

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**TABLE OF CONTENTS**

		<b>Page No.</b>
Table of Contents .....		i
Sec. 1	Authority, Purpose and Intent, Interpretation, and Jurisdiction .....	1
Sec. 2	Definitions .....	4
Sec. 3	General Provisions .....	41
	a. Compliance .....	41
	b. Building, Occupancy and Use Permits, Site Plans and Plans of Operation .....	42
	c. Site Regulations .....	45
	d. Use Regulations .....	61
	e. Sanitary Regulations .....	62
	f. Water Performance Standards .....	63
	g. Building Location .....	64
	h. Height Regulations .....	72
	i. Area Regulations .....	72
	j. Off Street Parking .....	80
	k. Off Street Loading and Unloading .....	82
	l. Mobile Homes and Trailers .....	82
	m. Signs .....	83
	n. Legal Nonconformity .....	84
	o. Prior Permit .....	85
	p. Swimming Pools .....	85
	q. Guesthouses .....	86
	r. Boathouses .....	87
	s. Adult-Oriented Establishments .....	88
	t. Airport Safety Zone .....	90
Sec. 4	Conditional Uses .....	91
	a-g .....	91
	h. ....	94
	1. Airports, Landing Fields, and Take Off Strips .....	94
	2. Animal Hospitals, Veterinarian Clinics, Commercial Kennels .....	94
	3. Antique Shops, Gift Shops, Arts and Crafts Studios .....	95
	4. Automobile, Gasoline, and Service Stations .....	95
	5. Bed and Breakfast Facility .....	95
	6. Business Park and Shopping Center Uses .....	96
	7. Cemeteries and Mausoleums .....	97
	8. Churches, Synagogues, and Other Buildings of Religious Assembly .....	97
	9. Commercial Fish Ponds, Bait Ponds or Fish Hatcheries .....	98
	10. Commercial Truck Parking .....	98
	11. Contractor's Yard .....	99
	12. Fur Farms, Pig Farms and Similar Agricultural Uses .....	100
	13. In Law Unit .....	100
	14. Land Altering Activities .....	101
	15. Legal Non-Conforming Uses .....	101
	16. Limited Family Business .....	101
	17. Marinas and Boat Liveries .....	104
	18. Mobile Home Parks .....	104
	19. Motels and Hotels .....	105

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

	20. Multi-Family Units .....	105
	21. Planned Unit Developments .....	106
	22. Private Clubs and Resorts .....	120
	23. Public and Commercial Disposal Operations .....	120
	24. Public and Semi-Public Buildings and Uses.....	121
	25. Quarrying.....	122
	26. Restaurants, Taverns, and Similar Uses.....	126
	27. Testing Laboratories .....	127
	28. Unspecified Conditional Uses .....	127
	29. Communication Towers and Related Facilities .....	127
	30. Outdoor Commercial Recreation Facilities and Uses .....	130
	31. Outdoor Storage and Display.....	130
	32. Drive Through Facilities .....	130
	33. Truck Terminals, Warehousing, Distribution Centers, Storage Facilities, and Mail Order Centers .....	130
	34. Factory Outlets.....	130
	35. General Sale of Industrial Products .....	131
	36. Self Service Storage (Mini-Warehouses).....	131
Sec. 5	(Reserved) .....	134
Sec. 6	Zoning Districts.....	135
Sec. 7	C-1 Conservancy Wetland and Floodplain District.....	138
Sec. 8	EFD Existing Floodplain Development Overlay District.....	142
Sec. 9	UC Upland Corridor District.....	147
Sec. 10	PR Park and Recreation District.....	150
Sec. 11	AD-10 Agricultural Density 10-Acre District.....	153
Sec. 12	RD-5 Rural Residential Density 5-Acre District.....	159
Sec. 13	A-10 Agricultural District .....	165
Sec. 14	A-5 Mini Farm District.....	169
Sec. 15	A-3 Agricultural/Residential Estate District.....	172
Sec. 16	R-1 Suburban Single Family Residential District .....	175
Sec. 17	R-2 Single Family Residential District.....	177
Sec. 18	R-3 Two Family Residential District .....	179
Sec. 19	RM Multi-Family Residential District .....	181
Sec. 20	(Reserved) .....	184
Sec. 21	SFO Shoreland and Floodland Overlay District.....	185
Sec. 22	(Reserved) .....	186
Sec. 23	P-I Public and Institutional District.....	187
Sec. 24	B-1 Restricted Business District.....	189
Sec. 25	B-2 Local Business District.....	192
Sec. 26	B-3 General Business District .....	195
Sec. 27	B-4 Commercial Special Use District .....	197
Sec. 28	B-P Industrial/Business Park Special Use District.....	204
Sec. 29	(Reserved) .....	214
Sec. 30	Q-1 Quarrying District .....	215
Sec. 31	M-1 Limited Industrial District .....	218
Sec. 32	M-2 General Industrial District .....	220
Sec. 33	(Reserved) .....	222
Sec. 34	Board of Appeals.....	223
Sec. 35	Zoning Text and Map Amendments.....	227
Sec. 36	General Public Hearing Procedures.....	231

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

Sec. 37	General Administration and Enforcement of the Zoning Ordinance Violation/Citation Procedures and Penalties .....	232
Sec. 38	Validity.....	236
	ORDINANCE.....	238
	INDEX.....	239

ADDENDUM A	Sign Ordinance, Chapter 13, General Code of Ordinances	
ADDENDUM B	Nuisance Ordinance, Chapter 5, General Code of Ordinances	
ADDENDUM C	Mobile Homes and Mobile Home Parks Ordinance, Chapter 14, General Code of Ordinances	
ADDENDUM D	Deed Restriction – Basement High Groundwater	
ADDENDUM E	Town of Lisbon Design Standards for the B-4 and B-P Special Use Zoning Districts, etal	
	EXHIBIT MAP A	
	EXHIBIT MAP B	
	EXHIBIT MAP C	
	EXHIBIT MAP D	
	EXHIBIT MAP E	
	EXHIBIT MAP F	
ADDENDUM F	Town of Lisbon Storm Water Management and Erosion Control Ordinance	
ADDENDUM G	Private Swimming Pool Ordinance, Chapter 15, General Code of Ordinances	
APPENDIX 1	FEE SCHEDULE	
FIGURE 1	Types of Subdivision Designs	

**NOTE:** The Zoning Map is not attached to the Zoning Ordinance, but an official copy is on file at the Town Hall and is current as of the date of the most recent revision noted on the Zoning Map.

**Drafted by the Waukesha County Department of Parks and Land Use**

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

**SECTION 1 AUTHORITY, PURPOSE AND INTENT, INTERPRETATION, AND JURISDICTION**

**(a) Authority**

This ordinance is adopted under authority granted by Chapters 59, 60, 62, 87, 145, 236, and 281 of the Wisconsin Statutes and amendments thereto.

**(b) Purpose and Intent**

For the purpose of protecting and promoting the public health, safety, convenience, prosperity, aesthetics, and general welfare of the community, this ordinance has been established to:

1. To implement the goals, objectives and standards of the adopted Town of Lisbon Land Use Plan/Comprehensive Development Plan.
2. To divide the Town of Lisbon into districts regulating the location, construction, reconstruction, alteration and use of building sites, structures and land for various uses, thereby providing a framework within which the community can develop in an orderly manner, and further the maintenance of safe and healthful conditions and prevent and control water pollution through:
  - A. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
  - B. Establishing minimum lot sizes and widths to provide control density and suitable area for private sewage disposal facilities.
  - C. The control of filling and grading to prevent serious soil erosion.
  - D. Reduction and elimination of conflicting land uses.
  - E. Prohibiting uses detrimental to environmentally sensitive areas.
  - F. Regulating the percentage of use of lot area and open space.
  - G. Regulating building and structural placement and height.
  - H. Regulating building, land and water uses so as to assure a more compatible relationship to the carrying capacity of the land and water.
3. To preserve the community's history, heritage and rural character.
4. Protect wildlife through:
  - A. Preserving wetlands and other wildlife habitats.
  - B. Regulating pollution sources.
  - C. Controlling shoreline alterations.
5. To preserve and protect the natural environment, groundwater resources, and open space.
6. Preserve vegetative cover and natural beauty through:
  - A. Restricting the removal of vegetative cover.
  - B. Preventing shoreline encroachment by structures.
  - C. Controlling land altering activities.
  - D. Regulating the use and placement of structures.

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

7. Provide for adequate light, air, sanitation, drainage, convenience of access, safety from fire, flood hazard and other dangers, promote the safety and efficiency of the public streets and highways, conserving and stabilizing the economic value of the community, preserve and promote the general attractiveness and character of the community environment and guide the proper distribution and location of population and the various land uses.
8. To ensure the provision of adequate and efficient police and fire protection, disaster evacuation, civil defense, water, sewerage, schools, parks, recreational facilities, and other public facilities and services.
9. To establish administrative procedures whereby the Town may objectively and equitably pace and phase development based upon the Town's financial capability to provide municipal services and assess fiscal and environmental impacts upon the surrounding area and the Town as a whole.
10. To provide for the administration and enforcement of the zoning ordinance and to prescribe penalties for the violation of the provisions of the zoning ordinance.

**(c) General Interpretation**

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations, ordinances, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height or bulk of a building or requires greater open spaces, areas, or dimensions than are required by other existing rules, ordinances, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

**(d) Jurisdiction**

The jurisdiction of this ordinance shall apply to all structures, land, and water situated either wholly or partly within the boundaries of the Town of Lisbon, Waukesha County, Wisconsin, including those lands under, abutting and lying close to navigable waters and within the shoreland and floodland areas, as defined herein, and mapped on the Town of Lisbon Zoning Map as approved and adopted by the Town of Lisbon and Waukesha County. The shoreland and floodland areas in the Town of Lisbon are also under the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance, administered by the Waukesha County Department of Parks and Land Use – Planning and Zoning Division staff, and where the Town zoning ordinance and the County Shoreland and Floodland Protection Ordinance differ, the more restrictive regulations shall apply.

Originally, the Town of Lisbon Board of Supervisors on July 14, 1958 adopted a town zoning map as part of this ordinance. Using a computer process called “digitizing”, the town zoning map is now in a digital format. In the digitized version of the town's zoning map, the boundaries of the shorelands, floodplains and floodways, as defined herein, are and shall be those areas designated as such on the zoning map which is information taken from Waukesha County's 1" = 400' aerial photos, 1" = 200' topographic maps, and from corresponding flood profiles published by the Federal Emergency Management Agency, Flood Insurance Study, effective date, August 1, 1983, and any subsequent official amendments thereto. The flood insurance study constitutes the basis for which the official floodplains and appropriate zoning categories for the Town of Lisbon have been mapped. The study has been approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA), and is on file in the office of the County Zoning Agency. Where said flood insurance studies have not been provided, the approximate 100-Year Floodplain has navigable bodies of water as designated on the zoning map, using the best available information, which has been taken from the 1" = 400' aerial photos or 1" = 200' topographic maps. If more detailed

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

information is needed for a particular project, a flood study approved by the WDNR and FEMA (for example a HEC II analysis) may be required of the person, or his or her designee, making the project request, and the data provided from that study will be utilized to update the zoning map.

Where a stream is subsequently identified or determined to be navigable, and was not previously subject to Shoreland and Floodland jurisdiction, said navigable stream and the lands bordering it, which meet the Conservancy zoning district standards for mapping (refer to Section 6(b)), shall immediately be subject to the jurisdiction of this Ordinance, including those requirements such as conservancy setback requirements and other water quality related issues and requirements. An amendment to include the entire area along said stream or watercourse within the Shoreland and Floodland jurisdiction shall be processed pursuant to the provisions of this Ordinance and the County's ordinance, and said area becomes part of this Ordinance.

**(e) Title and Nature of the Ordinance**

This ordinance shall hereafter be known, cited, and referred to as the Town of Lisbon Zoning Ordinance. The ordinance consists of zoning regulations and a zoning map, which designates the zoning districts.

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

**SECTION 2 DEFINITIONS**

**(a) General interpretation**

For the purpose of this Ordinance, and when not inconsistent with the context, words used herein in the present tense include the past and future tenses, and the future tense includes the present; words in the singular number include the plural, and words in the plural number include the singular; the word "structure" includes buildings; the word "occupied" includes designed or intended to be occupied; the word "used" includes designed or intended to be used; the word "inhabit" includes intended to be inhabited; the word "shall" is always mandatory and not merely permissive; the word "may" is permissive; "town" refers to the Town of Lisbon, Waukesha County, Wisconsin; "town board" refers to the town board of supervisors of Lisbon; "plan commission" refers to the Town of Lisbon Plan Commission established under village powers pursuant to Chapter 62 Wisconsin Statutes which the Town of Lisbon adopted on April 5, 1949, the Town Park Commission established pursuant to Chapter 60 Wisconsin Statutes, or any other agency created by the town board and authorized by statute to plan land use; and reference to any officer such as "clerk/administrator," "building inspector," "engineer," or "attorney," means that officer appointed or otherwise officially designated by the town in such capacity, unless otherwise specifically designated; "county" refers to the County of Waukesha, Wisconsin; the words "code" and "Ordinance" are to be used interchangeably; the word "person" may be taken for persons, associations, partnerships or corporations; whenever a word or term defined in this ordinance appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof and any word appearing in parentheses between a word and its definition herein, shall be construed in the same sense as that word; the phrase "including, but not limited to" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like, kind, or character.

**(b) Specific words and phrases**

For the purposes of this ordinance certain words and phrases shall be defined as follows:

**Accessory Building** A building subordinate to and detached from the principal building, not used as a dwelling unit, but is used for a purpose customarily incidental to the permitted use of the principal building and which is located on the same lot. Accessory building does not mean farm building/structure, unless said farm building is located on less than ten (10) acres.

**Accessory Structure** A structure subordinate to and detached from the principal building, not used as a dwelling unit, but is used for a purpose customarily incidental to the permitted use of the principal structure and which is located on the same lot. Accessory structure does not mean farm building/structure, unless said farm building is located on less than ten (10) acres. Examples include, but shall not be limited to, solar collectors, windmills, and radio, television, and satellite receiving antennas or dishes. The single exception to the location on the same lot provision is that of accessory off-street parking facilities which are permitted to locate off-site from the principal building served by such parking facilities.

**Accessory Use** A use subordinate to and customarily incident to the permitted principal use of the property or buildings and located upon the same lot as the principal use.

**Addition** means construction performed on a building or structure that increases the outside dimensions of said building or structure.

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

**Administrative Officer** Any officer such as a Clerk, Building Inspector, Engineer, Attorney, or Zoning Administrator, or his agent, who is appointed, elected or is otherwise officially designated by the Town, and/or County and does not include any Committee, Commission, or Board or its individual members.

**Adult Arcade** means any place to which the public is permitted or invited wherein coin, slug, electronically, or mechanically controlled or operated still or motion picture machines, projectors, computers, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing “Specified Sexual Activities” or “Specified Anatomical Areas”.

**Adult Bathhouse** means a commercial establishment which provides a bath as a service and which provides to its patrons an opportunity for engaging in “Special Sexual Activities.”

**Adult Body Painting Studio** means a commercial establishment wherein patrons are afforded an opportunity to be painted or to paint images on “Specified Anatomical Areas”. An Adult Body Painting Studio does not include a tattoo parlor.

**Adult Bookstore** means any commercial establishment having as its stock in trade the sale, rental or lease for any form of consideration, any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are distinguished or characterized by their emphasis on “Specified Sexual Activities” or “Specified Anatomical Areas”;
- B. Instruments, devices, or paraphernalia, which are designed for use in connection with “Specified Sexual Activities”;
- C. Facilities for the presentation of “Adult Entertainment” as defined herein, including Adult-Oriented films, motion pictures, video cassettes, video reproductions, slides or other visual representations for observation by patrons therein.

**Adult Cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which features:

- A. Live performances which are characterized or distinguished by the exposure of “Specified Anatomical Areas” or the removal of articles of clothing; or,
- B. Films, motion pictures, video cassettes, video reproductions, slides or other visual representations which are distinguished or characterized by depicting or describing “Specified Sexual Activities” or “Specified Anatomical Areas.”

**Adult Entertainment** means any exhibition of any motion picture, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by any one or more of the following:

- A. Specified Sexual Activities;
- B. Specified Anatomical Areas;
- C. Removal of articles of clothing.

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

**Adult Massage Parlor** means a commercial establishment with or without sleeping accommodations which provides the service of massage or body manipulation, including exercise, heat and light treatment of the body, and any form or method of physiotherapy, which also provides its patrons with the opportunity to engage in “Specified Sexual Activities”.

**Adult Motel** means a hotel, motel or other similar commercial establishment which:

- A. offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, film, motion pictures, video cassettes, video reproductions, slides, or other visual reproductions characterized by depicting or describing “Specified Sexual Activities” or “Specified Anatomical Areas”; and, has a sign visible from the public right of way which advertises the availability of this type of adult entertainment; or
- B. offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than 10 hours.

**Adult-Oriented Establishment** includes: Adult Arcade, Adult Bathhouse, Adult Body Painting Studio, Adult Bookstore, Adult Cabaret, Adult Massage Parlor, Adult Motel, Adult Theater, and any commercial establishment presenting Adult Entertainment, whether or not such establishment is operated or maintained for a profit.

**Adult Theater** means an enclosed building such as theater, concert hall, auditorium or other similar commercial establishment, which is used for presenting “Adult Entertainment.”

**Agent of Applicant** An attorney, real estate agent, surveyor, engineer, architect, or other person either delegated in writing by the owner of a parcel or by court action to act on the owner's behalf on the division or development of property.

**Aggrieved Person** Any person who alleges that there is error in an order, requirement, decision or determination made by the administrator of this ordinance in relation to the administration or enforcement of this ordinance.

**Agriculture** All uses commonly classified as farming, including dairying and milk production, pasturage, grazing, horticulture, floriculture, viticulture, apiculture, aquaculture, egg production, sustained yield forestry, silviculture, and other uses of the land such as tilling of soil, crop and tree farming, truck farming, vegetable raising, orchards, plant nurseries, plant greenhouses, keeping or raising (husbandry) of livestock or poultry, and sod farming together with the related accessory uses such as the operation of any machinery or vehicles that are incidental to the above uses, and any other related activities such as the sorting, packing, bagging, washing, treating, storage, or similar activity of produce from the above activities.

**Agricultural Preserved Land** Lands that are retained in order to transfer residential density opportunities to promote the preservation of the rural character of the town. The lands may be retained, for example, as farm fields, pastures, orchards, and/or natural open spaces, either as common open spaces, or as part of a farm operation.

**Airport** An area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any adjacent areas which are used, or intended for use, for airport buildings or other airport facilities, rights-of-way and together with all airport buildings and facilities located thereon.

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

**Airport Safety Zone** That area within 2 miles of the boundaries of any airport, landing field or takeoff strip extending 500 feet on each side of the runway center line.

**Alley** A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those abutting properties whose frontage and primary access is on a street.

**Alteration** Any change in the total floor area, use, adaptability or external appearance of an existing structure, or enhancement, upgrade, or modification to a building or structure, or to the building systems (for example, HVAC, electrical, plumbing).

