

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

SECTION 12 RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT

(a) Purpose and intent

1. The purpose and intent of this zoning district is to allow the development of land at densities not greater than one (1) unit for each five (5) acres, in order to protect and encourage the preservation of the rural character of the town, environmentally sensitive areas, and open spaces; provide some marketability for such lands; and encourage more economical use of lands suited to limited and controlled residential development by permitting more intensive use of such lands without changing the overall rural character of the town or the population density of the town as set forth in the adopted Town of Lisbon Land Use Plan/Comprehensive Development Plan.
2. This district encourages the transfer of residential development rights from one area of the parcel to another, and from one tract of land to another in the same development, thereby allowing the increase in the density of development on suitable lands for development in exchange for establishing the preservation of the lands designated as "agricultural preserved lands".
3. Preservation of Rural Character: The purpose and intent of this density transfer technique is to transfer residential density opportunities to promote the preservation of the rural character of the town by encouraging farm fields, pastures, orchards, and natural open spaces to be retained, either as common open spaces, or as part of a farm operation. Land determined to meet this criteria by the Town Plan Commission through the town's development process shall be termed "agricultural preserved land", and shall be designated as such on any development plan submitted to the town.
4. The transfer of development rights may only take place between the RD-5 and the AD-10 districts in the same development. No lands zoned C-1 Conservancy/Wetland may be counted toward the overall density to be provided for the receiving land.
5. To achieve the optimum residential environment while recognizing the rural character of the Town. The density transfer technique is designed to permit variable lot sizes in the utilization of the most desirable terrain for housing sites while encouraging preservation of the agricultural lands determined to be most worthy of such preservation by the Town Plan Commission.

(b) Principles and Guidelines for the Review of the Proposed Development

Where a development is to occur involving the transfer of development rights and establishment of "agricultural preserved lands", approval by the Town Plan Commission shall be required. The development proposed shall conform to the following standards:

1. The portion of a tract of land from which development rights are transferred is hereby termed the "transferring land", and the tract to which the additional dwelling unit development potential is added is termed the "receiving land".
2. For the purpose of transferring residential development rights, the petitioner shall provide documentation at the time of submittal of the preliminary plat indicating that he or she is an owner of the subject property or has the authority under the terms of a written contract (Offer to Purchase) to make commitments on the transferring land.
3. In addition to requiring an appropriate open space or agricultural easement on the transferring lands in favor of the town, covenants shall be placed in the title of each dwelling unit, giving the owner enforceable rights to prevent the future development of the

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

transferring lands.

4. This zoning category is designed to control the intensity of use in relationship to the natural, physical, and ecological characteristics of the land, to implement the Town's Land Use Plan/Comprehensive Development Plan, allow development where soils can accommodate sewage disposal systems, discourage intense development where there is an inability to provide appropriate municipal services, basic economic factors, and achievement of the desirable residential and environmental character, and preserve agricultural areas.
5. The density factor is expressed in terms of the amount of gross land area required for each dwelling unit. Such gross area includes the area of the lots and any other lands preserved in agricultural use where those areas are termed "agricultural preserved lands". The minimum lot size is expressed in terms of minimum area and average width for the actual privately owned lot intended as the home site.
6. No building intended in whole or part for residential use shall be erected or relocated unless the lot on which it is located meets the required density factor, or has allocated to it, through the density transfer program, sufficient additional "agricultural preserved lands" to meet the required density factor for the district in which it is located. Where "transferred lands" are to be established, no C-1 zoned lands can be used. Where the total area, or the prorated factor involved, includes more than one zoning district, the density factor, as calculated using the entire project, shall apply. In any such case involving the establishment of "agricultural preserved lands", approval by the Town Plan Commission shall be required, pursuant to the purpose and intent and development standards set forth in this zoning district.
7. Any land claimed, in addition to the actual described residential lots, for credit toward meeting the density factor requirement, shall have its status permanently established and guaranteed, either by dedication to the public, or by appropriate covenants running with the lands, in conveyance of agricultural easements. Such covenants and easements shall be recorded in the office of the Waukesha County Register of Deeds and shall restrict the property against any development or use, except as is consistent with its "preservation as agricultural land" or as a form of common open space. The "preserved agricultural land" status of any parcel shall be indicated on the official zoning map for the Town of Lisbon.
8. On a parcel, which is zoned RD-5, the development density shall not exceed five (5) acres for each dwelling unit.
9. In order to encourage development in areas designated for residential growth on the adopted Town of Lisbon Land Use Plan/Comprehensive Development Plan, development rights may be transferred from this zoning district (RD-5) to an AD-10 district in the same development at a rate of 1 dwelling unit per five (5) acres.
10. Where the density calculation results in a fraction of .50 or greater, the density may be "rounded up" to the next whole number. Where the density calculation results in a fraction of .49 or less, the density may not be "rounded up" to the next whole number.
11. The "agricultural preserved lands" shall be retained in accordance with one of the following methods:
 - A. Development would occur at the allowable densities with the larger, buildable parcels having the building site outside of the open "agricultural preserved lands" (transferring lands, preserved lands), and owned and retained by the party

