

Ord. 19-19

AN ORDINANCE REPEALING AND RECREATING SECTION 27 OF THE ZONING CODE OF THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SECTION 1: Section 27 of the Town of Lisbon Zoning Code is hereby repealed and recreated to read as follows:

SECTION 27 - B-4 COMMERCIAL SPECIAL USE ZONING DISTRICT

Purpose and Intent

This District is intended to provide for the orderly and attractive grouping of businesses at appropriate locations in the Town, such as, but not limited to the along STH 164 and STH 74 highways and adjacent routes that lead into and out of the Town of Lisbon. This district is intended for those businesses and customer services which are logically related to and dependent upon highway traffic, or which are specifically designed to serve the needs of such traffic and/or serve surrounding residential and corporate neighborhoods. The District is designed for convenience or one-stop shopping and is intended to service the entire community.

SECTION 2: The introductory paragraph titled "Joint Planning Committee Role and Authority in this Zoning District" of Section 27 of the Town of Lisbon Zoning Code is hereby repealed.

SECTION 3: The introductory paragraph titled "Review Process for Proposed Developments" of Section 27 of the Town of Lisbon Zoning Code is hereby repealed and recreated to read as follows:

Review Process for Proposed Developments

The review process for this zoning district shall be in accordance with the language contained in Section 27, and the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts Design Standards, and other Town ordinances as applicable (Addendum E and Exhibit Maps A, B, C and D).

- (1) To encourage a commercial environment that is compatible with the residential character of the Town and the neighboring Village, building permits for permitted uses in this zoning district shall not be issued without review by the Joint Planning

Commission (JPC), review and recommendation by the Town of Lisbon Plan Commission, and approval by the Town Board. The JPC review shall be concerned with site plan, architectural plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization. Town of Lisbon review and approval shall consist of all required plans per the Municipal Code of the Town of Lisbon.

- (2) The process for PUDs, CUs, and site plan and plan of operation review shall follow the process requirements outlined in Chapter 11 of the Town of Lisbon's Town Code except as limited in this zoning district. Where a conflict may occur, this zoning district shall apply as it is intended to guide development in this zoning district. Uses shall be limited to those described in this zoning district.

(a) Permitted Uses

The following retail and customer service establishments involving the selling of and storing of merchandise are permitted subject to the approval of a site plan and plan of operation:

- (1) Art, dance, music teaching studios, or other similar fine arts.
- (2) Architects, accountants, attorneys, advertisers, engineers, insurance sales, consultants, or other professional offices.
- (3) Bakery stores.
- (4) Banks, savings and loan associations, and other financial and/or investment institutions, including drive up facilities.
- (5) Barber shops and beauty shops.
- (6) Book stores.
- (7) Business offices.
- (8) Candy and confectionery stores.
- (9) Copying and mail services.
- (10) Delicatessens.
- (11) Dentist, physician, or other similar professional health offices and clinics, excluding hospitals.
- (12) Drugstores.
- (13) Dry cleaning pick-up and delivery services.
- (14) Florists, retail.
- (15) Fruit and vegetable markets.
- (16) Galleries.
- (17) Gift stores, antique shops.
- (18) Government services (post offices, etc.)
- (19) Hardware, paint, or decorating stores.
- (20) Hobby shops.
- (21) Meat, fish, or poultry markets.
- (22) Optical stores.

- (23) Packaged beverage stores.
- (24) Photo and film pick-up stores, photography studios.
- (25) Realtors.
- (26) Shoe repair shops.
- (27) Shoe stores.
- (28) Soda and ice cream stores.
- (29) Sporting goods stores.
- (30) Tobacco stores.
- (31) Variety stores.
- (32) Video stores (non-adult oriented).
- (33) Family home day care in an existing residential dwelling
- (34) Other uses not specifically mentioned above may be permitted uses if the Town of Lisbon Plan Commission, Town of Lisbon Board, and JPC make the following findings:

- a. The use is consistent with the intent and types of uses depicted above, and
- b. The use is not listed as a conditional use, and
- c. The use is not one of the prohibited uses in Section C below.
- d. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.