**Animal Boarding Place (see Kennel, Commercial)** Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, grooming, or care of domestic pets such as dogs, cats, birds, or other domestic animals for profit, but exclusive of animals used strictly for agricultural purposes. For the purposes of this ordinance, this definition includes “doggy day care” facilities/grounds and pet sitting businesses.

**Apartment** A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended, or designed to be occupied as a residence of a single family, individual, or group of individuals. Also see “residence inn” under the definition of “motel”.

**Apartment Building** A building used or intended to be used as three (3) or more separate rental dwelling units.

**Apiculture or Beekeeping** The keeping and maintenance of honey bee colonies, commonly in hives, in order to collect honey and other products of the hive (such as beeswax and pollen), in order to pollinate crops, or in which the bees produce and store honey. For the purposes of this ordinance, hives are considered accessory structures subject to permitting herein [see Section 3(i)(5)(AA)]. A no cost permit, including town rules and other information, must be obtained from the Town Hall in order to conduct new, or expand existing, apiculture operations in the Town of Lisbon.

**Approving Authority** Any municipality, county or state agency authorized to approve or disapprove of plats within the Town as provided in Chapter 236 of the Wisconsin Statutes.

**Arcade** Any premises containing three (3) or more amusement devices or games usually of an electronic nature, for the primary use of entertainment of the public or the patrons of the establishment.

**Architectural Control Ordinance** Regulations and procedures requiring the exterior design of structures, grounds, and amenities on the grounds to be suitable, harmonious, and in keeping with the general character and style of the surrounding area.

**Assessed Value** The value of the improvements on the property as established by the State of Wisconsin Department of Revenue for manufacturing property, and the local community assessor in the manner specified by state statutes.

**Attic** An unfinished space immediately below the roof framing/rafters and above the ceiling of the rooms below that is not habitable, but may be reached by a ladder, and used for storage or mechanical equipment. Improvement to a habitable status with conforming ceiling heights and permanent stairs shall make it a story.

**Automobile Graveyard** See “Junkyard”.

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

**Automobile Repair Facility** A service establishment where engine repairs, replacement of parts, or body work and general maintenance are performed.

**Awning** A roof-like structure, especially of canvas, that serves as a shelter, as over a window or door.

**Balcony** A surface projecting from the wall of a building that is typically at the second story level or above that may provide egress from a building and is enclosed by a railing for safety purposes.

**Base Setback Line** The ultimate street right-of-way line as established by the building location provisions of this code and from which all required road setbacks shall be computed. Refer to the definition of “Highway” for further explanation.

**Basement** A level of a building that is more than one-half below the finished grade on at least one side.

**Basement, Habitable** A habitable story having part, but not more than one-half of its height on any side, below the finished grade.

**Basement, Uninhabitable** (also see “*Cellar*”) An uninhabitable area of a building having more than one-half its height below the finished grade on all sides.

**Bed and Breakfast Establishment, also Tourist Home** An owner occupied personal single family residence often in a building with landmark or historically significant qualities and licensed as a bed and breakfast, where the owner-operator provides short term lodging of four (4) or fewer rooms for paying guests, and which offers breakfast as its only meal to overnight guests only.

**Berm** A manmade mound or ridge of earth in excess of two (2) feet in vertical height from the existing topography (maximum height, undulation, and acceptable slope ratio to be determined by the Town Plan Commission) that is used as a landscape feature or to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow. Berms are regulated herein.

**Best Management Practices (BMP’s)** standards utilized in the Storm Water Management and Erosion Control Ordinance to lessen or avoid a development’s impact on the surrounding land and water.

**Board of Appeals** A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the local zoning administrative official (Town of Lisbon Building Inspector), and to consider requests for variances and special exceptions as required under the terms of the zoning ordinance.

**Boarding, Lodging, or Rooming House** An owner occupied personal single family dwelling in which rooms are provided for paying boarders by prearrangement for definite periods of time and regularly prepared family style meals are served from one common kitchen facility for compensation, without service or ordering of individual portions from a menu, for no more than eight persons. No meals are provided to outside guests.

**Boathouse (also Boat Shelter)** An non-commercial, accessory structure located on a property with an single family residence and close to the ordinary high water mark, which is designed and used principally for the purpose of storing/protecting boats and accessory marine equipment normally

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

used in the daily activities of property on water, and which has a large garage type door for primary access on the side of the building facing the water and is located on the same lot as the principal residence and is not for human habitation of any kind. New boathouses are not permitted in the Town of Lisbon, and only one boathouse is permitted on a lot.

**Boat-Livery** See "marina".

**Buffer Area** An area separating two incompatible types of development, or a development and sensitive natural resources.

**Buildable Area** The space remaining on a lot after the minimum open space, offset and setback requirements of this ordinance have been complied with; also excepting therefrom any floodplain, wetland, or similarly designated unbuildable lands.

**Building** Any structure used, designed or intended for the protection, shelter or enclosure of persons, animals or property.

**Building, Accessory** (also accessory structure) A building subordinate to and detached from the principal building, not used as a dwelling unit, but is used for a purpose customarily incidental to the permitted use of the principal structure and which is located on the same lot. Accessory buildings include, but are not limited to, detached garages, private garages, storage buildings, boathouses, sheds, guesthouses, and pole buildings. Accessory building does not mean farm building/structure, unless said farm building is located on less than ten (10) acres.

**Building Code** The Uniform Dwelling Code and related ordinances for the Town of Lisbon.

**Building Footprint** The total area of the ground surface measured from the outside of the exterior walls of a building or structure. In the absence of exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

**Building Height** The vertical distance measured from the lowest exposed point of a structure to the highest point of any roof.

**Building Inspector** The person charged with the administration and enforcement of the Building Code and related ordinances for the Town of Lisbon.

**Building, Principal** (also structure, principal) A building or structure used or intended to be used for the primary or principal use as permitted on such lot by the regulations of the Zoning District in which it is located. Any building intended to be used for human habitation shall constitute the principal building, except for guesthouses as defined in this Ordinance.

**Building Permit** A permit issued by the Building Inspector/Zoning Administrator authorizing the recipient to use the property in accordance with the zoning and building code requirements.

**Buildings and Uses, Public/Semi- or Quasi-Public** Public and semi-public buildings, grounds, and uses in the sense of this Ordinance are structures principally of an institutional and/or non-profit nature and serving a public need such as: hospitals; schools, including private academic schools and nursery schools, day care centers, and their associated facilities; nursing/rest homes; libraries; museums; post offices; police and fire stations; public or private utilities; and other public services; but not including the operation of a public bar, restaurant, or recreational facility as a commercial enterprise.

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

**Bulkhead Line** A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the department of natural resources pursuant to Section 30.11 of the Wisconsin Statutes.

**Bulk Storage** The storage of chemicals, petroleum products, and other materials for subsequent resale to distributors or retail dealers or outlets. Bulk storage is essentially a warehousing operation. The products are stored for eventual resale and not directly to the consuming public. If the bulk storage is outdoors, it must be screened and/or landscaped to the satisfaction of the Town Plan Commission.

**Business** Any commercial or industrial activity or establishment.

**Business Park** A project owned, developed, and managed by a single owner or a group of owners acting jointly, similar to an Office Park or an Industrial Park. Types of uses include, but are not limited to: offices; research and development laboratories; wholesale distribution facilities; establishments providing services to other businesses such as printing, publishing, and advertising; public and quasi-public uses such as public administration offices, and public utility installations; certain small to moderate scale light industrial establishments and motels.

The land encompassed by this type of park is usually sub-divided and developed in accordance with a development agreement. The term "park" signifies an area developed as a coordinated entity with similar building facades, extensive landscaping, common parking and access drives, and unified site design.

**Business Services** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance, employment service; management and consulting services; protective services; equipment rental; leasing and financial services.

**Campground** A plot of ground designated for two (2) or more sites for temporary occupancy/habitation within tents, cabins, or recreational vehicles/trailers.

**Canopy** A roof like structure of a permanent nature, which may project from the wall of a building.

**Care Facility** (also known as Extended Care Facility, Intermediate Care Facility, Convalescent or Nursing Home, Rest Home, or Long Term Care Facility) A facility licensed by the state to provide full-time convalescent or chronic care to three (3) or more unrelated individuals who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week. [Note: community-based residential facilities and group homes are defined separately under Community Living Arrangement.]

**Carport** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than two (2) sides and attached to a principal residence or accessory building or structure. A carport shall be included in all FAR calculations.

**Cellar (also see Basement, Uninhabitable)** A space having more than one-half of its height below the finished grade on all sides and which may not be occupied for dwelling purposes (habitation).

**Certified Survey Map (also Minor Land Division)** Any division of land other than a subdivision as defined in this ordinance, which results in at least one (1) but not more than four (4) parcels of land, inclusive of the original remnant parcel. The map of the land division shall

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

be prepared in accordance with Section 236 of the Wisconsin State Statutes and the Town of Lisbon Subdivision Control Ordinance and subsequent amendments thereto.

**Channel** A watercourse with generally well-established bed and banks that confine and conduct the average annual high-water conditions, whether continuous or intermittent.

**Chicken Coop** See “*Accessory Building*” for Chicken Coops on lots less than ten (10) acres in size.

**Child Care Facilities/Center** See “*Day Care Center*”.

**Clean Fill Disposal Site** A tract of land operated by a public or private agent as a conditional use under Section 4 of this ordinance which involves only materials such as sand, dirt, gravel, concrete or other forms of clean fill material.

**Clinic, Physical or Mental Health** A group of associated health services including, but not limited to: chiropractors, rolfers, dentists, health professionals, physicians, surgeons, osteopaths, psychologists, psycho-therapists or psychoanalysts, or any combination thereof, which may provide specialized diagnostic, testing and/or treatment facilities, including clerical and administrative services, to persons on an outpatient basis.

**Club, Private** A building or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a nonprofit purpose, but not groups organized to render a service customarily carried on as a business.

**Colony, Honey Bee** A settlement of bees consisting of a queen, worker bees, and drones. Bee colonies generally live in hives.

**Commercial Operations, Convenience** Retail and service establishments primarily serving the day-to-day needs of local neighborhood residents.

**Commercial Operations, General Merchandise** Retail stores such as department stores, variety stores and general stores, which sell dry goods, apparel and accessories, furniture and home furnishings, hardware, and food.

**Commercial Operations, Personal Service** Establishments primarily engaged in providing personal services for individual(s) such as laundromats, barbershops, beauty parlors, photographic studios, funeral homes, and tailors.

**Community Living Arrangement (also see Group Home)** Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under Section 48.60, group homes for children under 48.02 (7), and community based residential facilities under Section 50.01; but does not include day care centers, convalescent or nursing homes, general hospitals, special hospitals, prisons and jails (see further definition in Section 46.03 (22) of the Wisconsin State Statutes).

**Communication Tower** Any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The following types of towers are excluded from this definition but are regulated in the ordinance: residential/personal television and amateur (ham) radio towers, receivers, and antennas.

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

**Conditional Use** A use which may not conform with permitted uses of a zoning district but which may be permitted by the terms of this ordinance provided that certain conditions specified herein or as may be determined to be necessary by the town are required as part of the permit issued by the town pursuant to this ordinance.

**Conceptual Plan** A general development plan which is reviewed by the town at the conceptual design stage where the development proposal is discussed, issues are raised, and possible areas of concern are identified early in the planning process in an effort to enhance communication, define expectations and expedite the approval process. The plan should address the following types of issues: access, streets, primary environmental corridors, conservancy/wetland, floodplain, soils, topography, drainage, compliance with zoning, compliance with park and open space and land use plans, comprehensive plans, etc. It should be noted this list is not inclusive, and the adopted Town of Lisbon Land Division Review Checklist should be consulted for CSMs and plats. Once a consensus is reached on the type of development that is to take place, the developer comes back to the town with a formal submittal of a detailed preliminary plan/plat followed by the final plan/plat. Although there are no guarantees the final plan/plat approval will coincide exactly with what was discussed at the conceptual level, the purpose of reviewing a conceptual plan/plat is to provide the developer with the ordinance requirements, general information and preliminary comments as to how the town would like to see the project develop and what types of issues must be addressed prior to final approval in order to protect the community's interests.

**Condominium** A legal form of ownership established in accordance with Chapter 703 of the Wisconsin State Statutes where an estate in real property consisting of an undivided interest in common in a portion of a parcel in real property, together with a separate interest in the space in a building on such real property such as an apartment, and may also include a separate interest in other portions of such real property. All condominium residents may own the land in common or a single entity such as a developer could own the land in common. Roads are generally private roads, and condominium associations are common. In a residential example, this form of property ownership has the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot. The real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Condominium Plat** see Plat, Condominium.

**Conservancy/Wetland Setback** The horizontal distance between the closest point of a structure or building and the Conservancy/Wetland boundary.

**Contractor's Yard** The exterior premises on which construction and maintenance materials (i.e. salt, sand, cement, decorative block, stone, etc.) or landscaping materials (i.e. sand, gravel, stone, timbers, wood chips, mulch, etc.) or construction or maintenance equipment (i.e. bulldozers, front-end loaders, back-hoes, trucks, trailers, etc.) are stored to be utilized for off-site construction, maintenance, or landscaping purposes. Where landscape materials are stored or sold for retail or wholesale markets and accessory to an otherwise permitted use by right, such uses shall not be considered a contractor's yard.

**Convenience Store** A retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same. The store could operate as a stand-alone establishment or in conjunction with a service station and/or fast food type restaurant.

**Conventional Subdivision Plat** A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development in accordance with the definition of a subdivision in this ordinance and designed in accordance with the zoning ordinance

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

and subdivision control ordinance of the town but does not utilize the general concepts of clustering, conservation design, planned units developments and similar development concepts. Refer to Figure 1.

**Crawl Space** An area partly or completely below grade that can be used for storage beneath the principal building or structure (other than the basement) which may have a dirt floor, trap (bilco type) doors, and a ceiling height generally below 5 feet.

**Cul-de-Sac** A minor street with only one outlet, and the other end closed either temporarily or permanently with a turn around, which is designed to allow the safe and convenient reversal of traffic movement.

**Dairy** A business establishment for the processing and sale of dairy products.

**Dance Hall** A facility including any room, place, or space in which a public dance or public ball with live or amplified music (not including a juke box), and live entertainment including shows, disc jockeys, comedy or dramatic acts, is conducted excluding any public or private school or church hall when used for public dances sponsored by the school or church authority or of a parent teachers association.

**Day Care Center/Facilities (also Child Care Facilities/Center)** A facility where care and supervision is provided for eight (8) or more children for less than 24 hours a day and licensed as a day care center by the State Department of Health and Social Services under Section 48.65 of the Wisconsin State Statutes.

**Day Care, Family Home** A specific type of day care center, where a dwelling is licensed as a day care center by the State Department of Health and Social Services under Section 48.65 and where care is provided for not more than eight (8) children.

**Deed Restriction** A limitation on the property described, which is recorded in the County Register of Deeds office, and to which the current and subsequent property owners are bound.

**Deck** An exterior structure characterized by a flat, open (unenclosed, unroofed), or horizontal surface or platform suspended above the grade of the land it covers, either attached or adjacent to the exterior wall of a building, and which may be supported by posts, beams, cantilevers, or by other methods, and generally constructed of wood.

**Density** The number of dwelling units or housing structures per unit of land, typically one acre.

**Design Guideline** A standard that outlines the architectural character of the site and/or building.

**Developable Land Area** The area of a site exclusive of land rendered unbuildable by local, state or federal codes, agreement between developers and the Town, or by natural conditions.

**Development** Any man-made change to improved or unimproved real estate; including but not limited to construction of buildings or other structures, mining, digging, filling, grading, paving, excavation, land disturbance, or drilling operations.

**Dry Land Access** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

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

**Duplex (also two family dwelling)** One residential building housing two individual living units or single housekeeping entities.

**Dwelling or Dwelling Unit** A building or structure or that part of a building or structure used or intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household. This definition shall not encompass hotels, boarding, lodging, or rooming houses, bed and breakfast/tourist homes, or recreational facilities.

**Dwelling, Multiple-Family** A building or structure or portion thereof arranged or designed to be occupied by three (3) or more families living independently of each other, including row houses, town houses, flats, condominiums, and apartments.

**Dwelling, Single One-Family** A building or structure designed exclusively for the use and occupancy by one (1) family.

**Dwelling, Two-Family (also duplex)** A building or structure arranged or designed to provide dwelling units for occupancy by no more than two (2) families living independently of each other.

**Easement** A written and recorded authorization given by an owner of land to another party for a specific limited use of that land or a portion thereof. An easement may be in the form of a surface, subsurface, or overhead easement. An easement may be acquired by a governmental entity through dedication.

**Educational Institution** Public, private, charitable, and non-profit academic schools, junior colleges, colleges or universities, trade or business schools, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**Elderly Housing** (also senior apartments) A self-contained residential housing development designed to meet the needs of, is physically accessible to, and reserved exclusively for occupancy by senior citizens. At least one of the occupants of the dwelling unit must be over the age of 55 in accordance with the Federal Fair Housing Amendments Act of 1988. This definition does not include developments that contain convalescent or nursing home facilities.

**Emergency Access Easement** An area of land designed, constructed, and set aside to provide alternate access for emergency vehicle response.

**Engineer, Professional** One trained, certified, and practicing generally as a civil engineer whose duties are to plan, design, construct, and manage mainly public works projects.

**Environmental Corridors** see Upland/Environmental Corridors.

Environmental corridors (primary and secondary) are the composite of the best individual elements of the natural resource base including surface water, lakes, streams, and rivers and their associated floodlands and shorelands; woodlands, prairies, wetlands and wildlife habitat; areas of ground water discharge and recharge; wet/poorly drained/organic soils, rugged terrain and high relief topography where slopes exceed 12%; and significant geological formations and physiographic features. A description of the process the defining and delineation of Environmental Corridors is set forth in the Southeastern Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2 and is incorporated herein by reference. Such areas are usually delineated on adopted land use plans, comprehensive plans, or park and open space plans produced for use by the Town of Lisbon in order to preserve these natural open spaces.

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

**Environmentally Sensitive or Significant Areas** are lands which are zoned as C-1 Conservancy or UC Upland Corridor, or are designated as Primary Environmental Corridor, Secondary Environmental Corridor, or Isolated Natural Resource Area on the Town of Lisbon Land Use Plan Map and include features such as wetlands, floodplains, steep slopes, water, underground water recharge areas, shores, and plant and animal habitats.

**Equalized Value** The value of the improvements on the property which is calculated by dividing the assessed value of the property established by the local community assessor by the assessment ratio established for the community by the State of Wisconsin. The value is indicated on the local tax roll or on the County tax roll and is an expression of the current market value of the improvements.

**Family** One (1) or more persons related by blood, marriage, or adoption, or four (4) or fewer unrelated persons who live together in one (1) dwelling unit as a single nonprofit housekeeping entity, but not including sororities, fraternities, boarding, lodging, or rooming houses, bed and breakfast/tourist homes, or other similar organizations.

