

ENROLLED ORDINANCE 174-010

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 29, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT (TOWN) TO THE A-5 MINI FARM DISTRICT (TOWN) (RZ33)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Lisbon Town Board on February 25, 2019; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to rezone from the A-10 Agricultural District (Town) to the A-5 Mini Farm District (Town), certain lands located in part of the NE ¼ of Section 29, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ33, is hereby approved.


BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

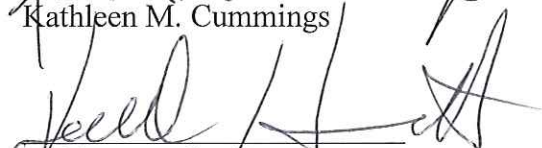
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 29, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT (TOWN) TO THE A-5 MINI FARM DISTRICT (TOWN) (RZ33)

Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair


  
Kathleen M. Cummings

  
Keith Hammitt

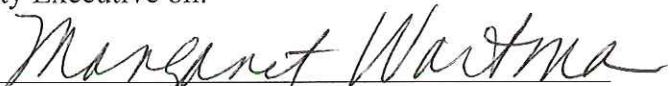
  
William A. Mitchell

  
Thomas J. Schellinger

  
Steve Whittow

  
Chuck Wood

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: April 26 2019,   
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X  
Vetoed: \_\_\_\_\_

Date: 4/29/19,   
Paul Farrow, County Executive

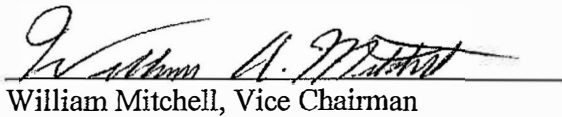
**COMMISSION ACTION**

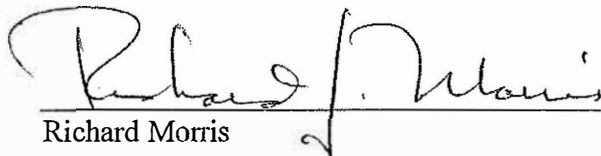
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code and Map hereby recommends **approval** of **RZ33 (John Matter)** in accordance with the attached "Staff Report and Recommendation".

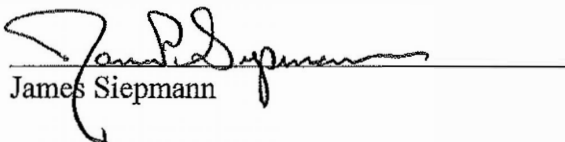
**PARK AND PLANNING COMMISSION**

**March 21, 2019**

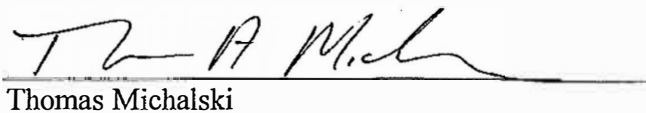
  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
\_\_\_\_\_  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**DATE:** March 21, 2019

**FILE NO.:** RZ33

**OWNER:** John Matter  
W263 N6314 Ridge Drive  
Lisbon, WI 53089-3432

**TAX KEY NO.:** LSBT 0257.995.001

**LOCATION:**

Certified Survey Map No. 2953, part of the NE ¼ of Section 29, T8N, R19E, Town of Lisbon. More specifically the property is located at the Ridge Drive address cited above, containing approximately 11.8 acres.

**EXISTING ZONING:**

A-10 Agricultural District (Town).

**PROPOSED ZONING:**

A-5 Mini-Farm District (Town).

**EXISTING USES:**

Single-family residential.

**REQUESTED USES:**

Single-family residential (change in zoning district to allow future land division).

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF LISBON COMPREHENSIVE LAND USE PLAN (LUP):**

Both the CDP and LUP designate the subject property in the Rural Density and Other Agricultural Lands Category (five (5) acres to 34.9 acres per dwelling unit). The parcel is also located within the Village of Sussex Extraterritorial Jurisdiction and Joint Planning Area and is designated as Rural Residential and Agricultural in the Village Land Use Plan for Future Extraterritorial Area. The parcel is not in an area designated for attachment to the Village and is not within the proposed extraterritorial sewer service area. The proposed rezoning would comply with all plans.

**PUBLIC HEARING DATE:**

February 14, 2019.

**PUBLIC COMMENT:**

- **John Spitz, W267 N6389 Top O Hill Drive, Sussex**  
Explained in 2005 he put a road in to connect Ski Drive. The owners prior to Mr. Matter wanted him to extend their driveway beyond the right of way. Mr. Spitz worked with the owner but because he had a lot invested in the neighborhood, he asked for a first right of refusal for any changes that might occur on the property. He paved it to make it work but wanted first right of refusal with a backup buyer. Mr. Matter purchased the property and the

first right of refusal was agreed upon with the new owner as well. Mr. Matter had a conversation with Mr. Spitz about splitting the property and building one house on the new lot which Mr. Spitz agreed to as long as there was no negative impact and it was only one home. Mr. Spitz expressed concern about the A-5 zoning which he thought was less restrictive as to what could be done on that property. He wanted to make sure that a farm was not going to go on the property.

