

ENROLLED ORDINANCE 167-89

AMENDMENTS TO CERTAIN SECTIONS OF THE TEXT OF THE TOWN OF LISBON ZONING CODE PERTAINING TO THE KEEPING OF LIVESTOCK, FOWL/POULTRY AND BEEKEEPING (APICULTURE) (ZT-1701A)

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 November 12, 2012, 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 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to amend certain sections of the Town of Lisbon Zoning Code pertaining to the keeping of livestock, fowl/poultry and beekeeping (apiculture), more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this ordinance by reference ZT-1701A, is hereby approved.

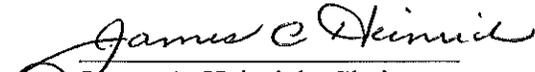
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this ordinance with the Town Clerk of Lisbon.

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

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

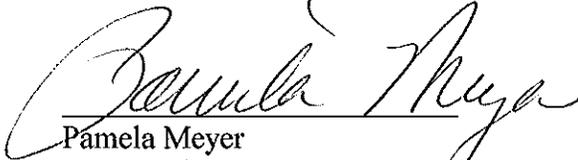
AMENDMENTS TO CERTAIN SECTIONS OF THE TEXT OF THE TOWN OF LISBON ZONING CODE PERTAINING TO THE KEEPING OF LIVESTOCK, OWL/POULTRY AND BEEKEEPING (APICULTURE) (ZT-1701A)

Presented by:
Land Use, Parks, and Environment Committee


James A. Heinrich, Chair

{Absent}
Jim Batzko


Walter L. Kolb

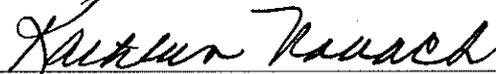

Pamela Meyer


Fritz Ruf

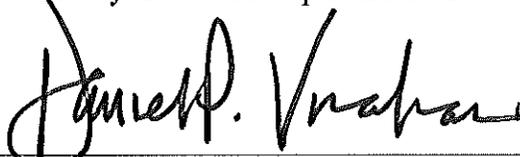

Thomas J. Schellinger

{Absent}
Peter M. Wolff

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

Date: 3/26/2013, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 4-2-13, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/26/13

(ORD) NUMBER-1670-89

1 C. SLATTERY.....AYE
3 R. MORRIS.....AYE
5 J. BRANDTJEN.....
7 J. GRANT.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 P. DECKER.....AYE
15 W. KOLB.....AYE
17 D. PAULSON.....AYE
19 C. CUMMINGS.....AYE
21 W. ZABOROWSKI.....AYE
23 K. HAMMITT.....AYE
25 G. YERKE.....AYE

2 D. FALSTAD.....AYE
4 J. BATZKO.....AYE
6 J. JESKEWITZ.....AYE
8 P. HAUKOHL.....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 P. MEYER.....
16 M. CROWLEY.....AYE
18 L. NELSON.....AYE
20 T. SCHELLINGER....AYE
22 P. JASKE.....AYE
24 D. DRAEGER.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

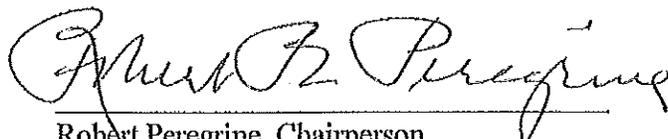
TOTAL VOTES-23

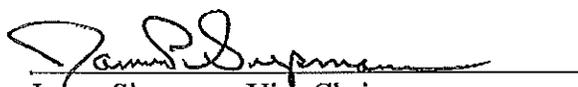
COMMISSION ACTION

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 hereby recommends **approval** of (ZF-1701A - Town of Lisbon Board) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

February 21, 2013

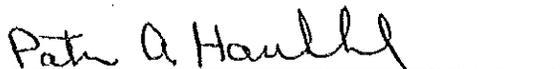

Robert Peregrine, Chairperson


James Siepmann, Vice Chairperson


William Mitchell


Gary Goodchild


Walter Kolb


Pat Hankohl

(Absent)
Fritz Ruf

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

FILE NO.: ZT-1701A
DATE: February 21, 2013
TAX KEY NO.: N/A
PETITIONER: Town Board of Lisbon
Town of Lisbon Town Hall
W234 N8676 Woodside Road
Lisbon, WI 53089

REQUEST:

Amendments to certain sections of the Town of Lisbon Zoning Ordinance pertaining to the keeping of livestock, fowl/poultry and beekeeping (apiculture) in the Town.

PUBLIC HEARING DATE: November 8, 2012

PUBLIC REACTION:

One member of the audience said the direction of the bee hive can make all the difference in whether or not a hive survives. Also, she thought bees should be allowed on lots less than one acre in size. Further, she thought the animal equivalencies should be based on weight or manure output. She also commented on the treatment of hogs, male goats, and rabbits in the Ordinance. Another resident asked if chickens and beehives could be allowed on less than one acre, and not to regulate the direction of the hives. A City of New Berlin resident came to state that Lisbon should allow bees as they are important. Finally, a resident asked the Town to clarify what the current chicken regulations are and what the proposed chicken regulations are as she feels some residents in the Town are in violation.