**Farm Building** A building or structure built or placed upon land used as a farm operation as defined in this ordinance, that is considered essential and standard to, and used for, agricultural operations such as storing agricultural equipment, storing farm produce or products, housing livestock or poultry, or processing dairy products. Dwellings are not included in this definition. The definition shall include barns, silos, machine sheds, poultry houses, etc. located on more than ten (10) acres.

**Farm, Fur** A tract of land devoted in whole or in part to the raising of fur bearing animals for commercial purposes.

**Farm Operation** One or more parcels of land either contiguous or separate aggregating not less than ten (10) acres under a single ownership and/or management upon which the production of natural fibers, animals, and/or food for human or animal consumption is produced, otherwise defined as agriculture.

**Farm, Pig** A tract of land devoted principally to the raising and feeding of pigs and/or hogs.

**Farm, Poultry and/or Egg Production** A tract of land, which may or may not be a part of a larger farm operation, devoted principally to the raising of poultry and/or egg production.

**Fence** Any artificially constructed barrier of any material or combination of materials erected to enclose an area of land (such as a boundary fence) or to screen, protect or confine objects on the land (such as a privacy fence). This definition does not include berms, silt fences, or retaining walls. Fences do not require a permit, but may otherwise be regulated in this ordinance.

**First Floor** The first level of a building other than a basement, exposed basement, cellar, or crawl space.

**Flood** A temporary rise in water level that results in water overtopping the boundaries of its channel or land banks and inundating areas adjacent to the stream channel or lakebed.

**Flood Fringe** That portion of the floodplain outside of the floodway, which is covered by floodwater during the 100-year (regional) flood. The term "flood fringe" is generally associated with standing water rather than flowing water and is subject to inundation by the 100-year recurrence interval flood. For the purpose of this ordinance, the flood fringe is included in the Conservancy District.

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

**Floodlands** Those lands, including the floodplains, floodways and channels, subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record. The purpose of the Shoreland and Floodland Overlay District is to encompass all shoreland and floodland areas in the Town of Lisbon.

**Floodplain, 100-year (also Regional Flood)** Land which has been or may be covered by floodwater during a 100-year (regional) flood event. Those floodlands, are subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record. The floodplain includes the floodway, flood fringe, shallow depth flooding, flood storage and coastal floodplain areas.

**Floodplain Setback** The horizontal distance between the closest point of a structure or building and the 100-year floodplain.

**Floodproofing** Floodproofing involves any combination of structural provisions, change or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating flood damage to properties, water and sanitary facilities, structures and contents of buildings in flood hazard areas. Such facilities shall be designed to withstand the flood velocities, forces and other factors associated with the one hundred-year recurrence interval flood, and which will assure protection of the property to the flood protection elevation. Such measures include, with limitation because of enumeration, the following:

- A. Installation of watertight doors, bulkheads and shutters.
- B. Reinforcement of walls and floors to resist pressures.
- C. Use of paints, membranes or mortars to reduce seepage of water through walls.
- D. Addition of mass or weight to structures to prevent flotation.
- E. Placement of essential utilities above the flood protection elevation.
- F. Pumping facilities and/or subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures and to lower water levels in structures.
- G. Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
- H. Construction to resist rupture or collapse caused by water pressure or floating debris.
- I. Cutoff valves or sewer lines or the elimination of gravity flow basement drains.

**Floodway** Those floodlands and floodplain, including the channel of a river or stream, required to carry and discharge the 100-year recurrence interval flood. The term "floodway" is generally associated with flowing water rather than standing water and is subject to inundation by the 100-year recurrence interval flood, and shall remain undeveloped and free of obstructions.

**Flood Profile** A graph showing the relationship of the floodwater surface elevation for a flood event of a specified recurrence interval to the streambed and other significant natural and man-made features along a stream.

**Flood Protection Elevation** An elevation two (2) feet above the height of the 100-year

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

(regional) floodplain elevation as defined herein (*also see freeboard*).

**Flood, Regional** A flood having an average frequency of the 100-year recurrence interval flood.

**Flood Stage** The elevation of the floodwater surface above an officially established datum plane. In the Town of Lisbon, the datum plane used shall be mean sea level, 1929 adjustment.

**Floor Area** means the area of a room that has a ceiling height of at least 6'.

**Floor Area, Gross** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including basements, interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

**Floor Area, Gross Leasable (GLA)** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**Floor Area, Minimum** The minimum floor area of a residence allowed in accordance with the zoning district in which the property is located.

**Floor Area Ratio (FAR), Total** The term floor area ratio or FAR shall be used to indicate the total floor area of all levels of all buildings (not including the basement as defined in this ordinance) permitted on a lot, expressed as a percentage ratio to the total area of the lot; i.e., an FAR of one hundred (100) percent allows a floor area equal to the total area of the lot, an FAR of fifty (50) percent allows a floor area of one-half the total area of the lot, etc. A floor area ratio of fifty (50) percent could be applied to a one-story building occupying fifty (50) percent of the lot or a two-story building occupying twenty-five (25) percent of the lot. If an overhang is in excess of 2 feet, the entire overhang shall be included in the FAR calculations.

**Floor Area Ratio (FAR), Accessory Building** The gross floor area of all levels of all accessory buildings on a lot divided by the lot area.

**Fowl (also see poultry)** domesticated birds generally raised for food which, for the purposes of this ordinance include, but are not limited to, chickens, ducks, geese, turkey, guinea fowl, and pheasants. Any other fowl not listed above will be considered on a case by case basis by the Plan Commission. All birds shall be kept confined or enclosed in a pen and not permitted to run at large in recorded subdivisions. Refer to individual zoning district regulations for the quantity of poultry/fowl allowed in each district.

**Freeboard** A factor of safety expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated, and include, but are not limited to, ice jams, debris accumulation, wave action, obstructed bridge openings, and the effects of urbanization on the hydrology of the watershed.

**Frontage** The smallest dimension of a lot abutting a street, including contiguous arc segments and tangent lengths, measured along the street line.

**Frontage Road** A minor street auxiliary to, contiguous to, and parallel to the side of an arterial or collector street affording direct and controlled vehicular access to the abutting property. For the purpose of this ordinance, a frontage road shall be considered part of the established right-of-way

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

width of the street or highway it is adjacent to and the base setback line shall be measured one half the width of the platted frontage road from the centerline of the platted frontage road.

**Fur-Bearing Animals** Animals that are specifically raised for their pelts, including, but not limited to badger, beaver, bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk, weasel, and wolf.

**Garage, Private** A building or structure designed and used primarily for the intended purpose of parking, storing or sheltering only private motor vehicles, trailers, motor homes, and other vehicles and equipment typically housed in a private garage and belonging to the residents of the premises, and which shall not be utilized for human habitation other than to access and use the items stored in the garage, unless otherwise permitted in this ordinance. Such use shall be accessory to the residential use of the property on which it is located and may be attached to or detached from the residence. The large garage type door used for primary access from the driveway shall have a functional opening of a minimum of eight (8) feet wide and a minimum of seven (7) feet in height. No equipment, parts, fuel, grease, or oil shall be sold and vehicles shall not be equipped, serviced, repaired, hired, or sold for monetary gain as a business. Carports are defined separately in this ordinance.

**Garage, Public** Any building or structure, other than a private garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold, parked, or stored for monetary gain as a business. (See *Service Establishments*)

**Grade, Established Street** The elevation of the finished street at the centerline or curb as fixed by the engineer or by such authority as shall be designated by law to determine such an elevation.

**Grade, Finished Yard** The maximum elevation at the top of the foundation or in accordance with the Major Grading Plan approved by the Town Building Inspector and the Town Engineer.

**Grading Permit, Minor** A permit processed by the building inspector for land disturbing activities which are not associated with new construction and/or additions that do not exceed disturbance greater than three thousand (3,000) square feet in area and/or thirty (30) cubic yards in aggregate. A minor grading permit is not required for farming activities such as plowing or tilling of the soil.

**Green Space** A natural or man-made land area not occupied by any structure or other impervious surface such as paved or gravel roads, driveways, surface parking, service or other areas.

**Group Home** See "*Community Living Arrangement*".

**Guesthouse** An accessory structure used principally for the short-term occupancy of guests of the owners (not a housekeeping entity), normally not exceeding two (2) weeks in duration, and shall not be leased or rented for human occupancy.

**High Groundwater Elevation** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by mottling during drier periods (see mottling).

**High Water Elevation (see Ordinary High Water Mark)**

**Highway** (also see traffic artery) A right-of-way, designated on the "Established Street and Highway Width Map" of Waukesha County, or other comprehensive system, for the principal purpose of providing vehicular thoroughfare and not necessarily affording direct access to abutting

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

property.

**Home Occupation** Any occupation, profession, activity, or other accessory use conducted entirely within the principal residence for monetary gain or financial support engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes, is located in a residential zoning district, which does not alter the exterior of the structure or property, does not become a nuisance, or affect the residential character of the neighborhood, and is in accordance with the regulations of this ordinance.

**Homeowner's Association** An organization of property owners or residents who are responsible for costs and upkeep of semi-private community facilities, and for enforcing any covenants/restrictions the Association may have adopted.

**Horticulture** The culture of growing and cultivating fruits, flowers and related plant material.

**Hospital** A state licensed institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

**Hospital, Animal** An establishment providing for medical care and treatment of animals and domestic pets, but distinguished from a kennel in that no outdoor runs shall be permitted for boarded animals and all indoor runs shall be sound proof.

**Hotel** See Motel.

**Housekeeping Entity** A housing unit where all of the amenities of bathing and sanitary facilities, eating, dining, cooking, living, sleeping, lounging, and storage are provided the person or body of persons occupying and living together as a single entity within the unit. A single family residence or a dwelling unit in a multiple family structure are deemed to be a single housekeeping entity.

**Human Habitation** The use of a building or structure for overnight living or longer periods of time, and including the aggregate of normal occupancy activities such as lounging, cooking, eating, sleeping, living, dining, bathing, sanitation, storage, etc.

**Impervious Surface** Land area and surfaces where water is unable to infiltrate into the soil. Such surfaces include, but are not limited to roadways and pathways that are paved with concrete or asphalt, roofs, patios, sidewalks, parking lots, packed or rock surfaces, and similar surfaces.

**Increase in Regional Flood Height** Means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction, coefficients and discharge.

**Industrial Park** A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, building design, and compatibility. Similar to an Office Park or a Business Park.

**Industry** Those fields of economic activity including forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary

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

services; and wholesale trade which engage in warehousing, wholesaling and distribution, processing, treatment, packaging, manufacturing, assembly, fabrication, repair and maintenance services.

**Infill** New development within an area already served by existing infrastructure and services.

**Infrastructure** Public utilities, facilities, and delivery systems such as sewers, streets, curbing, sidewalks, and other public services.

**In Law Unit** A room or suite of rooms used or occupied as a separate housekeeping entity and located in a single family dwelling occupied by persons related by blood, adoption or marriage to the family or persons occupying the single-family dwelling.

**Isolated Natural Resource Area** These areas, like primary and secondary corridors, also contain the best individual elements of the natural resource base including surface water, lakes, streams, and rivers and their associated floodlands and shorelands; woodlands, prairies, wetlands and wildlife habitat; areas of ground water discharge and recharge; wet/poorly drained/organic soils, rugged terrain and high relief topography where slopes exceed 12%; and significant geological formations and physiographic features, but are isolated from the environmental corridors by urban development or agricultural use. They provide valuable wildlife habitat, and the woodland and wetlands lend aesthetics, green space, open space, and natural diversity to an area. A description of the process the defining and delineation of Environmental Corridors and Natural Resource Areas is set forth in the Southeastern Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2 and is incorporated herein by reference. Such areas are usually delineated on adopted land use plans, comprehensive plans, or park and open space plans produced for use by the Town of Lisbon in order to preserve these natural open spaces.

**Junk** Includes, but is not limited to, garbage, waste, refuse, trash, tires, scrap materials such as metal, lumber, furniture, paper, cans, bottles, motor vehicle parts, or similar articles, and any motor vehicle or trailer which is unlicensed, inoperable, abandoned, disassembled, disabled, junked, or wrecked.

**Jurisdiction** The area subject to the legislative control of the Town of Lisbon Town Plan Commission and/or Town Board, or other governmental entities.

**Kennel, Commercial (see Animal Boarding Place)** An establishment, structure, land, or premises where dogs or other household/domestic pets are raised and sold, bred, kept, hired out, cared for, remunerated, shown, boarded for any length of time, trained or groomed for commercial purposes. The raising and selling of three (3) or more litters of dogs from any number of adult dogs per year shall constitute a commercial kennel. This definition includes “doggy day care”, dog rescue, pet sitting businesses, and similar operations.

**Kennel, Hobby** A non-commercial establishment, structure, premises or pursuit accessory to the principal use of the property where six (6) or more dogs or other household pets of six (6) or more months of age are kept by the owner for such personal purposes as pets, field trials, shows hunting, or hobby. The occasional raising of not more than two (2) litters of dogs or other household pets per year on a premises and the sale or disposal of said dogs or other household pets within six (6) months of their birth shall also be considered a hobby kennel. Any North American wildlife kept on the property also requires a captive wildlife permit from the WDNR.

**Kitchen** means an area used, or designed to be used, for the preparation of food.

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

**Lake, Navigable** Under Wisconsin law, includes all natural inland bodies of water of any size that are capable of floating any boat, skiff or canoe of the shallowest draft used for recreational purposes.

**Land Altering Activity/Disturbance** Any man-made alteration or disturbance of the land surface resulting in a change in the topography, removing existing vegetative cover or non-vegetative soil cover which changes the land surface, cutting of trees which changes the land surface, excavating, demolition, clearing and grubbing, soil removal, filling, grading, dredging, pit trench dewatering, and/or channel improvements in excess of three thousand (3,000) square feet in area and/or thirty (30) cubic yards in aggregate of disturbance, that may result in runoff and lead to an increase in soil erosion and may move sediment into water bodies. Agricultural land uses such as plowing, tilling, planting, growing, cultivating and harvesting of crops, growing and tending of gardens and harvesting of trees, and tree nurseries are not included in the above definition.

**Landfill (also see Refuse Disposal Site)** a disposal facility for solid wastes.

**Landing Area, Private** An area for landing aircraft which has been constructed by a person for private use and which is not open to the general public.

**Land Use Plan/Comprehensive Development Plan** A plan prepared in accordance with state statute that provides goals, a general idea of the future use of the land, and land use designations in the form of a map, to provide for public health, safety, and general welfare. Also includes any Comprehensive Development Plan adopted by the Town of Lisbon.

**Light Industry** Research and development activities, processing, manufacturing, fabrication, assembly, packaging, and storage of goods and materials for sale and distribution from predominantly previously prepared materials, where such activities are conducted wholly within an enclosed building and which does not create an objectionable amount of noise, dust, soot, dirt, odor, smoke, glare or vibration outside said building.

**Livestock** Farm animals which are typically kept for breeding, production of agricultural products, sale or pleasure, including, but not limited to, cattle, bovine, emus, ostriches, llamas, alpaca, pigs, swine, hogs, sows, horses, donkeys, mules, cows, sheep, goats, and bison.

**Livestock Equivalent** a unit of measure of livestock used in this ordinance as follows: one livestock equivalent includes, but is not limited to, one bison, one buffalo, one horse, one bovine, one steer, one cow, two ponies less than fourteen and one-half hands in height at the highest point of the withers (which is approximately 56.8 inches or 4.73 feet) or they are considered a horse, one mule, two ostriches, two emus, two llamas, two alpacas, two miniature horses, two donkeys, two burros, four sheep, four goats, or four pigmy goats. Any animal not listed will be considered on a case by case basis by the Plan Commission. Refer to individual zoning district regulations for the quantity of animals allowed in each district. It should be noted swine, pigs, hogs, sows, male goats, fur-bearing animals, and household pets are regulated separately in this ordinance.

**Limited Family Business** see service oriented business.

**Loft** means an upper room or floor that has a portion of the common wall open to the floor below. A loft may have an open guardrail for safety purposes, but not a window or half-wall guardrail, and for the purpose of this ordinance is considered a habitable room.

**Lot** A parcel of contiguous land with described boundaries and abutting or having access via an approved easement to a street or other approved way, and exclusive of any land lying in public rights-of-way, mil tax roads, public streams or other public water body. Where such streams or

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

public rights-of-way divide a single described parcel into two (2) or more parts, such severed portions shall be considered separate individual lots if such separate parcels individually meet the use regulations, building location, width, and area regulations of the zoning district in which they are located. Where such separate parcels do not meet those requirements and have been described as a single parcel of record, together such severed portions shall be considered to be a single lot for regulatory purposes under the provisions of this ordinance, and such severed areas shall constitute a single lot for computation of area regulations and other locational provisions of this ordinance.

**Lot Area** The area of a lot as defined herein bounded by lot lines exclusive of land provided for public rights-of-way, mill tax roads, public streams or other public bodies of water.

**Lot, Corner** A lot abutting and fronting on two (2) or more streets at an intersection.

**Lot Coverage** That portion of the lot that is covered by buildings, structures, surfaced pavement, driveways, parking areas, loading areas, paving, and all other covering materials and improvements on the ground surface which are impervious to surface absorption.

**Lot Depth** The average horizontal distance measured between the base setback line and the opposing rear lines of the lot or, in the case of a lot not abutting a public road, between the front lot line and the opposing rear lot line.

**Lot, Flag** A lot that has less frontage on a public road than is required by the zoning ordinance. The “flagpole” is the narrow access corridor from the road to the “flag” portion of the lot, which is generally located behind lots that have the required amount of public road frontage.

**Lot Coverage** A measure of intensity of use of the land that represents the area of a site that is impervious (i.e., does not absorb water), as expressed as a percentage of the lot’s net area. This area includes, but is not limited to, all areas covered by buildings structures, driveways, roads, sidewalks, and any other area of concrete, cement, asphalt, pavement, or other impervious surface.

**Lot Frontage** The front of a lot shall be that boundary of a lot along a street.

**Lot Lines** The lines of record bounding a lot as defined herein which divides one lot from another lot, or from a public or private street, or any other public space.

**Lot, Legal Nonconforming (also referred to as a Substandard Lot)** Any lawfully created lot or parcel that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or any subsequent amendment thereto.

**Lot Line, Shore** The abutting ordinary high water mark of navigable waters.

**Lot Line, Side** Any lot line that is not the base setback line or shore lot line that separates adjoining lots, except that on a corner lot, a side lot line may be a base setback line.

**Lot of Record** A platted lot or lot described in a Certified Survey Map, which has been approved by the Town and has been recorded in the office of the Waukesha County Register of Deeds, or a metes and bounds description of a lot which has been recorded in the Waukesha County Register of Deeds Office prior to the adoption of this original Ordinance (July 14, 1958), or a lot allowed, created, and approved in accordance with the Town Zoning Ordinance and Subdivision Control Ordinance.

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

**Lot Width, Minimum Average** The average between the minimum and maximum distance as measured on a lot between the side lot lines, and perpendicular to the centerline of the lot. A lot shall be at least as wide as the specified minimum average width for a distance of at least one-half the length of the lot.