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

transferring the rights, if desired, and which would be, in any case, protected through a deed restriction or covenants recorded in the Waukesha County Register of Deeds office so noting that the development rights have been utilized for that part of the subject lands (e.g., has no development rights). No additional development rights would accrue to that site.

- B. All lot owners within the developed area for which the “agricultural preserved lands” are protected could own an undividable interest in said “agricultural preserved lands” (the large open space area where the development rights have been transferred).
 - C. The landowner or his/her heirs and assigns who sold the development rights could retain those lands with the original farmstead; however, no development rights of that parcel beyond those available under this provision would be allowed to be transferred.
 - D. The “agricultural preserved lands”, when noted on the County’s adopted Park and Open Space Plan which is referenced in the Town of Lisbon’s Land Use Plan/Comprehensive Development Plan, may be retained in public ownership.
12. Preservation of Agricultural Lands: The shape and arrangement of the “agricultural preserved lands” designated for agricultural use, should be consistent with practical requirements for an agricultural activity, and be of justifiable value for farm use, or as a contribution to the goal of preserving the rural environmental character. Mature vegetation shall not be removed.
13. Relationship of Development to Agricultural Area: Consideration shall be given as to whether the development plans for roads, building sites, and "agricultural preserved lands" is based upon the careful consideration of the most appropriate relationship to the existing terrain conditions; suitable capacity for onsite sewage disposal systems; provisions for storm water drainage and retention; the potential impact upon surrounding areas; and the size, location, and the agricultural viability of the “agricultural lands being preserved”.
14. Access To Town and County Roads: In order to preserve the rural character as well as the efficiency and safety of existing road systems, the inappropriate development of lots strung out along such roads with individual driveway accesses from each lot will be minimized. The purpose and intent of this provision is to control the density and encourage grouping of lots on an interior street, which will then access the existing road system.

(c) Permitted Uses

- 1. Single family dwelling with a minimum 440 square foot attached garage.
- 2. Agricultural or farm uses (including dairying, livestock, poultry raising, raising of crops, apiculture as defined in this ordinance [also refer to Section 3(i)(5)(AA)], and truck farming) on parcels having a minimum of five (5) acres, and subject to the following requirements:
 - A. The keeping of poultry/fowl is permitted on any lot, except no poultry/fowl are allowed in a recorded subdivision on lots less than three (3) acres. There shall be no more than one (1) livestock equivalent and twenty (20) poultry/fowl for the first three (3) acres of land, and one (1) livestock equivalent and twenty (20) poultry/fowl per one (1) acre of land thereafter. The keeping of poultry/fowl or livestock shall be done under maximum practical conditions of neatness and sanitation so as not to be

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of livestock or poultry/fowl must be under the same ownership. For additional regulations see Section (h)4.B. below.