**TOWN PLAN COMMISSION ACTION:**

On February 14, 2019, the Town of Lisbon Plan Commission unanimously approved rezone Ordinance 04-19 (attached) and recommended approval of the same to the Town Board and Lisbon/Sussex Joint Planning Committee (JPC).

**TOWN OF LISBON/VILLAGE OF SUSSEX JOINT PLANNING COMMITTEE (JPC) ACTION:**

On February 21, 2019, the JPC unanimously approved rezone Ordinance 04-19 and recommended approval of the same to the Town Board.

**TOWN BOARD ACTION:**

On February 25, 2019, the Town Board of Supervisors unanimously approved rezone Ordinance 04-19.

**STAFF ANALYSIS:**

The subject property, located on Ridge Drive and slightly south of Hillview Drive, is nearly square, with an average lot width of approximately 756 feet and an average lot depth of nearly 646 feet, when the established right-of-way thirty-three (33) feet from the centerline of Ridge Drive is excluded. Topography ranges from moderate to steep, with the steeper slope areas located generally on the southern half of the property. A minor land division (two lot Certified Survey Map see Exhibit "A") has been approved by the Town Plan Commission, Town Board and JPC, on the subject property, which is prompting the zoning change request. The northernmost proposed lot would be 6.234 acres and would appear to have direct access to Ridge Drive. The proposed southern five (5) acre lot would contain the existing single-family residence and two accessory buildings. A copy of the conceptual land division is attached as Exhibit "A". As previously stated, the subject parcel is located within the Village of Sussex Extraterritorial Jurisdiction and Joint Planning Area (JPA). Any changes including rezones and land divisions within the JPA must be approved the Town/Village Joint Planning Committee (JPC).

The subject lot is surrounded on three sides by single-family uses with the Ausblick Ski Area, a private ski club, zoned in the PR Parks and Recreation District adjacent to the east. To the north is the Beacon Hills development, zoned in the R-2 Residential District, the area has lots ranging from 30,000 sq. ft. to over three (3) acres. The development to the south and west is the Ironwood East subdivision, which is zoned R-1 Residential District and has lots that are typically one-acre in size, with a few larger lots as big as 1.7 acres. The Ironwood Golf Course is located just west of the homes located on the west side of Ridge Drive.

There is no existing A-5 Mini-Farm District zoning on any lots adjacent to the subject property. This request seeks a zoning change to increase allowable densities from ten to five acres per dwelling unit, which is more in line with the surrounding residential zoning districts (than the current A-10 District) and complies with current Town and County Plan recommendations.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this rezone request in accordance with the Town of Lisbon's adopted Ordinance (04-19) approving the same. The proposed zoning change complies with local adopted plans and the County Development Plan. The rezone will allow the owner to pursue the creation of an additional lot, consistent with Plan recommendations.

Respectfully submitted,

*Benjamin Greenberg*

Benjamin Greenberg  
Senior Land Use Specialist

Attachments: Exhibit "A"  
Town Ordinance 04-19  
Rezone Map

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Ord. 04-19

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**ORDINANCE REZONING LSBT 0257.995.001, FROM A-10  
AGRICULTURAL DISTRICT TO A-5 MINI FARM DISTRICT IN THE TOWN OF  
LISBON, WAUKESHA COUNTY, WISCONSIN**

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**WHEREAS**, Property owner John Matter petitioned the Town of Lisbon to rezone property from A-10 Agricultural District to A-5 Mini Farm District; and

**WHEREAS**, the change in zoning is consistent with the Town of Lisbon Comprehensive Plan land-use element; and

**WHEREAS**, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, February 14, 2019.

**NOW, THEREFORE**, the Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

**SECTION 1:** The following described property is rezoned from A-10 Agricultural District to A-5 Mini Farm District:

CERT SURV 2953 PT NE1/4 SEC 29 T8N R19E  
ALSO KNOWN AS LSBT 0257.995.001

**SECTION 2:** All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

**SECTION 3:** This ordinance shall take effect upon passage and posting as provided by law.

**RECEIVED**

*By Department of Parks & Land Use at 10:41 am, Feb 27, 2019*



**PASSED AND ADOPTED** by the Town Board of the Town of Lisbon, Waukesha County,  
Wisconsin this 25<sup>th</sup> day of February, 2019.