**Manufactured Home (see Modular Home)**

**Manufacturing** The mechanical or chemical transformation of raw materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors. (Processing on farms is not classified as manufacturing if the raw material is grown on the farm. The manufacturing is accessory to the major use of farming). For the purposes of use in this code, manufacturing shall not include heavy industrial uses such as tanneries, meatpacking, foundries, hazardous waste recycling, chemical production, petrochemical industries, rubber refining, primary metal, and/or related industries.

**Marina** A tract of land contiguous to a body of water and including any piers, wharves, or docks extending into the water and below the ordinary high water mark, and/or any structures upon that tract of land, where the commercial mooring or berthing at docks or buoys (dry or wet), maintenance, repair, storage, launching, refueling, or selling of boats and/or accessories for private boats takes place. For purposes of this ordinance, the word commercial describing marina activities occurring at piers, docks, or wharves such as mooring, dockage, or repair, is the act of receiving remuneration, either in monetary payments, or other services or privileges, and where the use of the property or water is purchased by persons other than the riparian owner or not more than the unrelated four (4) persons, defined herein by the word “family”, who dwell on the parcel.

**Minor Land Division (also see Certified Survey Map)** A division of land within the jurisdiction of this Ordinance other than a subdivision, or otherwise exempted by law, shall constitute a minor land division and shall be subject to the provisions of this Ordinance and the subdivision control ordinance of the town. Remnant parcels resulting from the division of land shall be included in the minor land division.

**Minor structures** Any small, moveable accessory erection or construction such as pet houses, play equipment, play houses, flag poles, mailboxes, basketball hoops, satellite dishes 18 inches or less in diameter, or small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, temporary fencing, bird feeders, bird houses, and birdbaths. A wall less than 18 inches in height (cumulative) shall also be considered a minor structure (garden wall). None of these items are regulated herein.

**Mobile Home (also called single or double wide units or mobile home trailers)** A structure or vehicle which is used, titled, and registered as a residential dwelling for living quarters, and contains sleeping accommodations, furniture, a flush toilet, a tub or shower bath, kitchen facilities and appliances, heat and other complete year round facilities, and plumbing and electrical connections for attachment to outside systems; and is designed for transportation after fabrication on streets or highways on wheels and arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, construction of the permanent foundation, connections to utilities, and the like. A mobile home is not considered a recreational vehicle as defined herein, and is not used for camping, touring, or other recreational purposes.

**Mobile Home Park (also see trailer camp)** Any plot or plots of ground upon which two (2) or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a

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

charge is made for the accommodation (per 2001-2002 Wisconsin Statutes Section 66.0435(e)).

**Modular Home (also called manufactured or pre-fabricated/pre-cut homes)** A principal structure which is partially pre-assembled at a manufacturing plant and placed together or permanently erected on a lot or parcel as a dwelling unit, either with or without a foundation, and meeting the requirements of all applicable state and local building codes.

**Motel (also Hotel)** A building or series of buildings, with or without the availability of conference rooms, recreational facilities, or meals being served in a restaurant associated with the facility, in which short term lodging (not a housekeeping entity) normally not exceeding two (2) weeks in duration, is offered for the traveling public for compensation and which may have more than five (5) individual sleeping rooms, or grouping of rooms (or a suite), or units, and toilet and bathing facilities for the purpose of overnight sleeping, and which is distinguished from a hotel primarily by reason of providing direct independent access to each room and adjoining parking for each room or unit. Some facilities may provide longer term housing (normally more than two (2) weeks) to persons or groups of persons as a “residence inn” and such uses are thus considered apartments with each unit serving as a single housekeeping entity having cooking facilities in each unit.

**Motor Vehicle** means any automobile, car, truck, trailer, tractor, bus, vehicle, or other conveyance that is self-propelled by an internal combustion engine or motor, and for the purposes of this ordinance shall include, but not be limited to, automobiles, cars, trucks, buses, recreational vehicles as defined in this ordinance, motorized farm equipment, mobile machinery and equipment, motorcycles, snow removal equipment and vehicles, and lawn mowing equipment and vehicles.

**Mottling** A mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled yielding a multicolored effect.

**National Flood Insurance Program** A program administered by FEMA that makes federally backed flood insurance available in communities that adopt and enforce floodplain management ordinances to reduce future flood damage.

**Natural Resources Conservation Service (NRCS formerly the Soil Conservation Service SCS)**  
An agency of the USDA that helps to conserve, improve, and sustain natural resources and the environment.

**Navigable Waters** Those intermittent and perennial rivers, streams, ponds, natural inland lakes, sloughs, flowages and other waters shown on the U.S.G.S. Topographic Quadrangle 7.5 minutes series maps of Waukesha County (and as periodically updated) and those stream reaches shown on the large scale topographic mapping control survey project for Waukesha County conducted under Section 87.31 Wisconsin Statutes. Any water is considered navigable in fact if it meets the test outlined in state laws. Determinations of navigability are ultimately field determinations made by the WDNR and map delineations are merely the best representation of navigable conditions at any particular time. This definition also includes water bodies such as bays, springs, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface waters or ground waters, natural or artificial, public or private and within the State’s jurisdiction in accordance with State law.

**Navigational Structures** Those man-made objects constructed adjacent to or within floodlands and/or shorelands for the purpose of aiding navigation.

**Necessary Backfill** – Material placed immediately adjacent to a new building/or building addition for the purpose of covering planned sub-surface walls and foundations. Includes material to support access to the building such as, driveways, sidewalks, steps and stoops if located within 30 feet of the

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

foundation.

**Nuisance** An unreasonable occurrence for such length of time as to interfere with the comfort, enjoyment, and use of one's property, that may endanger personal or public health or safety, or is offensive to the senses.

**Occupancy Permit** A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

**Office** A room or group of rooms in a building used for conducting the affairs of a business, profession, service, industry, or government.

**Office Park** A project owned, developed, and managed by a single owner or a group of owners acting jointly, similar to a Business Park or an Industrial Park, with the primary establishments being a related group of offices such as: corporate, medical, financial, insurance and real estate. The development considers items such as circulation, parking, utilities and compatibility.

The land encompassed by this type of park is usually sub-divided and developed in accordance with a development agreement. The term "park" signifies an area developed as a coordinated entity with similar building facades, extensive landscaping, common parking and access drives, and unified site design.

**Official Map** The map indicating the location and size of existing and proposed streets, highways, pathways, parks, and playgrounds as adopted and amended by the Town of Lisbon.

**Offset** The horizontal distance measured from the side or rear lot line, not along a street, to any roofed or enclosed portion of a building, and including roof overhangs.

**Open Space** Land area (absent of buildings) used for active or passive recreational purposes, agriculture, environmental resource protection, amenity, and/or buffers. Open space may contain limited impervious surfaces in conjunction with the recreational uses or amenities.

**Open Space, Common** Lands which are open space and owned in common by individuals within a development, or land trusts, or other private conservation organizations, if access is available to the public, and as may be agreed to in the approval of the development by either the town plan commission or the zoning administrator. Examples are squares, greens, parks, or greenways.

**Open Space, Public** Lands that are open space, dedicated and owned by a public entity, such as a town, city, village, county or other public entity, and used for a public purpose.

**Ordinary High Water Mark (also High Water Elevation)** The average annual high water level of a pond, stream, lake flowage, or wetland referenced to an established datum plane or, where such elevation is not available, the elevation of the line on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, change in or destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics (topographic, geologic, vegetative, etc.). Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

**Owner/Owners** the person, persons, firm, company, corporation, or entity having record fee title to a property, or a legal or equitable interest in a property.

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

**Outdoor/Indoor Recreational Facilities** Land and structures, along with accessory equipment, designed and utilized for leisure time activities of either an outdoor or indoor nature, and generally having a specific purpose such as tennis courts, swimming pools, basketball or racquetball courts, ice arenas, etc., and further classified as follows:

- |                               |  |
|-------------------------------|--|
| Public:                       | Facilities owned and operated by a governmental agency for limited or general public use.  |
| Private Commercial:           | Facilities owned and operated by an individual, group, or corporation for profit as a business whether or not opened to general public use.    |
| Private Non-Commercial Group: | Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business. |

Passive park-like open areas are not included in this definition.

**Outdoor/Outside Storage** The keeping, in an unroofed and unenclosed area (e.g., not in a building or structure), of any goods, salvageable material, merchandise, vehicles, or similar items. Outside storage in Business and Industrial zoning districts must be screened and/or landscaped to the satisfaction of the Town Plan Commission.

**Overhang** That portion of a roof over a structure and designated as an integral part of the structure, which extends from the outer wall of the structure to the eave. Rain gutters are not included or considered part of the overhang.

**Overlay Zoning District** An overlay area with additional zoning requirements that may modify the basic zoning requirements of the underlying zoning district.

**Parcel** A lot or tract of land.

**Parking Space, Off-Street** A usable off-street area with independent access to a public street and designated for the parking of motor vehicles.

**Parking Area** Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

**Patio** A structure characterized by a flat, open, horizontal surface or platform usually constructed of concrete, brick, wood, or other natural or man-made materials, which is located on the surface of the ground or at the average grade of the existing ground surface.

**Permitted Use** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Personal Use Vehicle** Use and operation of a privately titled vehicle not directly associated with the conduct of business. Business services would include, but are not limited to, taxi, limousine, courier, etc.

**Pet, Household** Generally small, domesticated animals that are customarily kept for company or enjoyment within the residence or in the yard. Household pets shall include, but not be limited to, dogs, cats, fish, turtles, snakes, lizards, birds and certain other fowl, rabbits, gerbils, hamsters, mice, ferrets, and certain rodents.

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

**Planned Unit Development (PUD)** is a development strategy, process or procedure that requires conditional use approval whereby a parcel of land is developed for a specific use in such a way as to provide specific benefits to the community (for example more efficient provision of public services such as roads and utilities), as well as the developer and future citizens who will reside with the development, and where the normal application of standards and requirements, primarily the lot sizes, are made more flexible, and which shall contain substantial amounts of common open space for aesthetics (rural character), natural resource or sensitive area preservation/protection (steep slopes, wetlands, floodplains, environmental corridors, etc.), or recreational purposes usually by clustering the lots (refer to Figure 1). For the purposes of this ordinance, a conservation subdivision shall be an interchangeable term with planned unit development and clustering. Owners of each lot may also own the building on the lot, or the development may be a condominium form of ownership.

**Planned Unit Development, Mixed** A Planned Unit Development that is a mixture of retail, service uses, industrial uses and/or residential uses. Buildings associated with open space and recreational uses, whether public or private, shall be considered part of the open space use.

**Plan Commission** (also Town Plan Commission) A body officially established under Section 62.23 of the Wisconsin State Statutes, and charged with the duties contained therein.

**Planting Screen** An area landscaped with natural growing plant material sufficiently dense and of adequate height at the time of planting so as to effectively screen from vision the object it is intended to hide from view.

**Plat, Assessors** Plats developed in accordance with Section 70.27, Wisconsin Statutes.

**Plat, Condominium** A development proposal prepared under Chapter 703, Wisconsin Statutes which shall be reviewed in the same manner as a preliminary plat and a final plat in accordance with this ordinance and the Town of Lisbon Subdivision Control Ordinance.

**Plat, Final Subdivision** A map or plan of a parcel of land showing such data as the location, boundaries, dimensions, bearings, lot or unit location and designation, and ownership of individual properties in accordance with Chapters 236 and 703 of the Wisconsin State Statutes.

**Plat, Preliminary Subdivision** A map showing the salient features of a proposed subdivision in accordance with Chapter 236 of the Wisconsin State Statutes and/or local land division ordinances and submitted to an approving authority for purposes of preliminary consideration.

**Plat, Recordation of** The filing of the original of the final plat with the Register of Deeds.

**Plat of Survey** A scaled map of a parcel or several parcels, drafted, signed, dated, and sealed by a Registered Land Surveyor, showing the location, dimensions, and boundaries of the land; the location and dimensions of all of the existing and proposed buildings on lot and those within 50 feet of the lot; the location and centerline of all of the abutting streets; the ordinary high water mark of any water body which lot abuts; the location of the existing and proposed wells and septic systems on lot and within 50 feet of the lot; the floor elevation of the proposed new buildings; and the location of percolation tests and soil borings for new buildings.

**Pole Building** A nonresidential structure, typically with metal clad sides and roof, utilizing wooden poles (without concrete or masonry support) and wooden trusses for the main structural support for the roof and walls, with an unfinished and uninsulated interior, used for agricultural or general storage purposes, and not intended for human habitation.

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

**Porch/Stoop** An unenclosed exterior structure and functional element of the ingress/egress of a principal structure at or near grade and attached or adjacent to the exterior wall of a building allowing for easy and convenient passage between the exterior and interior of said structure. For the purposes of regulation in this ordinance a stoop is considered to be twenty (20) square feet or less whereas a porch exceeds twenty (20) square feet in area. A porch/stoop may or may not be covered or roofed.

**Poultry (also see fowl)** Domestic fowl and birds, such as chickens, ducks, geese, pheasants, and turkeys normally raised on a farm for eggs or meat or as pets (but regulated herein as poultry and not as household pets). Any other fowl and birds not listed above will be considered on a case by case basis by the Plan Commission. All poultry/fowl shall be kept confined or enclosed in a pen and not permitted to run at large in recorded subdivisions. Refer to individual zoning district regulations for the quantity of poultry/fowl allowed in each district.

**Poultry Enclosure** A structure that houses fowl and poultry as defined in this ordinance. Poultry enclosures are subject to the setback, offset and height regulations of an accessory building within the zoning district in which they are located.

**Poultry Houses** See “*Accessory Building*” for Poultry Houses on lots less than ten (10) acres in size.

**Practical Difficulty** That circumstance where special conditions affect a particular property and make strict compliance with the dimensional standards of the ordinance governing area, setbacks, offsets, width, density, frontage, height or floor area ratio unreasonable and prevent a property from being utilized for a permitted purpose in conformance with the use regulations of the zoning district in which the property is located or would render conformity with such standards unnecessarily burdensome.

**Principal Use** See “*Use, Principal*”.

**Professional Office** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other similar recognized profession.

**Public Improvements (Infrastructure)** Any part of the infrastructure such as storm water or drainage structures, central water system, central sewerage disposal systems, bridges, streets, sidewalks, utilities, and similar improvements.

**Public Utility** Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, communication, cable television, transportation, or water.

**Public Water and Sewerage Systems** A water or sewerage system owned and operated by the Town, or a system owned and operated by a private individual or a corporation approved by the Town Board and the Wisconsin Department of Natural Resources.

**Pyramiding** The prohibited act of obtaining or providing access to public bodies of water across private lots or lands in a manner that increases the number of families that have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel backlot development from offshore lots or residences via a narrow parcel of land to provide access to the water. Publicly owned access points shall not fall within this definition.

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

**Quarrying** (also sand and gravel pits) The removal of rock, slate, gravel, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling, or any other process.

**Reach** A longitudinal segment of a stream generally including those floodlands wherein flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

**Receiving Land** The tract of land to which the additional dwelling unit development potential is added when utilizing the AD-10 or RD-5 zoning districts.

**Recreational Facility, Area, Club, Center, or Resort** Any indoor or outdoor establishment that provides entertainment activities for people. If the facility is operated as a business where tickets are sold or fees are collected, and is open to the general public, the facility is commercial in nature. If the facility is not open to the general public, and only membership dues are charged, the facility is considered private and noncommercial in nature.

**Recreational Vehicle** Recreational vehicles are vehicles and shall include, but are not limited to, the following: boats, jet skis, travel trailers, motor homes, camping trailers, boat/snowmobile/other recreational vehicle trailers, snowmobiles, all terrain or off-road vehicles, motorized three/four-wheelers (ATVs), mini-bikes, and converted or chopped vans. This definition does not include mobile homes as defined in this ordinance.

**Refuse Disposal Site (also see Landfill)** A tract of land operated by a public or private agent, subject to restrictions of use and under supervision and where more than one (1) family may take all types of refuse, including organic and inorganic wastes (but excluding human excreta, sewage, and/or other liquid wastes) for compacting and burial by sanitary land fill methods. Hard or clean fill operations involving materials such as sand, dirt, gravel, concrete, stone, brick, or other forms of clean fill material shall not constitute refuse disposal sites for the purposes of this ordinance.

**Regional Flood (also 100-year floodplain)** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the Flood Insurance Rate Map, the regional flood elevation is equivalent to the base flood elevation. A regional flood may also be determined by other studies approved by the WDNR.

**Remnant** Any land contiguous to, but not included in, the proposed division or development under the control of the owner.

**Repair** means the act or process of fixing a building or structure to original soundness including redecorating, refinishing, nonstructural repairs or maintenance, replacement of existing fixtures, systems, or equipment with the equivalent fixture, system, or equipment.

**Replat** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, Certified Survey Map, or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

**Research Laboratory** An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

**Restaurant** A commercial establishment including any building, room, or place wherein food and drink is prepared, served, sold, and/or consumed by transients or the general public, primarily within the principal building and in accordance with the State Health Code, and all

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

places used in connection therewith. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter shall not constitute such taverns to be restaurants. The term restaurant does not apply to churches, religious, fraternal, youth, or patriotic organizations, service clubs, or civic organizations which occasionally prepare or serve or sell meals or lunches to transients or the general public, nor shall it include any private individual selling foods from a movable or temporary stand at public farm sales, vending machines, or concession stands. This definition includes, but is not limited to, sit down, drive thru, carry-out, drive in, delivery, and fast food type restaurants. Refer to Section 254.61 (5) Wisconsin Statutes for additional detail.

**Retail Trade** Establishments engaged in selling goods or merchandise for personal, business, or household consumption, and rendering services incidental to the sale of such goods.

**Retaining Wall** A structure more than 18 inches in height from existing grade, or a combination or series of multiple structures more than 24 inches in height from existing grade, constructed of man-made or natural materials for the purpose of retaining land or stone and resisting the lateral pressure of the land or stone. Retaining walls are regulated herein.

**Rezoning** An amendment to a zoning map or zoning ordinance that changes the zoning district designation or the text of the ordinance.

**Right-of-Way** An area or strip of land, either public or private, occupied or intended to be occupied by a street, road, alley, sidewalk, path, parkway, cross-walk, walkway, railroad, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, utility line, and/or other special or similar uses or access. The rights to utilize such right-of-way are generally part of a recorded document.

**Riparian Area** The shore area adjacent to a body of water.

**Road** (also see street) A public or private right-of-way usually affording primary access to abutting property for street traffic.

**Roadside Stand** A building or structure no more than 500 square feet in size used or intended to be used solely by the owner or tenant of the property on which such building or structure is located for the display and retail sale of agricultural products, excluding livestock, grown and raised on the property where said stand is located.

**Rural Character** The combination of natural and man-made features that portray the traditional form and preserve the traditional function of the rural landscape. In the Town of Lisbon, rural character is manifested in a backdrop of woodlands and fields, natural features such as creeks, floodplains, wetlands, environmental corridors, and glacial topography, and structures such as farm buildings, churches and homes. These physical features support traditional rural activities such as farming, extractive uses, and outdoor recreation that have been practiced for generations in the Town. Homes in rural areas are either scattered at low densities or clustered together in small communities surrounded by open space.

**Salvage Yard** Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, handling, purchase, sale, exchange, or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, glass, plastic, rubber, materials, tires, tools, cordage, machinery and appliances, furniture and bedding, motor vehicles or parts thereof, or other work materials or waste.

