town Board the adoption of the Comprehensive Development Plan for the Town of Lisbon - 2035 (master plan) and the Recommended Land Use Plan map for the Town of Lisbon – 2035 for the Town of Lisbon that is based upon the Comprehensive Development Plan for Waukesha County – 2035, and that fully complies with Section 62.23 and 66.1001 of the Wis. Stats., by Resolution passed by a majority vote of the Plan Commission, and

WHEREAS, the Town of Lisbon may, on occasion, make amendments to the Comprehensive Development Plan for the Town of Lisbon - 2035 (master plan) and the Recommended Land Use Plan map for the Town of Lisbon – 2035 in accordance with Section 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS, the Town of Lisbon Plan Commission conducted a public hearing regarding a recommended comprehensive development plan amendment on **June 15, 2017**, upon due notice in compliance with the requirements of Section 66.001 of the Wis. Stats., and

WHEREAS, the Town Board has reviewed the recommended amendment, and

WHEREAS, the Town Board of the Town of Lisbon, having carefully reviewed the recommendation of the Plan Commission for the Town of Lisbon, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, have determined that the comprehensive development plan amendment 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. ADOPTION OF MAP AMENDMENT EXHIBIT A
(Mixed Use Development)**

The Comprehensive Development Plan **Map Amendment** entitled "**Exhibit A**" as attached to this Ordinance and incorporated herein is hereby adopted with the condition that the one-acre parcel to be amended and the existing six-acre cemetery parcel adjacent to the northeast not be sold separately.

SECTION 2. DISTRIBUTION OF THE ADOPTED AMENDMENT

The Town Clerk shall forward a copy of the adopted comprehensive development plan amendment 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 State of Wisconsin Department of Administration;
- d. The Southeastern Wisconsin Regional Planning Commission; and
- e. The public libraries that serve the Town of Lisbon.

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 to those terms that conflict.

SECTION 4. EFFECTIVE DATE

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

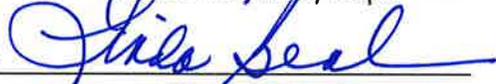
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 24th, day of July, 2017.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

BY: _____
VACANT, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: _____
REBECCA PLOTECHER, Supervisor

ATTEST:

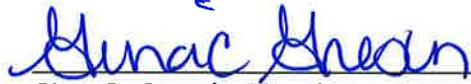
BY: 
Gina C. Gresch, MMC/WCPC
Town Clerk