- B. As of the date of adoption of this ordinance, livestock in recorded subdivisions is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or EFD or UC zoned lands.
 - 3. Accessory uses and buildings normally associated with an agricultural operation, including garages, sheds, stables, barns, and poultry houses on lots at least three (3) acres in size. Buildings used for housing of livestock and poultry shall maintain a minimum offset of fifty (50) feet from all adjacent lot lines.
 - 4. Signs:
 - A. Signs not to exceed twelve (12) square feet in area, displaying the name of the farm or farm organization.
 - B. Signs, including subdivision signs, shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
 - 5. Nurseries, greenhouses, and hatcheries. Retail sales of such produce is limited to that which is produced by the farm operator, and such retail sales are subject to the approval of a Site Plan and Plan of Operation as required in this ordinance.
 - 6. Temporary roadside stands subject to the following:
 - A. Off-street parking for a minimum of five (5) vehicles shall be provided.
 - B. No such stand shall be closer than fifty (50) feet to the base setback line, or closer than twenty (20) feet to any lot line. No stand shall be permitted in a location where it would create a traffic hazard or nuisance. The access drive and parking area shall be located so as to minimize possible interference with the normal flow of traffic.
 - C. One temporary sign, not to exceed twenty (20) square feet in area, may be erected and said sign shall be at least ten (20) feet from the edge of the road pavement.
 - 7. Home occupation and professional offices, as regulated in Section 15 (b) 6.
 - 8. Hobby kennels, as regulated in Section 15 (b) 8.
 - 9. Family home day care.
- (d) **Prohibited Uses**
- 1. Commercial Truck Parking
 - 2. Limited Family Business as defined and intended in this ordinance
 - 3. Adult-Oriented Establishments
- (e) **Conditional Uses**
- 1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels.
 - 2. Bed and Breakfast

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

3. Cemeteries and Mausoleums
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. In Law Units
6. Private Clubs and Resorts
7. Public and Semi-Public Buildings and Uses
8. Communication Towers
9. Single family residential planned unit developments only

(f) **Building Location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Twenty (20) feet minimum.
3. Shore Setback: Seventy-five (75) feet minimum.

(g) **Height Regulations**

1. Principal structure: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory buildings:
 - A. Farm: Sixty (60) feet maximum.
 - B. Other: Eighteen (18) feet maximum.

(h) **Area Regulations**

1. Floor area
 - A. Minimum required first floor: One thousand (1,000) square feet. Total: Fifteen hundred (1,500) square feet.
 - B. Maximum floor area ratio: 10%.
2. Lot size
 - A. Minimum: One (1) acre, five (5) acre density.
 - B. Minimum average width: One hundred and fifty (150) feet.
3. Open space: Thirty thousand (30,000) square feet.
4. Density Division Standards and Lot Size:

The property must be developed in accordance with one of the two following methods:

- A. The land may be divided into parcels with five (5) acre minimum lot sizes as determined by the Town Plan Commission based on the factors presented. Farm fields must be preserved as determined by the Town Plan Commission based on the factors presented.
- B. The land may be developed at a five (5) acre overall density, as long as no

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

more than one (1) living unit for each five (5) acres would be allowed as determined by the Town Plan Commission based on the factors presented. No individual lot may be less than one (1) acre, have less than a minimum average width of one hundred and fifty (150) feet and shall have open space of at least thirty thousand (30,000) square feet. No more than 20% of the C-1 zoned areas may be calculated in the overall density. Where more than 50% of the site is zoned C-1, only that amount of acreage up to the 50% amount may be used to calculate the density. Farm fields must be preserved as determined by the Town Plan Commission based on the factors presented. The location of the residential development on the site shall be approved by the Town Plan Commission and mature vegetated areas shall be preserved.

Where a parcel is zoned RD-5, and is developed at the minimum one (1) acre lot size as allowed in the zoning district, the keeping of poultry/fowl shall be regulated so that there are no more than four (4) poultry/fowl allowed on a one (1) acre lot. The keeping of poultry/fowl shall be done under maximum practical conditions of neatness and sanitation so as not to be detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of poultry/fowl must be under the same ownership. No poultry/fowl are allowed in a recorded subdivision on lots less than three (3) acres. No livestock are allowed on lots less than three (3) acres in size.

- C. Where RD-5 land is transferred to an AD-10 zoned district, development shall occur at a 1 dwelling unit per five (5) acres of RD-5 zoned land, and no C-1 zoned areas may be calculated in the overall density.