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

**Sand or Gravel Pits** See quarrying.

**Self Service (mini-warehouse) Storage** A building, or portion thereof, or a building designed with self-contained units, which is leased by the owner for personal storage. No business activity is allowed within the units or on the property.

**Service Drive** A private vehicular ingress/egress, other than the main entrance driveway, established for the benefit of the business or industry occupying the property that is generally used for loading/unloading, waste disposal trucks, delivery trucks, and the like. The area of the driveway is included in the area of the lot as calculated in accordance with the terms of this ordinance, and there are no setbacks or offsets required from the driveway itself.

**Service Oriented Business (Limited Family Business)** A small, home occupation type business operated by a family or family member where personal business services are performed or assistance is given (as opposed to products) involving predominantly professional operations.

**Service Establishments** Establishments primarily used for providing services for individuals, business and government entities and other organizations; including hotels and other lodging places; establishments providing personal business, repair and amusement (not including adult-oriented establishments) services; health, legal, engineering, and other professional services; educational institutions; membership organizations; and other miscellaneous services.

**Service Station** A place where petroleum products (stored in underground tanks) for the operation of motor vehicles are offered for sale directly to the public. Light maintenance of motor vehicles, incidental washing, the sale of minor accessories, a convenience store, and a restaurant (generally fast food) are also characteristic of some service stations.

**Services, Retail** Services or entertainment, as opposed to products, provided to the public, including but not limited to, eating and drinking places, hotels and motels, finance, real estate, insurance, personal services (not including adult-oriented establishments), motion pictures, amusement (not including adult-oriented establishments) and recreation services, health and educational services, museums, and galleries.

**Setback, Road** The horizontal distance between the base setback line and the closest point of a principal or accessory structure or building.

**Setback, Shore (also see floodplain setback and conservancy/wetland setback)** The horizontal distance between the closest point of a structure or building and the ordinary high water mark of navigable water.

**Shoreland(s) (also Shoreland area)** Those lands lying under, abutting and close to navigable water and within the following area: One thousand (1,000) feet from the ordinary high water mark of navigable lakes, ponds or flowages as listed in the Wisconsin Department of Natural Resources publication entitled "Surface Water Resources of Waukesha County" or as indicated as bodies of water on the U.S.G.S seven and one-half-minute quadrangle maps and as specifically noted on the Shoreland and Floodland Protection Zoning Maps of Waukesha County; three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain (as defined herein) whichever is greater. Rivers and streams shall be presumed to be navigable if they are designated as perennial or intermittent waterways on the seven and one-half-minute series U.S.G.S. quadrangle surveys. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, USDA County Soil Survey maps, topographic maps and other existing floodplain zoning maps may all be used in making a determination of floodland and/or shoreland

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

delineation and said shoreland and floodlands have also been delineated on the zoning map which is hereinafter referred to and adopted as part of this ordinance. The purpose of the Shoreland and Floodland Overlay District is to encompass all shoreland and floodland areas in the Town of Lisbon.

**Shoreland and Floodland Overlay District** An overlay zoning district containing the shorelands and floodlands as defined herein.

**Shoreland Wetlands (also Conservancy/Wetlands, Wetland)** Those wetland areas that lie within the shoreland and floodland jurisdiction of this ordinance and that have been designated as such on the Final Wisconsin Wetlands Inventory Maps for Waukesha County prepared by the Wisconsin Department of Natural Resources. Wetlands are generally typified by site conditions where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**Shorelines** The intersection of the land surfaces abutting lakes, ponds, streams, flowages, and wetlands with the ordinary high water mark.

**Sign** Any structure or device that draws attention to, conveys or displays visual advertising, messages, directions, invitations, announcements, or information in the form of lettering, logos, colors, lights, pictures, symbols, illuminated neon tubes, or other media, and the supporting structure either on the lot or on any other premises.

**Sign, Abandoned** A sign that no longer advertises a bonafide business, product, owner, lesser, or activity, or a sign for which the required fees have not been paid, or a sign that has not been maintained and is determined to be hazardous.

**Sign, Awning** A sign painted, stamped, perforated, stitched or otherwise applied on the valance of an awning.

**Sign, Banner** A sign intended to be hung either with or without a frame, and which possesses characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric or other similar material.

**Sign, Billboard (also Off-Premise Sign)** A sign that identifies, advertises or communicates a message related to a property, person, activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Sign, Bulletin Board** A sign located on the premises of a charitable, religious, educational, institutional, or public body for the purposes of announcing events held on the premises. For the purpose of this ordinance, the Town of Lisbon's official bulletin boards may be located off-site.

**Sign, Canopy** A sign that is attached to, or made of, an awning, canopy, or other fabric, plastic, or structural protective cover located over a door, entrance, window, or outdoor service or recreation area.

**Sign, Changeable Message (also Electronic Message Board)** A sign such as a manual, electronic or electric controlled sign, message center, or reader board, where the copy or message can be electronically programmed and modified.

**Sign, Construction** A sign identifying individuals, companies, or agencies involved in the design, construction, wrecking, financing, or development of a building/lot, and/or identifying the future use of a building/lot.

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

**Sign, Directional** A sign that directs the public to an establishment or organization off of the main traveled way, and/or a sign used solely to indicate driveway ingress and egress, and both of which contain no advertising material. A directional sign may be on premise or off premise.

**Sign, Directory** A sign that indicates the names of the occupants/tenants located on the premises.

**Sign, Double-Sided/Faced** A sign with copy on two parallel faces that are back-to-back and facing in opposite directions.

**Sign, Flashing** A sign whose illumination flashes on and off in a blinking manner with varying light intensity, color, direction, animation, wording, text, or that shows motion, the illusion of motion, or revolves creating the illusion of turning on and off. Illuminated signs that indicate the date, time and/or temperature are not considered flashing signs for the purpose of this ordinance if the remainder of the sign is kept at a constant intensity.

**Sign, Free Standing** A sign self-supported by one or more upright poles, columns, or braces placed in, upon or below the ground surface and not attached to any building or structure.

**Sign, Ground** A sign erected on the ground or on one or more freestanding supports or uprights on or attached to the ground and not attached to any building.

**Sign, Illuminated** A sign illuminated in any manner by an artificial light source, whether internal or external, whose primary purpose is to display or draw attention to said sign. For the purpose of this ordinance, illuminated signs include neon or other gas tube signs.

**Sign, Marquee/Arcade** A sign attached to, painted on, or supported by a marquee that has its copy manually changed to reflect changes on the premises.

**Sign, Off-Premise (see Billboard Sign)**

**Sign, On-Premise** A sign that identifies, advertises or communicates a message related to a property, person, activity conducted, a service rendered, or a commodity sold at the same location where the sign is located.

**Sign, Portable** A sign not permanently affixed to the ground, a building, or other structure, and which may be moved from place to place.

**Sign, Projecting** A sign, other than a wall sign as defined in this ordinance, that is attached to and projects from an exterior wall or face of a building or structure, and is normally double-faced.

**Sign, Real Estate** A sign that is used to offer for sale, lease, or rent, the premises upon which such sign is placed.

**Sign, Roof** A sign which is located on, against, or projects directly above a roof or roof eave, or on top or above the parapet or on a functional architectural appendage above the roof or roof eave, or which is painted on or fastened to a roof.

**Sign, Subdivision Entrance** A sign identifying the name of the subdivision at one or more of the entrances to the subdivision.

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

**Sign, Temporary** An informational sign, display, banner or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended to be used only for a limited period of time as determined by the Town. For the purpose of this ordinance this includes decorative holiday displays, public demonstrations, and the like.

**Sign, Wall – Exterior** A sign painted directly on, or attached to, the exterior wall of a building, and parallel to the face of the building and supported throughout its length by the building.

**Sign, Wall – Interior** A sign or display attached to the interior wall of a building the purpose of which is to be readable from the exterior of building.

**Sign, Warning** A sign that is devoid of advertising material, whose sole purpose is to warn the public of the existence of, or potential for, danger.

**Sign, Window** A sign attached to, or painted, stenciled, or placed on, a window or door of a building that is intended for viewing from the exterior of the building.

**Silviculture (also Sustained Yield Forestry/Managed Forest Lands)** The practice of establishing, tending to, and reproducing forest stands of desired characteristics based on knowledge of species characteristics and environmental requirements. As part of this use public access for hunting, fishing, hiking, cross-country skiing, and sightseeing may be beneficial to the community and worth considering as providing good stewardship of the lands.

**Site Plan** A plan, drawn to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, access, parking, landscaping, utilities, and other site development features and improvements of a specific parcel of land as required by this ordinance.

**Special Exception** A special or unique situation or conditions, excluding a change in use or a use prohibited in a zoning district, which may be authorized by the board of appeals and is specifically set forth in the ordinance as a special exception and which may justify the waiver of the regulations applicable thereto and does not necessarily require the demonstration of an unnecessary hardship or practical difficulty. In making its determination, the Board of Appeals shall consider whether the proposed special exception would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this ordinance, as the board of appeals may deem necessary for the protection of adjacent properties and the public interest and welfare. The granting of a special exception shall not adversely affect adjacent property owners.

**Specified Anatomical Areas** means:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if opaquely covered.

**Specified Sexual Activities** means and includes any of the following, simulated or actual:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or

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

female breasts;

- B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, anilingus.
- C. Showing of human genitals in a state of sexual stimulation or arousal.
- D. Excretory functions during a live performance, display or dance of any type.

**Stable** An accessory building for housing livestock.

**Stable, Commercial Boarding** A tract of land, premises, establishment, building, or structure where horses or other livestock are kept for remuneration, hire, riding, show, training, grooming, boarding, sale, breeding, or are raised or used for commercial purposes.

**Stable, Private** A tract of land or structure where horses or other livestock are kept for personal use by the property owner or occupant of the principal residential structure on the property and not for remuneration, hire, commercial boarding, or sale.

**Stable, Riding** Any structure or land, or any combination of either, used, designed, or arranged for the commercial maintenance or rental of horses, mules, ponies, donkeys, or similar livestock either with or without a bridle path or riding area, but exclusive of livestock used exclusively for agricultural purposes.

**Stabilized** means actions taken at a site to minimize erosion by mulching and seeding, sodding, landscaping, placing concrete or gravel, or other proven techniques to prevent soil loss.

**Storm Water Management** The reduction of the quantity of runoff and pollutants generated at a development site. Storm water management facilities such as detention or retention areas can store storm water for infiltration or controlled dispersement.

**Story** That portion of a building, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

**Streambank and Shoreline Stabilization Structures (SSSS) (formerly known as rip rap seawalls)** Mechanical erosion and sediment control structures, devices, or landscaping practices which afford protection measures to stream banks and lake shorelines from the adverse effect of wind, waves, and water, and which abate the depletion of the soil and land area adjacent to the water (i.e., rock riprap). These structures require permits as well as DNR approval.

**Street** (also see road) A public or private right-of-way usually affording primary access to abutting property or to other streets other than an alley for street traffic and pedestrian access.

**Street, Arterial** A major street used, or intended to be used, primarily for large volumes of fast or heavy through traffic, such as freeways, expressways, highways, and parkways in order to connect or separate developed areas.

**Street, Collector** A street used, or intended to be used, to carry a moderate volume of traffic from minor streets to the arterial streets, or from arterial streets to arterial streets.

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

**Street Dedication** The designation by plat, certified survey map, or written deed of a certain area to be used for public street purposes. A dedication transfers title of the dedicated area from the private landowner to the public domain.

**Street Line** A dividing line between a lot, tract, or parcel of land and a contiguous street.

**Street, Minor** Any other street not deemed a collector or arterial street and used, or intended to be used, primarily for access to abutting properties.

**Street (Road) Reservation** The designation by plat, certified survey map, or written deed of a certain area reserved for possible future public street purposes. A reservation does not transfer title of the reserved area to the public domain unless the Town Board accepts the area for public street purposes by resolution.

**Street Width, Established** The total width of the strip of land dedicated or reserved for public travel, including but not limited to roadway, ditches, curbs, gutters, sidewalks and planting strips. The established street width is designated on the “Established Street and Highway Width Map of Waukesha County” adopted by the Town Board.

**Structural Alterations** Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

**Structural Analysis** is a science that uses the principles of mechanics in analyzing the impact of loads and forces and their effect on the physical properties of materials (primarily shape) in the form of internal stress and strain.

**Structure** Any man-made object with form, shape and utility, that is constructed or otherwise erected, attached to, or permanently or temporarily placed, either upon the ground or upon another structure. For the purposes of this ordinance, the term “structure” includes, but is not limited to, buildings, sheds, signs, swimming pools, hot tubs, patios, shelters, decks, gazebos, retaining walls, monuments, entrance gates, signs, radio towers and television towers, but does not include landscaping or earthwork including graded areas, filled areas, ditches, berms, or earthen terraces. The term “structure” does not include flag poles, mailboxes, fences, basketball hoops, satellite dishes 18 inches or less in diameter, pet houses, play equipment, play houses, a wall less than 18 inches in height (cumulative) also referred to as a garden wall, or small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, temporary fences, bird feeders, birdhouses and birdbaths (see *minor structure*).

**Structure, Accessory** See "*Accessory Use or Accessory Structure*".

**Structure, Legal Non-Conforming (also Legal Non-Conforming Building)** A building, structure, (including signs) or portion thereof, lawfully existing at the time of the passage of this ordinance (July 14, 1958), but which does not conform in one or more respects to the regulations of this ordinance.

**Structure, Principal** See "*Building, Principal*".

**Subdivider** Any person, firm, trust, partnership, association, or corporation, or any agent thereof, dividing or proposing to divide land pursuant to this ordinance resulting in a subdivision, minor land division, condominium plat, or replat, or proposing to develop land.

**Subdivision** is a division of a lot, parcel, or tract of land by the owner thereof, or the owner’s agent,

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

or subdivider, for the purpose of sale or of building development, where:

- (1) The act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of 1 ½ acres each or less in area, or
- (2) The act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of 1 ½ acres each or less in area are created by successive divisions of any part of the original property by any person within a period of five (5) years.

**Surfacing** means a porous or pervious or impervious surface such as bituminous asphalt or blacktop, cement concrete, brick pavers, packed or recycled asphalt, or other surface as approved by the town engineer, but not dirt, grass, gravel, or stone.

**Surveyor** A licensed and certified land surveyor authorized under Wisconsin State Statutes to do business in the State of Wisconsin.

**Sustained Yield Forestry (Managed Forest Lands, Silviculture)** The managed and sustainable planting, thinning, and harvesting of forested lands to provide annual or periodic crops of forest products based on and implemented with a Forest Management Plan prepared in cooperation with and approved by a State Forester. As part of this use public access for hunting, fishing, hiking, cross-country skiing, and sightseeing may be beneficial to the community and worth considering as providing good stewardship of the lands.

**Swimming Pool, Private** A structure, above, at, or below ground level, or an artificial pool of water, designed to hold water more than eighteen (18) inches deep used or intended to be used for the purpose of swimming or bathing by the owners/occupants of the property and family and authorized/invited guests. This definition includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 200 cubic feet in area and/or designed to have less than 18 inches of water depth and which are dismantled and removed for the winter are not included in this definition and are not regulated herein. This definition does not include retention or detention ponds, or hot tubs. This definition does include inflatable or soft-sided and/or temporary pools that are in excess of 200 cubic feet in area and/or that are designed to have more than 18 inches of water depth and that are erected and removed each year.

**Tavern (also Bar)** A commercial establishment including any building, room, or place where the principal business is where primarily alcoholic beverages are prepared, dispensed, and served for sale at retail, and consumed on the premises by transients or the general public, primarily within the principal building, and all places used in connection therewith. Taverns may also sell packaged beverages for carryout. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, and/or bread and butter and the like shall not constitute such taverns to be restaurants. The presence of gaming machines in such taverns shall not constitute such taverns to be an arcade. The term tavern does not apply to churches, religious, fraternal, youth or patriotic organizations, service clubs, and civic organizations which occasionally prepare or serve or sell beverages to transients or the general public, nor shall it include any private individual selling beverages from a movable or temporary stand at public farm sales, vending machines, or concession stands. The operation of a tavern shall be subject to obtaining the proper license from the Town.

**Town** The political unit of government with powers granted by law (e.g., Town of Lisbon).

**Town Board** The Town of Lisbon Town Board of Supervisors.

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

**Town Plan Commission** (also Plan Commission) The Town of Lisbon Plan Commission.

**Traffic Artery** (also see highway) A right-of-way, designated on a comprehensive system, for the principal purpose of providing vehicular thoroughfare and not necessarily affording access to abutting property.

**Trailer** See "Mobile Home."

**Trailer Camp (also see Mobile Home Park)** Wisconsin Statute Section 66.058 (1) "Mobile home park means any plot or plots of ground upon which two (2) or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations."

**Transferring Land** The portion of a tract of land from which development rights are transferred when utilizing the AD-10 and RD-5 zoning districts.

**Underlying Zoning District** A term referring to a zoning district when it is affected by an overlay district.

**Undevelopable** An area that cannot be developed due to topographic or geologic soil conditions, and the like.

**Unnecessary Hardship** The circumstance where unique, extreme, and/or special conditions or a situation where compliance with the strict letter of the restrictions, which were not self-created, affect a particular property and would unreasonably prevent the owner from using the property for a permitted purpose due to physical factors, or would render conformity with such restrictions unnecessarily burdensome.

**Upland/Environmental Corridors (also see Isolated Natural Resource Areas)** Environmental corridors (primary and secondary) are the composite of the best individual elements of the natural resource base including surface water, lakes, streams, and rivers and their associated floodlands and shorelands; woodlands, prairies, wetlands and wildlife habitat; areas of ground water discharge and recharge; wet/poorly drained/organic soils, rugged terrain and high relief topography where slopes exceed 12%; and significant geological formations and physiographic features. A description of the process the defining and delineation of Environmental Corridors is set forth in the Southeastern Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2 and is incorporated herein by reference. Such areas are usually delineated on adopted land use plans, comprehensive plans, or park and open space plans produced for use by the Town of Lisbon in order to preserve these natural open spaces.

**Use, Accessory** See "*Accessory Use*".

**Use, Conditional** A use which may be approved by the Plan Commission upon a determination of acceptable project impact and imposition of appropriate conditions.

**Use, Legal Non-Conforming** A use or activity which was lawful prior to the adoption, revision or amendment of this zoning ordinance (July 14, 1958), but which fails, by reason of such adoption, revision or amendment, to conform to the present regulations established by this zoning ordinance.

**Use Permit** A permit issued by the Building Inspector/Zoning Administrator, specific to the approval of a Site Plan and Plan of Operation, and upon compliance with all conditions of a Site Plan

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

and Plan of Operation approval, authorizing the recipient to use the property in accordance with the zoning and building code requirements.

**Use, Permitted** The utilization of land by right through occupancy, activity, building, or other means which is specifically enumerated as permissible by the regulations of the zoning district in which land is located.

**Use, Principal** The main or primary use of property, structures, or buildings as specified and permitted by the regulations of the zoning district in which it is located.

