

**CHAPTER 11**  
**TOWN OF LISBON ZONING ORDINANCE**

**SECTION 7 C-1 CONSERVANCY WETLAND AND FLOODPLAIN DISTRICT**

(a) **Designation**

This district shall include all non-shoreland conservancy areas as well as shoreland and floodland areas which include, but are not limited to, wetlands, marshlands, swamps and/or floodplains as defined in this Ordinance, as well as soils high in organic content or with high groundwater tables. In order to distinguish the shoreland/wetland within this district from other conservancy lands, the Final Wisconsin Wetlands Inventory Maps dated September 6, 1984 for Waukesha County, and subsequent amendments thereto, were utilized and are to be used for reference purposes. In addition, the zoning district boundaries shall be determined as provided in Section 6 (b) of this Ordinance.

All wetlands shown on the Final Wisconsin Wetlands Inventory Maps within shoreland and floodland areas as defined herein and other wetlands subsequently identified by the Town, Waukesha County, the Army Corps of Engineers, the Department of Natural Resources, or their designee, within the shoreland and floodland boundaries but not noted on the Wisconsin Wetland Inventory Maps, are subject to regulations contained in the C-1 District. Said newly determined areas shall be noted on the Zoning Map as a C-1 designated area.

In the case of any dispute regarding a boundary between any mapped shoreland/wetland or newly determined shoreland/wetland and any other non-wetland/conservancy designated land, the Zoning Administrator shall consult with the Department of Natural Resources and coordinate the appropriate onsite investigation to determine the exact boundary.

If the Department of Natural Resources staff and the Army Corps of Engineers concur with the Town that a particular area was incorrectly mapped as a wetland or vice versa, the Town Building Inspector shall have the authority to immediately deny or grant a building permit in accordance with the regulations applicable to the correct zoning district designation as it may be modified by such field determination. The zoning map shall be updated to reflect the change that has been made for future reference purposes. Utilizing the procedures above, if the area is found to be not wetland and outside of a floodplain, and inappropriately mapped in a C-1 category, the Town shall have the authority to designate a district for the subject area consistent with the upland category which may exist adjacent to the site without necessity of a formal amendment process and shall note said changes on the zoning map.

(b) **Purpose and intent**

This district is intended to preserve and protect environmentally sensitive lands by limiting the uses and intensity of uses that may be placed upon them to maintain safe and healthful conditions, prevent water pollution, maintain and improve ground and surface water quality, reduce flood damage control storm water runoff, protect stream banks from erosion, protect groundwater recharge and discharge areas, protect fish spawning grounds and wildlife habitat, preserve shore cover and natural beauty, control building and development on soils which are generally not suitable for such uses and in said conservancy areas whenever possible, and protect the water based recreation resources of the Town. When development is permitted, it shall occur in a manner that minimizes adverse impacts upon the area in question. These lands are often in a natural, relatively undisturbed state and shall include, but not be limited to, wetlands, marshlands, swamps, floodlands and areas up to the ordinary high water mark along streams or other navigable water, and previously farmed (converted) wetlands which would otherwise have been classified as conservancy lands due to inherent wet soil characteristics and the presence of natural vegetation indicative of wet soils.

**CHAPTER 11**  
**TOWN OF LISBON ZONING ORDINANCE**

(c) **Use regulations**

1. **Permitted uses:**

- A. Harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds in a manner that is not injurious to the natural reproduction of such crops.
- B. Livestock Regulations
  - i. As of the date of adoption of this ordinance, existing pasturing and grazing of livestock, and the maintenance of existing fences is allowed, provided no filling, flooding, draining, dredging, ditching, tiling, or excavating is done.
  - ii. As of the date of adoption of this ordinance, the new construction of fenced livestock enclosures is prohibited.
  - iii. For lands that lie partially within a C-1 Conservancy District, as of the date of adoption of this ordinance, the C-1 zoned lands shall not be utilized in calculating livestock quantities on non C-1, EFD, or UC zoned lands. Any parcel of land allowing one (1) livestock equivalent or more shall contain a minimum of three (3) acres of non C-1, EFD, or UC zoned lands.
  - iv. All lands to be utilized for the keeping of livestock must be under the same ownership.
  - v. 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.
- C. Sustained yield forestry and silviculture, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavation is done. Activities shall be designed and constructed to minimize the adverse impact upon the natural functions of the conservancy/wetland area. Where such activities will take place on areas larger than five (5) acres in size, a forest management plan, prepared in cooperation with a state forester, shall be submitted to and approved by the plan commission prior to its implementation. All remaining materials resulting from the permitted activities must be removed from the conservancy zoned lands after any temporary silvicultural activities are completed.
- D. The cultivation of agricultural crops, if cultivation can be accomplished without filling, flooding, or artificial drainage of any wetlands through ditching, tiling, dredging, or excavating except that flooding, dike and dam construction, and ditching shall be allowed for the purpose of growing and harvesting cranberries. These lands are often poorly suited for development while being particularly well suited for some types of agricultural use. However, where ditching and drainage for agricultural purposes is to take place outside of a wetland but within the conservancy/wetland area, said work may be permitted subject to review and approval by the Town of Lisbon without the benefit of a conditional use permit. Cultivation shall be conducted so as to minimize the adverse impact upon the natural functions of any wetland area. No new drainage systems will be permitted in wetlands within the conservancy/wetland zoned areas. Sod farms will be allowed subject to review and approval of a conservation plan by the Town of Lisbon. The