TOWN BOARD, TOWN OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY: [Signature]  
JOSEPH OSTERMAN, Chairman

BY: [Signature]  
TEDA GAMINO, Supervisor

BY: [Signature]  
MARC MOONEN, Supervisor

BY: [Signature]  
LINDA BEAL, Supervisor

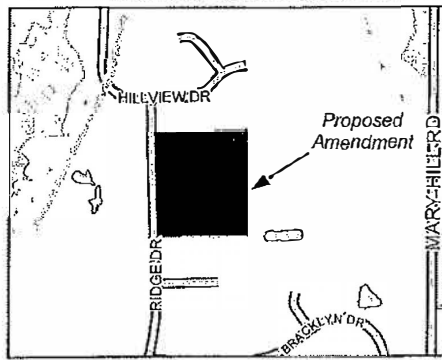
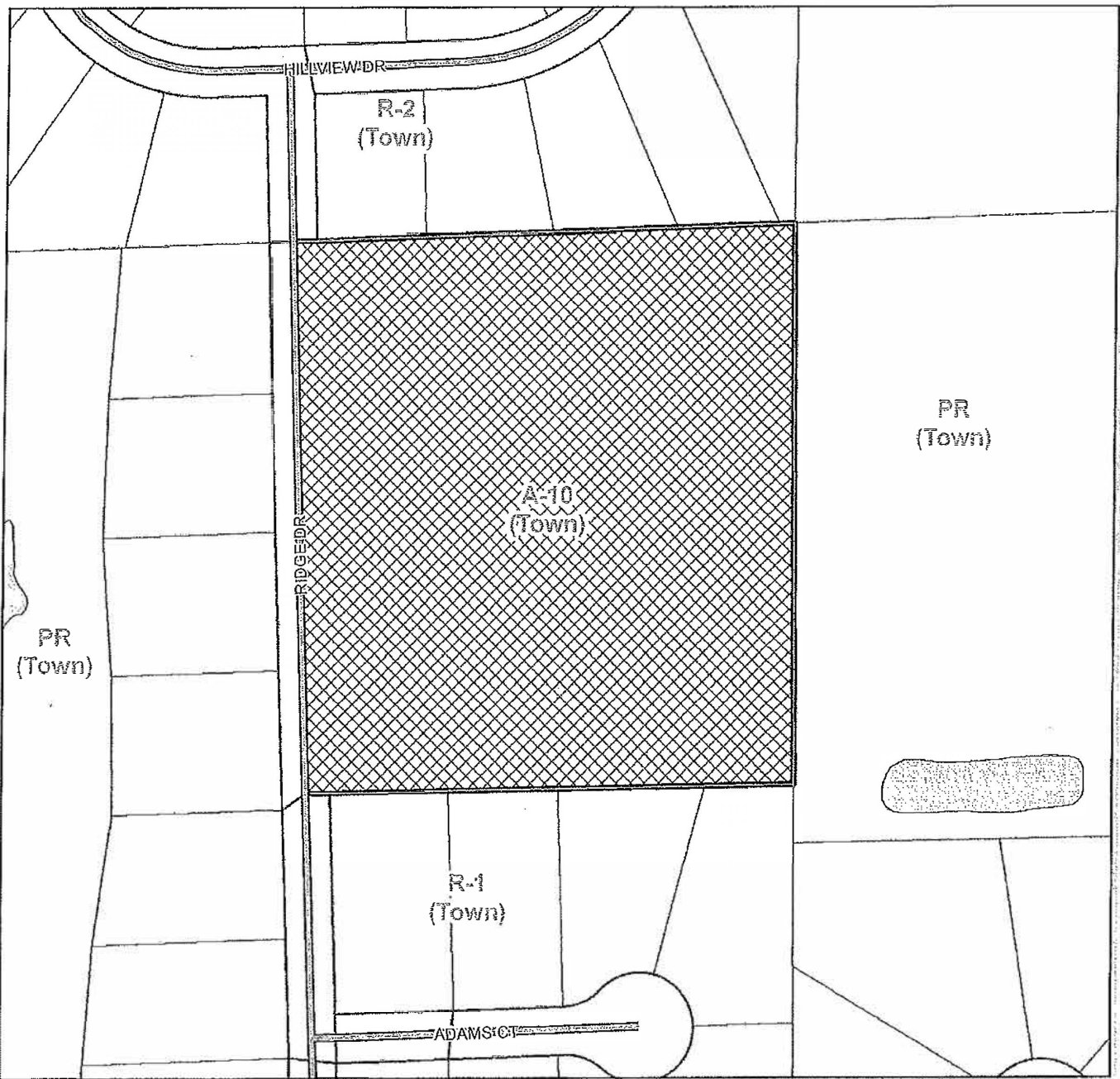
BY: [Signature]  
REBECCA PLOTECHER, Supervisor


ATTEST:  
BY: [Signature]  
Dan Green, WCMC  
Town Clerk




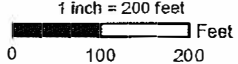
# ZONING AMENDMENT

PART OF THE NE 1/4 SECTION 29,  
TOWN OF LISBON



 TOWN ZONING AMENDMENT CHANGE FROM A-10 AGRICULTURAL DISTRICT TO A-5 MINI FARM DISTRICT (11.8 AC)

FILE.....RZ33  
 DATE OF PLAN COMMISSION.....03/21/19  
 AREA OF CHANGE.....11.8 ACRES  
 TAX KEY NUMBER.....LSBT 0257.995.001

Prepared by the Waukesha County Department of Parks and Land Use