This section is added to allow flexibility for the Town of Lisbon Plan Commission, Town of Lisbon Board, and JPC to consider multiple uses that cannot all be enumerated above in light of the difficulty and time constraints of adjusting zoning in a Town government.

(b) Permitted Accessory Uses

- (1) Garages for storage of licensed vehicles used in conjunction with the operation of a business.
- (2) Dumpsters and other refuse type containers shall be screened from view from streets and adjacent properties.
- (3) Roof mounted HVAC type equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.
- (4) Signs in accordance with the guidelines set forth in Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A). Landscape and site plans for the signs must be submitted, reviewed, and approved by the plan commission to evaluate size, orientation, and compatibility with the entire site.
- (5) Off-street parking and loading areas provided detailed site plans, including landscaping and buffering, are submitted to and approved by the plan commission. Front, rear, and side yard pavement setbacks shall not be

less than ten (10) feet. Shared drives and shared parking areas may be allowed between adjacent properties where appropriate and practical, through the use of cross-easements or other internal linkages between the properties, with approval of the plan commission.

(c) Conditional Uses

Any use similar in character to the permitted uses listed above conducted as a retail business on the premises, catering to the general public, and compatible to the character of adjacent areas:

- (1) Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and similar uses, including fast food and drive through restaurants.
- (2) Automobile, Gasoline, and Service Station and Convenience Stores associated with gasoline sales.
- (3) Communication towers and facilities, including antenna masts and satellite dish antennas located in the rear yard and roof-mounted satellite dish antennas and roof-mounted solar collectors on the roof of the principal structure, provided a registered engineer contracted by the owner shall certify that the structure is adequate to support the load. All such roof mounted facilities shall be screened from view with the screening approved by the plan commission.
- (4) Private clubs and resorts.
- (5) Business park and shopping center uses.
- (6) Public and semi public buildings and uses, including hospitals and health care facilities.
- (7) All outside storage areas shall be at least 600 feet from residential, park, and public and institutional zoning districts located in the Village of Sussex or Town. The Plan Commission, Town Board, and JPC may waive or reduce the 600-foot separation requirement. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Town Plan Commission review and approval. Screening may be a permanent opaque wall matching the building materials, fencing or landscaping as deemed appropriate by the Town Plan Commission. The height of the screening shall be sufficient to screen the product(s) in the outside storage area. Furthermore, no use shall be granted a modification of the separation requirement if the Town Plan Commission determines that the use will have a high risk of fire, explosion, noise, vibration, or odor.
- (8) Other uses not specifically mentioned above may be conditional uses if the Town of Lisbon Plan Commission, Town of Lisbon Board, and JPC make the following findings:

- a. The use is consistent with the intent and types of uses depicted above, and
- b. The use is not listed as a conditional use, and
- c. The use is not one of the prohibited uses in Section C below.
- d. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.

This section is added to allow flexibility for the Town of Lisbon Plan Commission, Town of Lisbon Board, and JPC to consider multiple uses that cannot all be enumerated above in light of the difficulty and time constraints of adjusting zoning in a Town government.

(d) Building Location

- (1) Road Setback:
Fifty (50) feet.
- (2) Side yard offset:
Twenty (20) feet minimum.
- (3) Rear yard offset:
Forty (40) feet minimum.
- (4) Shore Setback:
75 feet minimum from the ordinary high water mark, wetland conservancy, or floodplain, whichever is closer, unless otherwise excepted in this ordinance.

(e) 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 structure: Fifteen (15) feet in height.

(f) Area Regulations

- (1) Floor Area Ratio/Lot Coverage/Open Space:
Maximum FAR of thirty percent (30%) unsewered, and fifty percent (50%) sewerred. Not more than sixty-five percent (65%) unsewered, or seventy five percent (75%) sewerred, of any lot shall be covered with buildings, surfaced pavement, driveways, parking, loading areas, or other covering materials which are impervious to surface absorption.