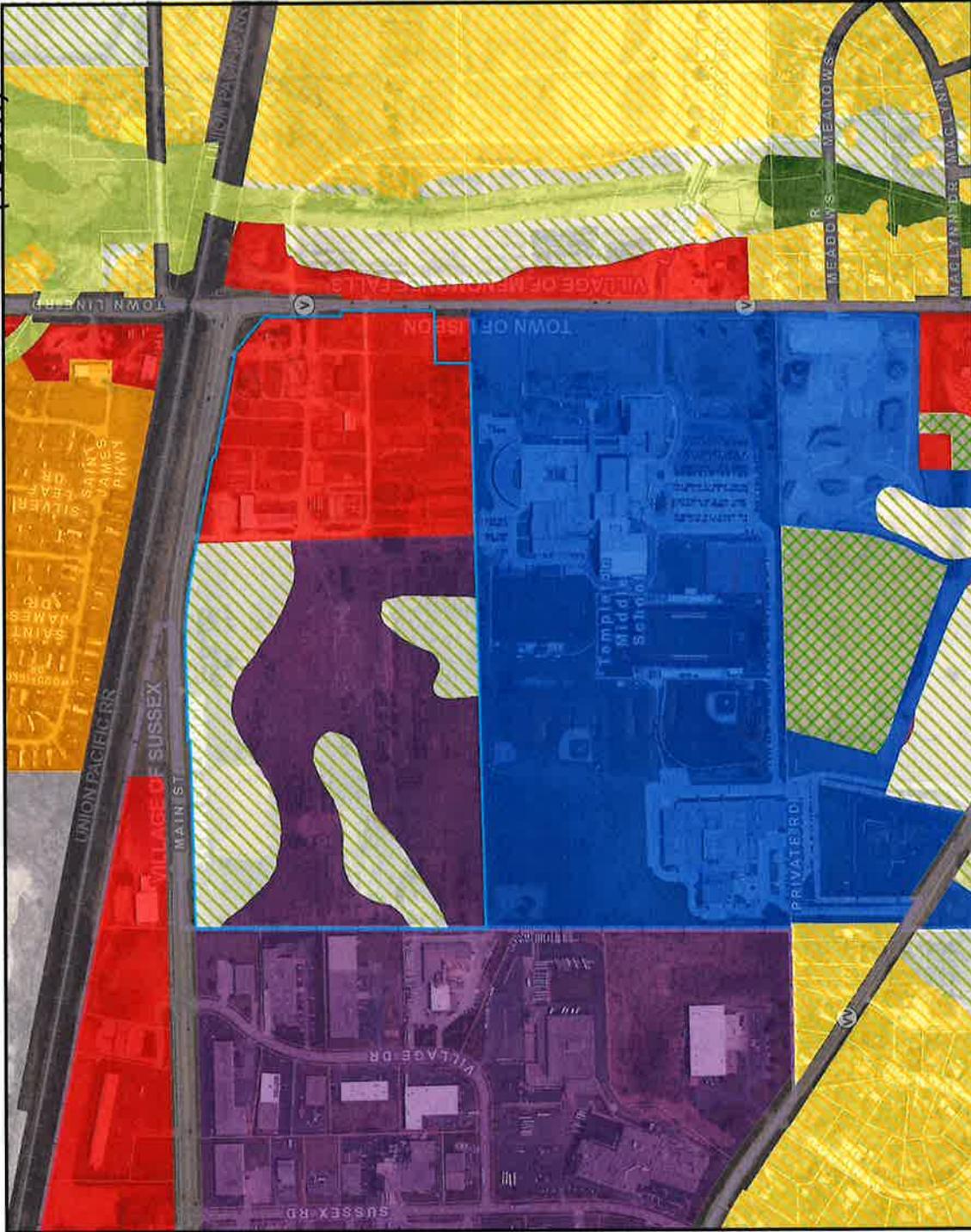
EXHIBIT A

Mixed Use Development amendment to the Comprehensive Development Plan Map (Recommended Land Use Plan map for the Town of Lisbon – 2035), originally dated April 13, 2009, on file in the office of the Town Clerk, which is subject to the jurisdictional authority of the Town of Lisbon, is incorporated herein by reference.



LAND INFORMATION SYSTEMS DIVISION

EXHIBIT A Comm Sp Use/Ind to Mixed Use (Town)



Legend

Plats

- <all other values>
- Assessor Plat
- Condo Plat
- CSM
- Subdivision Plat

County Development Plar

- HDR (<6,000 sf/du)
- MDR (6,000 - 19,999 sf/du)
- LDR (20,000 sf - 1.4 acdu)
- SDR I (1.5 - 2.9 acdu)
- SDR II (3.0 - 4.9 acdu)
- Rural density and Other Ag*
- Other Open Lands to be Pre
- Farmland Pres w/EC Overlay
- Farmland Pres (> 35 acdu)
- Primary Environmental Cor
- Secondary Environmental Co
- Isolated Natural Resource A
- Recreational
- Governmental and institution
- Commercial and Office Park
- Mixed Use
- Industrial
- Transportation, Communicat
- Highway and Railway Rights
- Extractive
- Landfill
- Surface Water

Municipal Boundary_1K

Railroad_1K

TaxParcel_1K_Labels

SimultaneousConveyance

- Assessor Plat
- CSM
- Condo Plat
- Subdivision Plat
- TaxParcel_1K
- Cartoline_1K

<all other values>
EA-Easement_Line
PL-DA

Notes: The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Scale 1"=600 feet
Printed: 5/4/2017