**CHAPTER 11**  
**TOWN OF LISBON ZONING ORDINANCE**

plan shall be prepared in accordance with good soil and water conservation practices promulgated in the USDA-NRCS Field Office Technical Guide. These uses shall not substantially disturb or impair the natural fauna, flora, topography, or water regimen.

- E. The maintenance and repair of existing agricultural drainage systems, including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue any existing agricultural use. This includes the filling attendant to the disposal of dredged spoil material adjacent to the drainage systems provided that dredged spoil is placed on existing spoil bands where possible, or immediately adjacent to the ditches, or removed from the conservancy/wetland area altogether.
- F. The construction or maintenance of private noncommercial piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
- G. Maintenance, repair, replacement, or reconstruction of existing town, county, and state streets, roads, highways, and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- H. The establishment of public and private parks and recreation areas; wilderness or “walk in”, unimproved public boat access sites; natural and outdoor education areas; historic and scientific areas; wildlife refuges; game preserves; and wildlife habitat areas, provided that no filling is done and that no other improvements and/or construction occurs within said conservancy/wetland area. The owner or operator of any new private park, recreation or wildlife area to be located in a wetland area, shall be required to notify the Town of Lisbon of the proposed project before beginning any construction activities. Ditching, excavating, dredging, dam and dike construction may be allowed in said areas for the purpose of improving wildlife habitat or to otherwise enhance wildlife values, but said activities shall only be approved after review and approval and issuance of a conditional use permit. Launching ramps, and hiking, cross-country skiing, and riding trails may be permitted but said ramps and trails may not include filling or other construction activity within wetlands and shall not impact the storage or flow of surface water and/or flood water. Said filling and construction activity outside of the wetland, but which may be located within a conservancy/wetland zoning district, will be subject to conditional use procedures contained herein.
- I. The construction and maintenance of electric, gas, telephone, water, and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members, and the construction or maintenance of railroad lines provided that:
  - i. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
  - ii. Such construction or maintenance is done in a manner designated to minimize adverse impact upon the natural functions of the wetland. Major electrical generative facilities and high voltage transmission lines that have obtained a certificate of public convenience and necessity under Section 196.491, Wisconsin Statutes, are not subject to the requirements of this

**CHAPTER 11**  
**TOWN OF LISBON ZONING ORDINANCE**

ordinance.

- J. The construction or maintenance of nonresidential buildings provided that the building is essential for, and used solely in conjunction with, the raising of waterfowl, minnows, or other wetland or aquatic animals, or fish, collectively referred to as aquaculture, or some other use permitted in the conservancy/wetland district. Wherever possible, said buildings shall be located outside of the wetland, and such building may not be used for human habitation and shall not exceed five hundred (500) square feet in floor area. Limited filling and excavating necessary to provide structural support for the building is permitted. Where the use is intended for commercial purposes, said use and buildings shall be subject to the provisions of Section 4 (h) 9. Any structures within floodlands must conform to Section 3 (c) 6 A of this Ordinance.
  - K. Hunting, fishing, and trapping, unless prohibited by other ordinances or laws.
  - L. Swimming and boating, unless prohibited by other ordinances or laws.
  - M. Storm Water Management facilities after review and approval by all governing bodies. Wherever possible, said facilities shall be located outside of the wetland.
  - N. The keeping of poultry/fowl is permitted on any lot, except poultry/fowl are not allowed in recorded subdivisions on lots less three (3) acres.
2. **Prohibited Uses:**
- A. Any use not permitted above is considered to be prohibited unless the area is rezoned to another appropriate district in accordance with the provisions contained in this ordinance.
  - D. Filling of marshlands, removal of topsoil or peat, dams and hydroelectric power stations, or the damming or relocating of any watercourse shall not be permitted except with approval of the Town Plan Commission in accordance with Section 4 of this ordinance.
  - C. Signs.
3. **Area Regulations:**
- There are no specific minimum lot size or minimum average lot width requirements although conservancy/wetland zoned lands that lie within a larger parcel or tract of land, the remainder of which is zoned in any other district, shall have a minimum area requirement of that non-conservancy district.