TOWN PLAN COMMISSION ACTION:

On November 8, 2012, the Town of Lisbon Plan Commission recommended approval of the proposed amendments to the Town of Lisbon Zoning Ordinance relating to the keeping of livestock and fowl/poultry in the Town and the conduct of apiculture in the Town to the Town Board subject to the comments of the Community Assistance Planner and the Town Engineer and as amended at the hearing and at the Plan Commission meeting.

TOWN BOARD ACTION:

On November 12, 2012, the Town of Lisbon Board of Supervisors adopted Ordinance No. 07-12 (Exhibit A) to amend the text of the Town of Lisbon Zoning Ordinance as presented by the Plan Commission, subject to the direction that a beehive faces be stricken from the text and that poultry/fowl be allowed on lots of any size outside of a subdivision. Within a subdivision, the lot has to be a minimum of three (3) acres to keep poultry/fowl.

STAFF ANALYSIS:

In order to address concerns that a few residents expressed subsequent to the adoption of the Town's comprehensive amendments to their Zoning Ordinance in 2010, the Town formed a small workgroup to consider changes to the keeping of livestock, fowl/poultry, and apiculture sections of their Ordinance. After a number of public workgroups and other meetings, a public hearing was held in November of 2012 to consider the changes which can be summarized as follows:

- The addition or amendment of the following definitions: apiculture/beekeeping, chicken coop, honey bee colony, fowl/poultry, livestock equivalent, poultry enclosure, and poultry house.
- Amendments to the accessory use provisions of the Ordinance to provide for nuisance determinations to be made regarding incidents of bees creating a disturbance.
- Amendments to the Accessory Buildings and Structures section of the Ordinance to provide for the regulation of beehives.
- Amendments to the C-1, EFD, UC, PR, AD-10, RD-5, A-10, A-5, A-3, R-1, R-3, RM, and M-1 zoning districts relative to apiculture, poultry/fowl, and livestock equivalents.
- More specifically, in the environmentally sensitive zoning districts (C-1, EFD, and UC) one can continue to graze and pasture livestock where the use currently exists and maintain existing fences; however the construction of new fenced enclosures or the introduction of new grazing/pasturing areas is prohibited. Environmentally zoned lands can no longer be utilized in calculating livestock quantities on non-environmentally zoned lands. A lot must contain a minimum of three acres of non-environmentally zoned land in order to have one livestock equivalent. All lands used for the keeping of livestock must be under the same ownership. Livestock are allowed in recorded subdivisions on lots three acres or more in size, excluding environmentally zoned lands, subject to the limitations set forth in the Ordinance. The keeping of poultry/fowl is permitted on any lot, except in recorded subdivisions where the lots are less than three acres in size.
- The keeping of livestock and poultry/fowl is prohibited in the PR District.
- In most of the other zoning districts, apiculture, livestock, and poultry/fowl are permitted subject to certain limitations which may vary from district to district. Standard regulations in all of the districts in which the uses are allowed include: The keeping of poultry/fowl or livestock 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 livestock or poultry/fowl must be under the same ownership. 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 in size. As of the date of adoption of the amendments, livestock in recorded subdivisions are allowed on lots of three acres or more in size excluding lands zoned C-1, EFD or UC. Beehives are only permitted on lots of one acre or more in size.
- The keeping of livestock is prohibited in the R-3 and RM Districts.
- There is no limit to the number of bee colonies or bee hives permitted in the M-1 or M-2 Districts.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the amendments to the Town of Lisbon Zoning Ordinance, which were approved by the Town Board on November 12, 2012, be approved in accordance with the Town Board's decision. In the nearly three years since the Town's comprehensive rezoning effort in 2010, there have been a few Town residents who wanted to see the zoning regulations relative to the keeping of

livestock, fowl/poultry and the conduct of apiculture amended. After careful consideration and many staff level and public meetings, the Town feels they have achieved this goal which is also in concert with the Town and County Comprehensive Development Plans and will not adversely affect the Town citizens if properly regulated.

Respectfully submitted,

Sandy Scherer

Sandy Scherer
Senior Planner

Attachment:

Exhibit "A" (Town Ordinance 07-12). Note: Exhibit "A" which encompasses 238 pages, is available on the Waukesha County website (www.waukeshacounty.gov) on the Planning and Zoning Division home page. Proposed Ordinance changes are in red font.

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EXHIBIT "A"

ORDINANCE 07-12

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

ORDINANCE REGARDING CHANGES TO TEXT IN THE LISBON ZONING CODE WITH RESPECT TO KEEPING OF ANIMALS AND BEEKEEPING IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: The text of the zoning code is modified as per the attached exhibit.

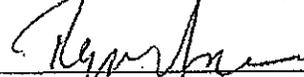
SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

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

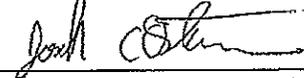
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 12th day of November, 2012.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
MATTHEW GEHRKE, Chairman

BY: 
RYAN LIPPERT, Supervisor

BY: _____
DANIEL HEIER, Supervisor

BY: 
JOSEPH OSTERMAN, Supervisor

ATTEST:

BY: 
JEFFREY MUSCHE, Town Clerk