**Variance** An authorization granted by the Board of Appeals to construct or alter a building, structure or the land in a manner that deviates from this Zoning Ordinance thus allowing a means of obtaining relief from the strict enforcement of the zoning restrictions. The issuance of a variance shall not have the effect of allowing a use of property that is not allowed in the Zoning District in which the property is located and is otherwise prohibited, and shall not allow the intensification of a use which would otherwise not be allowed other property having a similar condition or situation. The Board of Appeals shall not grant use variances. All variances shall be granted in compliance with statutory criteria.

**Vision Setback** An unoccupied triangular space, at the street corner lot.

**Waiver** An authorization granted by the Town Plan Commission and the Town Board to deviate from the standards of the subdivision control ordinance of the town.

**Warehouse** A building used primarily for the storage or wholesale of business generated goods, products, supplies, equipment, and materials and/or as a distribution center.

**Wayside Market** Any structure or land used for the sale of agricultural or horticultural products.

**Wetland (also see Shoreland Wetlands)** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. These areas may appear on the Town Zoning Map, Town Land Use Plan Map, the Waukesha County zoning maps for the Town of Lisbon, the WDNR Wetland Inventory Map, and/or may have to be delineated in the field.

**Wetland Inventory Map** A map of wetlands classified according to their vegetation, hydrology, and soils developed by the WDNR and used to identify wetlands for protection.

**Wholesale Trade** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Youth-Facility** means any facility where minors gather for education or recreational activities including but not limited to playgrounds, swimming pools, libraries, licensed child-care facilities or youth clubs.

**Zoning Administrator** The entity or person charged with the administration and enforcement of the Town of Lisbon Zoning Ordinance and related ordinances as outlined in Section 37 of this ordinance.

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

**Zoning District** A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and structures.

**Zoning Map/Official Zoning Map** The map delineating the boundaries of the zoning districts which, along with the zoning text, comprises the zoning ordinance.

**Zoning Ordinance** Chapter 11 of the Town of Lisbon General Code of Ordinances.

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

**SECTION 3 GENERAL PROVISIONS**

No land shall be used, lot created, or structure erected where the lot, use or structure will result in a significant and unduly burdensome traffic impact, groundwater impact, capital facility impact, and/or where the land is unsuitable for such lot, use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography or low bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the Town of Lisbon. The Town Plan Commission, in applying the provisions of this section shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to submit evidence to the Plan Commission appealing such unsuitability or propose adequate mitigation if they so desire within 30 days of the decision being made. The applicant shall submit, in writing, a summary of such evidence or proposed mitigation, to the Town Clerk in accordance with the procedures established by the Plan Commission for placement on an agenda. Thereafter, the Town Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

**(a) Compliance**

1. No structure, development, or part thereof, shall hereafter be used, located, relocated, erected, moved, altered, repaired, reconstructed, extended, enlarged, converted, structurally altered, or improved, and no land, water, or air areas shall be hereafter used or altered within the zoning jurisdiction of the Town of Lisbon without a building and/or conditional use permit, where changes are being proposed and without full compliance with the provisions of this ordinance and other local, county (including a zoning permit), state, and federal regulations.
2. No building permit for construction or development shall be issued within the unincorporated shoreland and floodland areas of the Town of Lisbon until the County Zoning Permit has been issued.
3. Statutory Exemption for Farm Drainage Ditches: Under Sections 87.30 (1m) and 281.31 (2m) of the Wisconsin Statutes, this ordinance does not apply to non-structural uses of lands (i.e., pasture, cultivation) adjacent to farm drainage districts if all of the following situations exist:
  - A. Such lands are not within the floodplain of a natural stream or river.
  - B. Those parts of the drainage ditches adjacent to these lands were non-navigable streams before ditching.
  - C. Such lands are maintained exclusively in non-structural uses.

Should a question arise as to the applicability of this section, an interpretation shall be sought as provided for under Section 38 (b) of this Ordinance or by the Wisconsin Department of Natural Resources. The submission of plans and supporting documentation shall be required to enable the DNR to make a finding to support the claim of exemption. Where farm drainage ditches exist and the agricultural uses are terminated, and the lands are changed to urban uses, this exception expires and the subject stream and shoreland and floodland areas shall fall under all provisions and the jurisdiction of the Town Zoning Ordinance and the Waukesha County Shoreland and Floodland Protection Ordinance.

However, regardless of the agricultural use of the land, any building and structure is subject to the provision of this Ordinance relative to size, location or other matters relating to building and structures.

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

**(b) Building, Occupancy and Use Permits, and Site Plans and Plans of Operation**

1. Building, occupancy and use permits: No structure, land, or water, or part thereof, located in the Town of Lisbon, shall hereafter be located, erected, relocated, moved, reconstructed, altered, repaired, improved, extended, enlarged, converted, structurally altered, used, or occupied; and no non-conforming use shall be resumed, changed, extended, or granted conditional use status pursuant to Section 3 (n) of this ordinance until:
  - A. A Building, Occupancy, and/or Use Permit has been issued by the Zoning Administrator or the Town Building Inspector as required, certifying that such building, use, occupancy, or activity complies with the provisions of the Town's Zoning Ordinance and with the Town Building Code. Temporary Occupancy Permits shall not be issued. No approvals allowed under this zoning ordinance shall be construed to waive the requirement to obtain the necessary permits from the Zoning Administrator, Town Building Inspector, and/or any other local, county, state or federal agency.
  - B. A county zoning permit has been issued, where applicable, by the county zoning administrator, certifying that such activity complies with the provisions of the Waukesha County Shoreland and Floodland Protection (zoning) Ordinance.
  - C. A county sanitary permit has been issued, where applicable, by the county environmental health division unless municipal sewer is available in which case no sanitary permit is required.
  - D. A conditional use permit, where applicable, has been issued by the Town of Lisbon and/or county zoning agency, where applicable, certifying that such activity complies with the provisions of this ordinance and, where applicable, the provisions of the county's zoning ordinance.

Within shorelands, all land owners, state agencies and other governmental jurisdictions unless specifically exempted by Section 13.48 (13) Wisconsin Statutes, are required to comply with the provisions of this ordinance and the county's zoning ordinance. However, where the substantive terms and objectives of this ordinance and the county's zoning ordinance have been addressed and fulfilled by the Wisconsin Department of Natural Resources where concurrent (DNR and Town of Lisbon, and DNR and Waukesha County) jurisdiction with this ordinance and the county's zoning ordinance exists, so as to avoid duplication of effort, the terms of this ordinance and the county's zoning ordinance shall not be imposed. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation or other roads and highways as may be under federal jurisdiction or receiving federal aid, may be exempt pursuant to Section 30.12(4), Wisconsin Statutes.

2. Application for: Building, occupancy, and use permits shall be obtained from the Zoning Administrator or Town Building Inspector as required, or his or her designated deputy at the Town Hall as provided by Section 37. The application shall include, for the purpose of proper enforcement of this ordinance, the following data:
  - A. A statement by the applicant as to the intended use of the premises and of any existing or proposed buildings thereon.
  - B. A stakeout survey, an existing plat of survey, or an accurate map at the discretion of the Building Inspector for minor items such as pools, sheds and decks, of the property drawn to a scale that can be easily measured with an engineering scale, and properly dimensioned showing:
    - i. The boundaries of the property involved.

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

- ii. The location of the platted centerline of any abutting streets.
  - iii. The location on the lot of any existing buildings, proposed additions, or proposed new buildings, including the measured distances between such buildings and from the lot lines and from the platted centerline of any abutting streets to the nearest portion of such building.
  - iv. The location of any existing structures, septic systems, or wells within fifty (50) feet of the boundaries of the property involved.
  - v. The proposed first floor elevation of any proposed buildings in relation to the existing and/or established grades of the lot, any abutting streets, the ordinary high water mark of abutting streams, rivers or lakes, and USGS Datum.
  - vi. The ordinary high water mark of any stream, river, or lake on which the property abuts and any other natural resource features including but not limited to the floodplain.
  - vii. The proposed location of private septic systems and private wells in areas not served by public sewage disposal systems and public water supplies and the location and results of soil borings and percolation tests.
  - viii. Final grades to USGS Datum.
- C. Where the use involves human occupancy or use, and where such use is not served by sanitary sewer, a county sanitary permit shall be required prior to issuance of the building permit. In addition, a plan of the proposed sewage disposal system shall require the certification of the Building Inspector or Plumbing Inspector that it conforms to all Town ordinances and other applicable governmental laws and regulations.
- D. Where the use involves human occupancy or use, and where such use is not served by a municipal water system, satisfactory evidence that a safe and adequate supply of water is to be provided, and the location of any well for that purpose shall be identified on the property.
- E. A fee, as may be established and periodically modified under Section 37 of this ordinance shall accompany each application for each permit. Such fee shall be paid by cash, check or money order to the Town of Lisbon.
- F. A recertification survey shall be submitted to the Town Building Inspector upon request.
- G. A complete set of building plans as required by the Town Building Inspector.
- H. A Grading Plan for all new residences to be approved by the Town Engineer.
- I. Any recorded deed restrictions applicable to the property.
- J. All stakeout surveys shall be prepared by a State of Wisconsin Registered Land Surveyor.

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

3. Issuance: The zoning administrator, building inspector or his or her deputy shall issue Building, occupancy, and use permits after adequate investigation as to compliance.
  - A. Building permit: Provided the application is in order, and any building, occupancy, or use as proposed would be in compliance with the provisions of all Town ordinances and other applicable governmental laws and regulations, a building permit shall be issued upon such application, and a certification that such permit has been issued shall be posted in a prominent place on the premises during the period of any construction or other activity involved in readying the land or buildings for use/occupancy.
  - B. Occupancy and use permit: Within ten (10) days after the notification of the completion of the construction, alteration, conversion, relocation, repair, or improvement of a building, or of intent to commence a use, the building inspector or his or her deputy shall make an inspection of the premises and any buildings thereon; and, if such building, intended use, or proposed occupancy complies with the requirements of this ordinance, an occupancy and use permit shall be issued. Temporary Occupancy Permits shall not be issued.
  
4. Expiration: If within six (6) months of the date of issuance of a building permit, the proposed construction or preparation of land for use has not commenced, or if within twelve (12) months an occupancy and use permit has not been issued, or the construction has not been completed, said building permit shall expire, except that upon showing of valid cause, the Building Inspector may grant an extension of such permit for a period not to exceed six (6) months. Said permit extension shall be issued for the full fee and based upon full conformance with this Ordinance at the time of issuance of the new permit. If the construction has not commenced or is not completed after a total of eighteen (18) months, a new permit must be applied for and received subject to all fees and subject to the Ordinance in effect at the time of such new permit issuance. Previous incomplete work is not entitled to a new permit if the Ordinance no longer permits said use or structure or if changes to the Ordinance have been made subsequent to the original issuance of the permit.
  
5. Site Plans and Plans of Operation - Use Permits: Certain permitted uses as well as certain conditional uses require the submission of a Site Plan and Plan of Operation which provides a detailed description of the proposed use and serves as a basis for consideration prior to approval by the Town Plan Commission. The purpose of such a Site Plan and Plan of Operation review is to document the permit file, determine adequacy of the data submitted to describe the permitted and accessory uses and buildings proposed and document the plan and method of operation to enable a determination of compatibility with the Ordinance and consideration of approval. A Site Plan and Plan of Operation shall include the following information, as well as any other specific information requested by the Plan Commission or the building inspector to review the plans and determine compliance with the regulations of this Ordinance:
  - A. A Plan of Operation is a statement of operations, signed by the property owner and tenant or operator of the business or use, including a detailed description of the request, number of employees, hours of operation, and types of uses, products, or services offered.
  - B. A Site Plan and/or Plat of Survey of the property (in standard engineering or mapping scale which permits a clear representation of the property to a scale not to exceed two hundred (200) feet to one (1) inch), showing the location and dimensions of all existing and proposed buildings and structures and other attributes on the site, the location, number

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

and arrangement of parking spaces or loading areas, lighting fixtures, easements, dumpsters, signs, landscaping and screening, and any other factors affecting the development of the site such as natural resource features. The Deputy Town Clerk should be consulted as to how many copies should be submitted for the Plan Commission meeting.

C. A stormwater management and erosion control plan consistent with the requirements of the Town Engineer (refer to Addendum F, the Storm Water Management and Erosion Control Ordinance, located in the Waukesha County Code, Chapter 14, Article VIII), and the Town Building Inspector. In addition, a grading plan, where required, shall be submitted to the same scale as the Site Plan, including existing and proposed contours at a maximum of two (2) foot vertical intervals for slopes less than twelve (12) percent and at no more than five (5) foot intervals for slopes twelve (12) percent or greater, existing and proposed features (i.e. berms, swales, ponds, ditches, storm sewers, inlets, etc.), vegetative plan, timetable for completion, the name of the responsible party and a letter of credit, if deemed necessary. The plan commission, town engineer, or building inspector has the discretion to request a grading plan in a scale different than the Site Plan in order to show with sufficient detail the contours and features of the property. The Deputy Town Clerk should be consulted as to how many copies should be submitted for the Plan Commission meeting.

D. Three sets of building plans (for the town file, engineer, building inspector), State approved if required, at a standard architectural scale, including exterior elevation drawings of all sides of all buildings proposed and interior floor plans.

E. A rendering of all signs visible from the exterior, along with the location, dimensions, overall height, illumination, and colors of the signs, which shall comply with this ordinance and Chapter 13, Signs, of the Town of Lisbon General Code of Ordinances (refer to Addendum A).

F. Lighting or photometric plan, including cut sheets of each type of exterior light fixture proposed or existing.

G. A detailed landscaping plan showing the location, sizes, and types of proposed vegetation, including seeding mixtures and the amount of topsoil and mulch, the timetable for completion, and any surfacing plan for parking and loading areas.

H. All Site Plan/Plan of Operation approvals shall be reviewed at least once every year at a time to be determined by the Town in order to ensure compliance with the terms and conditions of the approval.

I. The County Environmental Health Division shall approve of the use and its affect on the sewage system, if the site is not served by public sewer.

J. The Fire Department shall approve of the use in accordance with the fire code.

**(c) Site Regulations**

1. Building must be on a lot: Every building hereafter erected, altered, relocated, used or occupied shall be located on a lot as defined herein. Any building used for the principal use permitted in that district shall constitute the principal building and there shall be no more than one (1) principal building on a lot except with approval in the R-3, RM, PR, P-I, Q-1, business and industrial districts, and in planned unit developments, and where the permitted principal use in a zoning district is agricultural.

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

No accessory building shall be constructed in any zoning district until the principal building is under construction or completed. Where the use of the land is principally for agricultural pursuits, and on parcels of thirty-five (35) acres or more, farm buildings may be allowed without the necessity of having a residence in place or under construction subject to the approval of the plan commission if it is determined that the building will not be contrary to the spirit and intent of the Ordinance and will not include the operation of a commercial boarding or riding stable for horses or agricultural pursuits specializing in the forced feeding of livestock, and where it is determined that the use of the building will be accessory to a farming operation which is consistent with the use provisions of the district in which it is located.

2. Buildings or Creation of Lots on a Private Street or Way: The intent of this provision is to discourage the creation of lots and placement of structures which do not have adequate access for emergency vehicles and equipment and to provide a right-of-way width which could accommodate a public right-of-way, if necessitated in the future. Subject to the approval of the Plan Commission, and the County Zoning Agency in the shoreland and floodland jurisdiction, one parcel may be created and a building may be permitted on that tract of land which does not abut or have direct frontage on a public street or officially approved way (frontage on a controlled access highway or a freeway where vehicular access is prohibited does not constitute access or frontage for the purposes of this provision) provided such tract of land is at least three (3) acres in area, or more if required by the zoning district, and has a minimum average width of two hundred (200) feet, or more if required by the zoning district, has access by a permanent easement at least thirty-three (33) feet in width to a public street or way, including utility service, will have a paved or gravel driveway width of at least twelve (12) feet, and does not conflict with the plans for the future development of streets in the area. Typical or normal lots with lot lines radiating from the terminus or center of a public cul de sac street are not affected by this provision as long as the minimum road frontage on a public street requirements are met. Only one lot other than the parent parcel abutting the public road is allowed where only a 33 foot easement is provided.

In the situation where more than one (1) principal residence or parcel is proposed on an access easement, the easement shall be at least sixty-six (66) feet in width and the paved or gravel drive shall be sixteen (16) feet in width. Not more than two (2) such parcels or buildings shall be permitted on an access easement. Where a driveway or access easement is shared, the users of the shared driveway or access easement shall draft and agree to an access and maintenance agreement to be approved by the Town Plan Commission and recorded in the Waukesha County Register of Deeds office by the property owners.

Where a lot has a narrow strip of land (often referred to as an ownership strip) as part of the lot (not an approved easement) extending from a public road to the main part of the lot where the building could lawfully be placed (flag lot), such narrow portion shall not constitute frontage or part of the three (3) acre lot size requirement unless the entire narrow strip of land is as wide as the required minimum average width for the district in which it is located.

3. No Undesirable Buildings, Structures, Junk, Materials, Vehicles:
- A. Junk, as defined in this ordinance, shall at all times be stored in an enclosed building thereby securing it from the view of the public and adjacent property owners. In addition, no building or structure, shall be constructed, erected, altered, converted, used, occupied, or relocated in a manner which shall be of such character as to adversely affect the nearby properties or general desirability of the neighborhood.

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

The determination of undesirability shall be made by the Town Building Inspector or his or her deputy, in writing, and shall be based upon the nature, usefulness and/or undesirable appearance of articles or vehicles stored, and whether those objects have an adverse effect on surrounding or adjacent property. He or she shall also determine whether or not the design or appearance of buildings or structures are of such unorthodox or abnormal character as to have an adverse effect on the nearby property or general desirability of the neighborhood. If the determination involves a permit, the reasons for refusing a permit, or any conditions of approval shall also be provided in writing. The building inspector or his or her deputy may have the Town Attorney commence legal action to bring about conformance, if the building inspector or deputy's efforts to bring about conformance are unsuccessful. In the case of a dispute or question regarding the Building Inspector's determination, said question shall be submitted to the Town Plan Commission for resolution.

- i. This subsection is not intended to regulate property that is properly zoned, and is in compliance with a current Site Plan/Plan of Operation and/or Conditional Use Permit on file with the Town, for use as a junk yard, public and commercial disposal operation for noncombustible materials, salvage yard, waste disposal, or storage activity that is properly licensed.
  - ii. This subsection is not intended to regulate on the storage of idle, but operable farm equipment on farms greater than 35 contiguous acres, or the storage of inoperative or abandoned farm equipment on farms greater than 35 contiguous acres if the equipment is screened year around from the view of the public and adjacent property owners by a natural or man-made visual barrier.
  - iii. This subsection is not intended to regulate the orderly storage of firewood for fuel.
  - iv. The subsection is not intended to regulate the temporary storage of construction materials which are for use on the site for a project authorized by an active building permit and which are stacked, stored, and secured on the site in an orderly manner.
  - v. Vehicles are also regulated in Section 3 (j) and Section 4 (h) 10 of this ordinance, and the regulations contained therein may also be applied to enforce Section 3(c)3 of this ordinance as applicable.
- B. Site Maintenance: In order to protect the health, safety, and welfare of the residents of the Town of Lisbon and to maintain the desirability, amenities, and property values of the residential, commercial, and industrial areas of the Town, all property owners shall be responsible for maintaining their property in accordance with the following standards:
- i. General Maintenance: The exterior of every structure or accessory structure (except farm structures) shall be maintained free of broken glass, loose shingles, excessive paint peeling, crumbling stone or brick, loose boards, missing boards, loose insulation, or other conditions reflective of deterioration and inadequate or deferred maintenance.