Landscaped open space shall occupy not less than 35% (unsewered), or 25% (sewered) of the lot area.

- (2) Lot Size:
One (1) acre minimum with or without sewer.
- (3) Lot Width:
Minimum average lot width: 150 feet with or without sewer.

(g) Design Standards

The following guidelines are specific standards that apply to this zoning district. In addition, development in this zoning district must follow the Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts and other general guidelines within Chapter 11 of the Lisbon Municipal Code which is the Town's Zoning Ordinance (hereinafter referred to as Chapter 11) related to design issues. Where a conflict exists, this section and the Design Standards shall apply.

- (1) Parking and Storage
 - a. Surfacing. All off-street loading, driveways, parking areas shall be surfaced with an asphaltic or Portland cement pavement in accordance with Chapter 11 and the Town of Lisbon standards and specifications so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties. Surfacing of loading areas shall be completed before occupancy is granted. Storage areas shall be surfaced with an asphaltic or Portland cement.
 - b. Landscaping. All public off-street parking areas which serve twenty (20) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Zoning Ordinance shall be provided with accessory landscape areas totaling not less than seven and one-half (7 1/2) percent. The minimum size of each landscape area shall not be less than 150 square feet and landscaped areas shall be distributed evenly throughout the parking area. Location of landscape areas, plant materials, and protection afforded the plantings shall be reviewed by the Town Plan Commission, Town Board, and JPC. All Plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and

location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. Those parking areas for twenty (20) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six (6) feet.

- c. Driveway Opening. Openings for driveways shall provide adequate access to a public street. No driveway for any other use shall be less than 24 feet in width at the street right-of-way line nor shall it exceed 32 feet at the street right-of-way line.
- d. Storage. Parking spaces required to meet the minimum parking requirements of Chapter 11 shall not be used for the long term storage of motor vehicles, recreational vehicles, boats, commercial inventory, or equipment. Parking spaces shall not be used or leased to persons not using the principal use. Parking spaces are considered accessory to the principal use, unless prior approval for such shared or secondary use has been granted by the Town Plan Commission, Town Board, and JPC.
- e. Lighting. Lighting shall be installed and maintained in accordance with the standards set forth herein:
 1. Type. Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement shall be required so as to facilitate compliance with this section.
 2. Orientation. Exterior lighting fixtures shall be orientated so that the lighting element (or a transparent shield) does not throw rays onto neighboring properties. No lighting sources shall be visible from outside its premises. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. No horizontal throw via outward projecting lenses or optics shall be permitted contributing as a point glare source. The intensity of illumination, measured at the property line, shall not exceed 0.2 foot-candles.
 3. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or

circulation and used for any such purpose after sunset and where it is reasonable to expect pedestrian use shall provide artificial illumination in such areas at a minimum intensity to meet the standards set forth in the American National Standard Practice for Roadway Lighting and those standards set forth in the Illuminating Engineering Society of North America's Lighting for Parking Facilities.

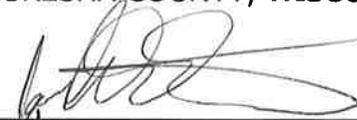
4. Flashing, flickering, or other distracting lighting which may distract motorists is prohibited. Lighting which creates or becomes a public nuisance is not permitted.
- f. General Landscaping and Buffering other than outlined in Section H(1)b shall be developed per the Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- g. Building and Structures and Materials shall be developed per the Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- h. Other Site Planning and Design Issues shall be developed per Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- i. Signage Shall be developed per Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- j. Pedestrian Orientation shall be developed per the Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- k. Environmental Protection shall be developed per Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- l. Erosion Control. Developments must follow the Town's Erosion Control Ordinance, Land Disturbance Ordinance, the Waukesha County Storm Water Management Regulations, Wisconsin Department of Natural Resources NR-216, NR-151 and applicable Chapter 30 regulations.

SECTION 7: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 8: 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 9th day of December, 2019.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

BY: 
TEDIA GAMIÑO, Supervisor

BY: 
MARC MOONIEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: 
Dan Green, WEMC
Town Clerk