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

- ii. Litter Control: Every owner, occupant, or lessee of a building used for residential, recreational, institutional, commercial, industrial (including quarries), or public purposes shall maintain litter collection and storage areas in a clean condition and insure that all litter on the premises is properly containerized. The property owners and the prime contractors in charge of any construction site in the Town shall maintain the construction site in such a manner to prevent litter from being blown off the site. Accordingly, all litter from construction activities shall be picked up at the end of each workday and placed in appropriate containers.
  - iii. Outside Storage: No unenclosed storage of junk as defined in this ordinance, materials, equipment, or supplies including, but not necessarily limited to, unused or junked appliances, furniture, lumber, bricks, cement blocks, cans, and containers, shall be permitted where such storage is readily visible from any public place or from any surrounding private property. Outside storage of certain vehicles may be allowed in accordance with Section 3 (j) of this ordinance.
  - iv. Lot Maintenance: At the time of application for a building permit for a new house or an addition to a residence, a landscape bond or letter of credit in the amount listed in the Fee Schedule Appendix included herein from the homeowner shall be submitted to the Town (pursuant to the procedures of 30.006 of the Building Code) to ensure that all areas of disturbance including, but not limited to, grading, seeding, and sodding operations are completed and established to the Town Building Inspector's satisfaction within twelve (12) months after the occupancy permit is issued. Grading shall be completed in accordance with the final grade specifications to alleviate standing water and which will not result in water problems on adjacent properties. For commercial and industrial property, the Town Engineer shall determine the amount of the landscape bond, and the amount of the landscape bond shall be proportionate to the work proposed.
  - v. Driveways located in a recorded subdivision shall be hard surfaced with material such as concrete or asphalt.
- C. In the event the Town determines non-compliance with Section 3 (c) 3 of this ordinance, enforcement shall be in accordance with Section 37 of this ordinance. Chapter 5, Nuisances, of the Town of Lisbon General Code of Ordinances, also included as Addendum B herein, may also be utilized by the Town of Lisbon to abate violations of this ordinance and enforce the provisions of this ordinance.
4. Street grade: Every building hereafter constructed, erected, altered, converted, relocated, used, or occupied shall be at a grade approved by the building inspector and his or her deputy as being in satisfactory relationship with the established street grades, or with the existing street grade where one is established, with particular consideration for proper drainage, safe vehicular access, and flood hazards.
5. Land Altering Activities/Disturbance and Preservation of Topography: In order to protect property owners from possible damage due to changes in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in: (a) increasing any portion of the slope to a ratio greater than three (3) horizontal to one (1) vertical within a distance of twenty (20) feet from any property line, except with the

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

approval of the Town Plan Commission; or (b) which would alter the existing drainage or topography in any way so as to adversely affect adjoining properties. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected from erosion as required in this ordinance (also refer to Addendum F and Section 3 (c) 11). In addition, the following regulations, unless exempted by Wisconsin Statutes or other sections of this Ordinance, shall apply:

- A. In floodlands, as defined in this Ordinance, onsite sewage disposal facilities are prohibited unless authorized specifically by another provision of this Ordinance. The placement of fill, excavation, and/or other land altering activities, other than those situations covered under the provisions of Section 3 (c) 5 below, may be allowed subject to conditional use approval pursuant to Section 4(h) 14 (Land Altering Activities) of this Ordinance where said fill, excavation, or land altering activities do not occur in a wetland as indicated on the final Wisconsin Inventory Maps for Waukesha County, except as may be permitted pursuant to Section 7 (c) of this Ordinance. If said fill or land altering is authorized by the Town Plan Commission and Waukesha County to take place in wetland and/or floodland by a conditional use, the land shall also be rezoned to an appropriate district in accordance with the procedures outlined in Section 35 of this Ordinance. Where and when authorized, these activities must not impede drainage, reduce the floodwater storage capacity of the floodland, or result in an increase regional flood height. The 100-Year Flood stage elevation standard is based on the assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

When an alteration of the floodlands is allowed, said alteration shall not result in an increase in flood heights of 0.01 of a foot. Said increase shall be determined using contemporary and state of the art methods of determination and when any increase would result in an amount greater than 0.01 of a foot, said increase shall not be allowed and the rezoning not approved unless compensating storage capacity of the floodplain is provided in a manner which is not deleterious to other property or the quality of any wetlands.

Dredging and pond construction are also land altering conditional uses, where allowed, under Section 4 (h) 14, and may also require permits from the Wisconsin Department of Natural Resources and/or the U. S. Army Corps of Engineers.

- i. Any structure or building used or occupied for human habitation (seasonal or permanent), or which is to be erected, constructed, reconstructed, structurally altered, or relocated into the floodplain, and where the floodplain has been authorized to be filled pursuant to Section 4 (h) 14, shall be placed on fill with the finished surface of the lowest floor, excluding basement or crawl space, at or above the flood protection elevation. If any such structure or building has a basement or crawl space, the surface of the floor or the basement or crawl space shall be at or above the regional flood elevation and shall be floodproofed to the flood protection elevation so that floodwater cannot enter directly over the ground surface into such floor, basement or crawl space. A variance may be granted to allow any floor below the regional flood elevation if the ground surface around the subject structure is at or above the flood protection elevation for a distance at least 15' from, and completely around, the structure.

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

- ii. For all uses under Subsection A:
  - a. Fill shall be not less than one (1) foot above the regional flood elevation;
  - b. Fill shall extend at such elevation at least fifteen (15) feet beyond, and completely around, the limits of any structure or building erected thereon.
  - c. Dryland access shall be provided. If existing streets providing access to the project site are at elevations that make compliance impractical, the town may permit new development and substantial improvements where access roads are at an elevation lower than the regional flood elevation, provided the town has an emergency government plan addressing this issue which has been approved by the County unit of emergency government and approved by the DNR, or the town has written assurance from the appropriate units of police, fire, and emergency services that rescue and relief can be provided by wheeled vehicles to the structure during regional flooding, taking into account the anticipated depth, duration and velocity of the regional flood event in the area, thereby protecting human life and health and minimizing property damage and economic loss.
  - d. Any requirements of the Waukesha County Shoreland and Floodland Protection Ordinance that are more restrictive shall apply.
- B. In shorelands, as defined by this ordinance, grading, clean fill disposal sites, topsoil removal, filling, alteration or enlargement of waterways, removal or placement of stream or lake bed materials, excavation, channel cleaning and clearing, ditching, drain tile laying, dredging, lagooning, soil and water conservation structures, and other land altering and disturbing activities are considered land altering conditional uses and must be approved in accordance with Section 4 (h) 14 (Land Altering Activities) of this Ordinance except as may otherwise be permitted in Section 3 (c) 5 below or Section 7 (c) 1. In addition, such uses may require a permit from the state agency having jurisdiction pursuant to Chapter 30 of the Wisconsin Statutes (WDNR) and, where applicable, a federal permit from the U.S. Army Corps of Engineers except as may be waived pursuant to Section 3 (b) 1 of this Ordinance. All such uses and activities shall be consistent with the uses permitted in the Conservancy District if they occur within that district.
- C. The construction of a retaining wall (stone, ties, brick or other material), as defined herein, shall be a minimum of 5 feet from the property line to allow for maintenance without crossing onto adjacent property. The plan commission may specifically authorize any retaining wall proposed less than five (5) feet from a property line. Retaining walls in excess of three feet in height from the existing grade require Town Plan Commission approval for location, height, building materials and aesthetics. A certified architect or engineer must design retaining walls four feet or more in height from the existing grade, and said plans shall be submitted for consideration with the permit application. No retaining wall shall be constructed in a manner, which would adversely affect surface drainage on adjacent property. Approved retaining walls require the issuance of a building permit. All retaining walls shall be set back at least seventy-five (75) feet from the ordinary high water

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

mark of a navigable body of water or its floodplain, and outside of the conservancy/wetland district. If, upon review by the town engineer and the Waukesha County Planning and Zoning Division, it is determined that the retaining wall is necessary to abate a known and identified soil erosion and sedimentation problem, the wall may be allowed less than seventy-five (75) feet from the ordinary high water mark of a navigable body of water or its floodplain, but must still remain outside of the conservancy/wetland district.

Fill or grading considered by the zoning administrator/building inspector to be necessary backfill and/or excavation for an otherwise permitted structure may be permitted without the necessity of securing a conditional use permit as long as said fill or grading is needed for, and is accessory to, said construction, and does not create slopes greater than three (3) horizontal to one (1) vertical, does not extend to a distance greater than thirty (30) feet from the foundation in any direction, and does not divert runoff directly onto adjacent property or adversely affect adjoining property. In order to make such a determination, prior to conducting any land altering activities, the property owner shall submit a grading plan of existing and proposed grades on the subject lot, as well as on adjacent lands (extending a minimum of 50' onto the abutting property) where said accessory fill and/or grading is closer than twenty (20) feet to the common lot line. In addition, no portion of the slope shall be increased to a ratio greater than three (3) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the approval of the Town Plan Commission. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion (refer to Addendum F and Section 3 (c) 11). The grading plan shall include the existing and proposed topography, the existing and proposed driveways, buildings, septic systems, wells, and the existing and proposed drainage patterns. An as-built survey shall be filed with the Town Building Inspector upon completion of the work to ensure adherence to the grading plan.

Land altering activities extending greater than thirty (30) feet from the foundation in any direction may be allowed subject to the issuance of a minor grading permit as provided for in Section 3 (c) 5 without benefit of a conditional use permit unless the quantities and the area of fill and grading exceed those limits defined herein for minor grading, filling, and land altering activities. This provision excludes the area normally associated with septic system installation, backfilling around the foundation and grading within thirty (30) feet of the foundation as outlined above, and normal construction of new driveways or their repair or replacement in their existing location.

Land altering activities extending greater than thirty (30) feet from the foundation in any direction that are in excess of minor grading, filling, and land altering activities, as defined in this ordinance, shall secure a conditional use permit in accordance with Section 4 of this ordinance prior to commencing any land altering activities.

As outlined above, no fill or alterations of existing topography shall be allowed under any circumstances, which will alter the drainage or topography in a way that will adversely affect the surrounding lands. In making such a determination, the zoning administrator/building inspector shall have the authority to determine the effect of the construction or fill on surrounding property and require improvements

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

and/or facilities as may be in the best interest of preserving the topography, drainage patterns, and the drainage system, and which will have the effect of lessening the impacts on either upstream, downstream, or adjacent properties.

In the case of a dispute or question arising as to the adversity or affect of the project on either the property owner, adjacent owners, or the general public, said question shall be submitted to the Town Plan Commission for resolution to the question. Land altering activities are also subject to a locally adopted and State mandated Storm Water Management and Erosion Control Ordinance (refer to Addendum F and Section 3 (c) 11) in addition to the requirements set forth herein.

Design Standards for Land Altering/Disturbance Activities

All Land Altering/Disturbance activities shall comply with the following Design Standards:

- i. For any land altering/disturbing activity proper erosion control measures shall be installed and maintained throughout the entire project and until the vegetation is established, and a Storm Water Management and Erosion Control Permit shall be issued, if required.
- ii. A grading plan meeting requirements of Section 3 (c) of this ordinance, prepared by the owner's professional engineer, landscape architect or architect, who shall be registered in the State of Wisconsin, shall be submitted to the Town and then reviewed by the Town Engineer. Minor grading permits are approved by the Town Building Inspector upon recommendation of the Town Engineer. Conditional Use Permits shall follow the process outlined in Section 4 of this ordinance.
- iii. A deadline for completion of the entire project shall be established. The Town Plan Commission must approve of any extensions to the deadline established.
- iv. No other work is authorized. All work shall be completed in accordance with the approved plans.
- v. No adverse drainage, runoff, erosion or sedimentation shall take place onto adjoining properties or to environmentally sensitive areas public or private roads and right of ways.
- vi. An As-Built plan/survey of the land disturbance prepared by the Owner's Professional Engineer shall be prepared and submitted to the Town Engineer within 30 days of the completion of grading and landscaping to assure compliance with the approved plan. If the applicant does not produce the required grading plan, the Building Inspector shall authorize the Town Engineer to produce an As-Built plan/survey of the land disturbance and charge the Owner as a "current service" for the cost of producing the plan. If the As-Built plan/survey does not comply with the approved plan, the work shall be corrected until it is in compliance to the satisfaction of the Town Engineer, or if determined to be acceptable by the Town Engineer, the As-Built plan/survey be approved administratively, or if part of a Conditional Use, be approved by the Town Plan Commission and any other agency having review authority over the project.

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

- D. Land Alteration and Streambank and Shoreline Stabilization Structures (SSSS): Streambank and shoreline stabilization structures and minor grading, filling, and land altering activities as defined herein (excluding retaining walls and fill within seventy-five (75) feet of the ordinary high water mark and in the 100-Year Floodplain) may be permitted by the town building inspector in the shoreland and floodland areas without a conditional use permit, as long as the project is in conformance with best management practices, and when located outside of Conservancy/Wetland areas, but within the 100-Year Floodplain, and where the site is above the ordinary high water mark, subject to the following:
- i. Said project may be authorized through the granting of a permit by the town building inspector when the following standards are satisfied:
    - a. Submittal of a complete and accurate set of plans which include a contour map at a scale of not less than 1" = 200' at a contour interval of at least two (2) foot increments, a vegetation plan and schedule, the period of construction activity, the methods used during and after construction to provide protection from the forces of erosion and sedimentation upon adjacent land and waterbody, and how the project will relate to adjoining properties.
    - b. A determination is made that the project has no public impact on or will not adversely affect adjacent or surrounding properties and that the activity will serve to prevent erosion and sedimentation of the surrounding area on the adjacent waterbody.
    - c. The review and written approval, if necessary, of the Wisconsin Department of Natural Resources.
    - d. Entering into a stipulated agreement with the Town concerning the scope of work, type of material used, method of construction, final grades, re-establishment of vegetative cover, date of completion and any other items deemed appropriate.
    - e. The performance of such land altering activity must not impede drainage, reduce the floodwater storage capacity of the floodland, or raise flood stages. If an increase would result, compensating flood storage capacity shall be provided on the site. This is based on the assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

E. Landscape Berms

All berms, as defined in this ordinance, shall comply with all requirements of Section 3 (c) 5 and the following design standards. Any project that exceeds the requirements of Section 3 (c) 5 or the design standards below must submit a request for a public hearing with notice sent to all property owners within 300' of the subject property.

1. Landscape berms that are greater than three (3) feet above existing topography require Town Plan Commission approval.

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

2. The top of berms within 50' of the property line shall have a maximum height of 8' above existing property line elevation or centerline elevation of abutting street pavement, whichever is greater. Beyond 50' from the property line, berms may increase in height by 1 foot for each additional 25' from the property line, to a maximum height of 12' above property line or abutting road centerline pavement elevation.
3. The toe (base) of the berm must be a minimum of 10' from all front yard, side yard and rear yard property lines.
4. Berms shall be undulating and staggered. The top of berm shall vary in height from maximum height to  $\frac{2}{3}$  maximum height and back again, for every 100' along the top of the berm. High and low points must be at least 15' long. For every 100' of berm length at least two low points in the berm undulation are required. Side slopes of the berm must be 3 to 1 maximum and be mowable.
5. Berms shall be landscaped in accordance with a landscape plan approved by the Town Plan Commission. The plan shall include the installation and mature height and diameter of all vegetation, and the types of all vegetation used; a proposed timetable for installation, and seeding mixtures.
6. The berm shall be mowed and maintained on a regular basis similar to that of normal lawn maintenance, or as determined by the Town Plan Commission. Any vegetation that dies within 3 years of installation shall be replaced with the same or substantially similar materials and within an amount of time as specified by the Town Plan Commission.
7. If the berm cannot be completed and vegetated prior to October 1st of the calendar year, the area shall be properly mulched over the winter season until work can recommence the following spring.
8. No berm shall interfere with vision of adjacent roads, easements, or driveways nor be constructed within any public right-of-way or highway expansion area designated on the current Waukesha County Official Highway Width Map or within a Vision Easement.
9. The berm shall not adversely impact the existing drainage patterns in the area, or appropriate measures shall be taken to alleviate adverse drainage (swales, etc.).
10. The type of material used to construct the berm shall be approved by the Town Plan Commission.
11. A minimum of 4 inches of topsoil shall be used on the entire berm for revegetation purposes.
12. A minimum setback of 50' is required from all wetland, floodplain, and corridor areas.
13. Berms may extend across property lines with written permission of the adjacent property owner (maximum berm height shall be based on existing property line elevation prior to berm construction). Berms extending over property lines will

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

require the granting of reciprocal easements over the berm area. In addition a maintenance agreement is required to be prepared and submitted to the Town Attorney for review and approval. Berm easement and maintenance agreement must be signed by all parties involved and recorded in the Waukesha County Register of Deeds Office. Easements must provide permission for the Town to implement the provisions of the conditional approval, including reimbursement for plan implementation expenses incurred by the Town of Lisbon.

14. A financial guarantee in the form of a cash deposit or letter of credit equaling 115% of the estimated cost of the grading and plant materials shall be submitted to the Town. Said financial guarantee will be released by the Town Board upon recommendation of the Town Engineer upon completion of the project in accordance with the conditional approval.

15. As a condition of the approval, the Town may require a deed restriction to run with the land, which provides maintenance requirements for the land disturbing activity.

6. Building restrictions: In the shoreland and floodland areas, the following building restrictions shall apply:

A. In floodlands:

- i. In floodland areas, as defined in this ordinance, no buildings of any kind shall be allowed except those that may be allowed in the C-1 conservancy/wetland or the EFD existing floodplain development district. Boathouses are not allowed in the Town of Lisbon (refer to Section 3 (r) of this ordinance). Structures not prohibited above shall meet the following requirements:
  - a. The structure, including any fill, roads and levees, shall not adversely affect the efficiency or the capacity of the floodway, the storage capacity of the floodplain, or increase flood heights based on the assumption that will be an "equal degree of encroachment" extending for a significant reach on both sides of the stream.
  - b. The structure shall have its lowest floor level (not including the basement or crawl space) no less than the flood protection elevation.
  - c. The structure shall not obstruct the floodway or channel of the stream.
  - d. The ground level surrounding the structure shall be elevated and filled to at least one (1) foot above the 100-Year Recurrence Interval Flood for a horizontal distance of not less than fifteen (15) feet from the outer face of the building walls unless said requirement is not possible, in which case, to an amount as close to the fifteen (15) foot requirement as is practical.
  - e. Any structure within the stream channel shall require a state permit pursuant to Chapter 30 of the Wisconsin Statutes and may require a federal permit pursuant to applicable federal regulations.

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

- f. A registered professional engineer or land surveyor shall certify that the finished building elevations, floodproofing measures, and other flood protection factors were accomplished in compliance with the above provisions of this ordinance.
- g. The board of appeals may grant a variance from these regulations only if the structure will meet the standards set forth in Chapters NR115, NR116, and COMM 83 of the Wisconsin Administrative Code.
- h. Dam construction, operation, maintenance, and abandonment are uses requiring public hearing before the county zoning agency and town plan commission in accordance with Section 4 of this ordinance and may require permits from the Wisconsin Department of Natural Resources pursuant to Chapter 31 of the Wisconsin Statutes and from the U.S. Army Corps of Engineers pursuant to federal requirements.
- i. Any requirements of the Waukesha County Shoreland and Floodland Protection Ordinance that are more restrictive.
- ii. Land altering/disturbance such as the placement of fill, excavation, and other land altering activities in excess of Section 3 (c) 5 may be allowed subject to the issuance of a conditional use permit in accordance with Section 4 as long as said fill, excavation, or land altering activities do not occur in a wetland as indicated on the Final Wisconsin Wetlands Inventory Maps for Waukesha County or subsequently revised by hydraulic analysis and approved by the Army Corps of Engineers and/or the Department of Natural Resources. The performance of such land altering must not impede drainage, reduce the floodwater storage capacity of the floodland, raise flood stages by more than 0.01 ft. as regulated by NR116, or cause ponding. If an increase would result, compensating flood storage capacity shall be provided on the site. This is based on the assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Dredging and pond construction, where allowed, are also conditional uses pursuant to Section 4 (h) 14, and in addition may require a permit from the State Department of Natural Resources pursuant to Section 30.19 of the Wisconsin Statutes and, where applicable, a federal permit from the U.S. Army Corps of Engineers. All petitioners shall provide proof of plan submission, review, and either approval or waiver of approval from the Wisconsin Department of Natural Resources and the Army Corps of Engineers prior to the Town taking official action.

Where such modification is proposed, the following criteria shall apply:

- a. If the use of the altered area is contemplated to be changed as a result of the fill or excavation, the area shall be rezoned to an appropriate use category and a conditional use permit issued pursuant to the terms of this Ordinance. No increase in regional flood height greater than the standard set forth above in Section 3 (c) 6 A ii shall result from these activities.

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

1. Criteria For Redelineation or Rezoning Floodplain Boundaries: Prior to redelineation of floodplain boundaries or the rezoning of any such areas, the applicant shall:
  - Submit adequate technical data to the Town who will submit such data to the Department of Natural Resources for review and concurrence on the effect of the proposed amendment on the height of the regional flood that no increase in the 100-Year Floodplain elevation will result.
  - Assure that the proposed amendments meet the purpose of Wisconsin Administrative Code.
2. Amendment Process: Where the area is to be altered or filled, and upon completion of the steps in the paragraph numbered 1 above, the Town shall meet all legal requirements for amending its zoning maps and/or zoning ordinances as needed and as established in NR116 of the Wisconsin Administrative Code.
3. Submission to the Department of Natural Resources for Approval: If the Town agrees to amend the zoning category and modify its zoning map, it shall submit these amendments and the plans for fill or alteration of the subject area to the Department of Natural Resources for approval pursuant to NR116. Prior to Department of Natural Resources approval, the applicant shall submit a final map to be certified by an engineer, that the fill or alteration, as approved by the Building Inspector, has been accomplished to the specifications set forth by the amendment approved by the Town.
  - b. The effect of rezoning, filling, and altering any floodplain shall be calculated by comparing the regional flood profile determined by the hydraulic floodway lines to the regional flood profile determined by assuming that the entire shallow depth flooding area (100-Year Floodplain) is not available to convey floodflows. Calculations shall conform to the standards contained in NR116 of the Wisconsin Administrative Code.
  - c. Where a floodplain or wetland alteration has been approved as outlined above, the jurisdiction of this Ordinance remains in effect within the subject area to the extent it was in effect prior to the activity being authorized, and all other appropriate restrictions of this Ordinance, except those which deal with floodplains and/or conservancy wetlands if the areas are removed from such floodplains or wetlands, remains in force.
  - d. Any requirements of the Waukesha County Shoreland and Floodland Protection Ordinance that are more restrictive.

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

- B. In shorelands, as defined in this ordinance: All filling or dredging of the bed of navigable waters may take place only with a state permit pursuant to Chapter 30 of the Wisconsin Statutes and a conditional use permit from the county zoning agency and the town plan commission as detailed in Section 4 of this ordinance and a federal permit from the U. S. Army Corps of Engineers, where applicable.
- C. Within floodlands and shorelands, as defined in this ordinance: Utility facilities such as dams, flowage areas, transmission lines, pipelines, and water monitoring devices are permitted subject to regulations pursuant to this ordinance, Chapter 30 of the Wisconsin Statutes, and applicable federal regulations. Noncommercial docks, piers, wharves and bridges, culverts and river crossings of transmission lines, gas lines and other utilities are permitted subject to any pier or dock line regulations, or any other regulations which may be required pursuant to Chapter 30 of the Wisconsin Statutes, and applicable federal regulations. Commercial docks, dry or wet buoys, piers, moorings and wharves, are permitted subject to issuance of a conditional use permit under Section 4 (g) 17 or 22 of this Ordinance. Any requirements of the Waukesha County Shoreland and Floodland Protection Ordinance that are more restrictive shall also apply.
7. Agricultural uses: Sod farming, tillage, grazing, livestock watering and feeding, and application of fertilizers shall be prohibited unless conducted in accordance with good soil and water conservation practices promulgated in the USDA-NRCS Field Office Technical Guide. Crop production on lands with an erosion factor of three (3) or more on the USDA Soils Map is prohibited and such lands shall be planted with permanent vegetation. Where agricultural uses, including grazing, occurs next to navigable water, in accordance with sound land management practices, a buffer strip of permanent vegetation not less than one (1) rod (16 1/2 feet) wide, should be maintained where possible, to protect the bank of the waters from erosion and the effects of weathering, and the water itself from the effects of sedimentation and pollution.
8. Surface Water Withdrawal: Diversion or discharge for irrigation, processing, cooling, or other purposes are conditional uses requiring review and approval by the Town Plan Commission in accordance with Section 4 (h) of this Ordinance. The Plan Commission shall then advise the state agency having jurisdiction under Chapters 30 and 281 of the Wisconsin Statutes of its findings prior to the issuance of the required state permits, and federal permits as may be required by the U.S. Army Corps of Engineers.
- When the substantive terms of this provision are met through the application of the Wisconsin Statutes, Department of Natural Resources Administrative Code, or the requirements of the U.S. Army Corps of Engineers, a separate action of the Plan Commission pursuant to Section 3 (b) 1 of this Ordinance is unnecessary.
9. Shoreland Cutting: Tree and shrubbery cutting and ground cover removal in the shoreland areas shall be regulated in accordance with the Waukesha County Shoreland and Floodland Protection Ordinance. For lands outside of the shoreland areas, vegetation may be removed, however it is recommended that accepted forest management and soil conservation practices are observed.
10. Drainage Regulations:
- i. In no case may a principal building be constructed, erected, converted, or relocated in an area zoned conservancy (including areas zoned EFD unless required approvals are

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

obtained), or in an area considered to be one of the eight (8) types of wetlands (type 1-8) as described in Circular 39 of the Fish and Wildlife Service, U. S. Department of Interior published in 1956, and which are on record on the 1975 aerial maps of the Southeastern Wisconsin Regional Planning Commission. No principal building shall be constructed, erected, altered, converted, or relocated, and no below grade structures shall be expanded on newly created or existing lots that are not in compliance with the site drainage standards contained in the Waukesha County Storm Water Management and Erosion Control Ordinance, including all county technical procedures and forms used to enforce these standards (Chapter 14-342(c)) unless the Town of Lisbon imposes more restrictive requirements. The lowest floor, including any basement floor, shall not be less than three (3) feet above the highest seasonal ground water elevation except under the following circumstances:

- a. If a sealed sump crock with a water tight cover is used, the lowest floor may not be less than 18" above the highest seasonal ground water level.
- b. If a gravity outlet is utilized and a backup sump crock and pump area installed, the lowest floor may not be less than 12" above the highest seasonal ground water level.

In all cases where the separation is less than 3' the applicant shall record a hold-harmless agreement in favor of the town in the Waukesha County Register of Deeds office, prior to a Building Permit being issued. The Building Inspector or Town-contracted Engineer shall issue the Building Permit for separation from 3' to 12" when all of the above requirements have been met, however, separation that does not meet the above requirements or is less than 12" must request a waiver from the Town of Lisbon Plan Commission.

ii. All appeals or waivers shall be reviewed by the Town of Lisbon Plan Commission. For the purposes of this section, the highest seasonal ground water level is defined as the upper limit of the zone of soil saturation caused by underlying ground water at its highest level. Where groundwater limitations exist, subdivision plats and certified survey maps shall state, on their face, the lowest allowed floor elevation for any proposed principle structure, as needed to ensure compliance with the above noted site drainage standards. All basement elevations must comply with the subdivision plat or certified survey map master grading plan or with the master grading plan referenced on the subdivision plat or certified survey map. At least one soil boring shall be conducted at the house site in order to determine the soil conditions for the building, foundation, and/or basement. The building inspector may request, at the owners' expense, the advice and assistance of a licensed professional engineer specializing in soils engineering or other qualified person working on behalf of the town in fulfilling his or her duties pursuant to this provision. Building, drainage, grading or other similar plans may be required to determine compliance with this section. The town accepts no liability for construction activities involving groundwater limitations.

iii. In the event the applicant disputes the necessity for, or the adequacy of, the site drainage standards noted above, the matter shall be reviewed, and a determination made, by the Town of Lisbon Plan Commission. The applicant may also request a variance from

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

the three (3) foot groundwater separation requirement for basements which shall be reviewed by the Town of Lisbon Plan Commission. In making their decision, the Plan Commission shall determine (1) how much of the basement shall be allowed to be constructed out of the ground, if any, (2) how much, and in what configuration, fill shall be allowed to be placed around the structure, and if minor grading or conditional use permits will be required, (3) if the building shall be allowed to have a basement at all, and (4) if development on the site should be prohibited. The determination of whether or not the building shall have a basement at all or whether or not the site should be developed shall be based on the recommendation from the licensed professional engineer specializing in soils engineering, and working on behalf of the town, at the owner's expense as noted above. However, in no case shall the separation requirement for basements (lowest floor) be less than one (1) foot.

iv. In the event a variance is approved, a gravity outlet shall be provided to the drain tiles of the building. The outlet must be above the 100-year flood elevation and be equipped with a back flow prevention device, and the drain to daylight must have a minimum slope of 1.04%, insulation, a rodent guard, and a clean out.

v. If the outlet is located in a roadside ditch, its invert must be a minimum of 18 inches above the ditch flow line. A sump pump is required with discharge to the surface as a redundant ground water removal system and the sump pump must be equipped with a sealed pump crock. An auxiliary power source of natural gas or propane gas fuel to a backup generator is recommended if groundwater separation is reduced to anything less than the one-foot requirement through the waiver process, and an auxiliary power supply is recommended in any instance noted above so the sump pump remains operative in the event of a power outage.

vi. All existing drain tile locations on or adjacent to property proposed to be developed, shall be identified, if known, and said information shall be provided to the Town Plan Commission and Town Board for review, and/or located on the preliminary subdivision plat or Certified Survey Map.

vii. Obstruction of drainage is prohibited. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course, shall not be permitted except with the approval of the Town Plan Commission and the Waukesha County Park and Planning Commission.

viii. Building is restricted adjacent to drainage channels or watercourses. No building other than a bridge, dam, or revetment subject to the aforementioned approval, shall be constructed, erected, altered, or relocated within 20 feet of the ordinary high water mark of such surface water drainage channel or natural watercourse, nor so that the lowest floor of said building is less than three (3) feet above the ordinary high water mark.

The Town of Lisbon shall not be held liable for adverse effects which may occur on any property resulting from high groundwater conditions in the area.

For the purposes of this section, in the Town of Lisbon, the datum plane used shall be mean sea level, 1929 adjustment.

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

11. Site Protection: Any property disturbed with land altering activities as may be authorized through the issuance of a minor grading or a conditional use permit, shall be required to protect the disturbed land surface of the lot or building site that is susceptible to erosion while under construction and which is not occupied with buildings, dedicated parking areas, or other hard surfaced areas with suitable stabilization measures. The plan shall meet design criteria, standards, and specifications acceptable to the Town Engineer and the Building Inspector. These measures include, but are not limited to, seeding, sodding, mulching, filter fabric, silt fences, hay bales, and sedimentation basins. Said disturbed areas shall be permanently stabilized and continuously maintained with suitable vegetative cover or other approved landscape material, and shall be required to conform with the provisions of the provisions of the Waukesha County Storm Water Management and Erosion Control Ordinance #146-158, Addendum F of this ordinance, and the Uniform Dwelling Code for one and two family dwellings. To ensure performance, a financial guarantee in the form of a cash deposit or letter of credit, may be required by the Zoning Administrator/Town Building Inspector, Town Engineer, or the Town Plan Commission.

**(d) Use Regulations**

1. Uses Restricted: In any district, no building or land shall be used or occupied, and no building shall be hereafter constructed, erected, altered, repaired, changed, improved, extended, enlarged, converted, or relocated except in conformance with the regulations hereinafter established for the district in which the property is located, or as otherwise provided for in this Ordinance. Where a change in use, change of ownership or operator, or a new use of a building or premises is proposed in any Business, Industrial, Quarrying, or Public and Institutional District, or at the site of a legal non-conforming use or a conditional use, a Site Plan and Plan of Operation shall be prepared for review and approval pursuant to Section 3 (b) 5 of this Ordinance.
2. Accessory Uses and Structures: In any district, accessory structures, buildings and uses customarily incident to the permitted buildings, uses and structures in that district shall be permitted subject to such requirements as may be hereinafter designated for that district in which they are located and in accordance with Section 3(i)5. No pyramiding as defined herein shall be permitted on any lands fronting on navigable waters, except as may be specifically permitted accessory to a marina or resort, and which may be allowed under the terms of a conditional use permit for a planned unit development. No accessory building, use or structure shall be permitted that by reason of noise, dust, odor, appearance, lighting, traffic generation, smoke, fumes, dirt, vibrations, fire, explosives, pollution, or other objectionable factors creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property. These nuisance determinations shall also include, but not be limited to, incidents of apiary operations where there is bee stinging, bee swarming, or bees otherwise creating a disturbance. Such adverse affects may be required to be corrected or eliminated by such measures as are directed by Sections 3 c 3 and 37 of this ordinance; and Chapter 5, Nuisances, of the Town of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances, also included as Addendum B herein.
3. Unclassified Uses: Any use not specifically listed as a permitted use or conditional use, shall be considered to be prohibited except as hereinafter provided. Where deemed appropriate, the Plan Commission shall have the authority to authorize uses not specifically enumerated herein (e.g., unspecified conditional use) under the terms of Section 4 (h) 28 of this Ordinance and shall state, in writing, the justification for allowing or denying said application for conditional use.
4. Additional Requirements: For any use or structure in any district, which becomes or is

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

determined by the Plan Commission and/or Building Inspector to be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood, the owner or occupant may be required to correct, improve, or abate such conditions by such measures as may be mutually directed by the Plan Commission and the Building Inspector consistent with reasonable technology and economic practicality and in conformance with reasonable standards. Any building determined to be unfit for human habitation, or which may endanger the health, safety, and welfare of the public as may be determined by the Town Board after recommendation by the Plan Commission or Building Inspector may be removed pursuant to the procedures outlined by the Wisconsin Statutes.

5. Any residence whose design includes provisions, or is intended to be used, for more than one single housekeeping entity as defined herein, shall be considered a two family or a multi family dwelling as defined herein, and are allowed only as conditional uses as provided for in Section 4 of this Ordinance, unless permitted in the zoning district in which they are located.
6. Conditional Uses: These uses are subject to Plan Commission approval following a public hearing to determine acceptable project impacts and the imposition of appropriate conditions as provided in Section 4 of this ordinance.
7. Nuisance Uses: Any use, in any district, which becomes hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of odors, lighting, smoke, fumes, dust, dirt, vibrations, noise, fire, explosives, pollution, appearance, traffic generation, or other objectionable factors may be required to be corrected or eliminated by such measures as are directed by Sections 3 c 3 and 37 of this ordinance; Chapter 5, Nuisances, of the Town of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances, also included as Addendum B herein; and/or the Town Board or its authorized representative.
8. Permitted Uses: These uses are permitted by right subject to the provisions of this ordinance.
9. Principal Uses: These uses represent the main or primary use of property or structures as permitted by the regulations of the zoning district in which such use is located.

**(e) Sanitary Regulations**

1. No building, structure, area, or premise shall be erected, repaired, changed, improved, extended, enlarged, converted, constructed, altered, located, or maintained for human occupancy, use, or assembly without adequate facilities for the sanitary and safe disposal of all human excreta together with all liquid and solid wastes that could be hazardous to the public health and safety or create objectionable nuisance conditions. Certification by the Town Building Inspector or Plumbing Inspector that the building conforms to all Town ordinances and other governmental laws or regulations applicable to sewage disposal systems, and that satisfactory evidence has been submitted to show that suitable provisions for sewage disposal, based on the proposed use, is possible on said lot if it is not served by an approved municipal or other state approved sewage disposal system.

No principal building shall be erected, repaired, changed, improved, extended, enlarged, converted, constructed, altered, relocated, occupied, or used, unless an approved septic system is installed with sewer running to a septic tank designed and located in accordance with the Town ordinances and other governmental laws or regulations applicable to sewage disposal systems, or to an approved municipal or other state approved sewage disposal

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

system. Such facilities must fully comply with the provisions of the Waukesha County Community Health Code.

2. No building permit shall be issued until a safe and adequate water supply and sewage disposal system is assured and until after the County sanitary permit has been issued. No occupancy and use permits shall be issued for a building used for residential purposes unless provisions have been made in accordance with the requirements of the Waukesha County Community Health Code.
3. Outhouses prohibited: No outhouse or privy shall be hereafter erected.
4. Sewer Reductions – a reduction in Lot Size, Lot Width, Offset, Road Setback, Open Space and an increase in Floor Area Ratio: In the case of any lot having municipal sewer, or a municipally approved communal sewage system or water system available at the site, and where such service would be provided prior to any occupancy of such lot, the Plan Commission may approve the reduction of the lot size, lot width, open space, offset, and road setback requirements applicable to such lot, and may approve an increase in the floor area ratio, after public hearing, unless otherwise stated in the zoning district. In making the decision, the Plan Commission shall give particular consideration to the following:
  - A. The suitability of soil, terrain, and groundwater table conditions, and the practicality of providing municipal sewer or water service to the parcel.
  - B. The effect of any reduction in the lot size, lot width, open space, road setback, and offset requirements, and the increase in floor area ratio requirements on the character and value of surrounding development.

The maximum amount of reduction in the lot size, lot width, open space, offset, and road setback requirements or the maximum amount of increase in the floor area ratio of individual lots shall not exceed 30% of that required by the district in which said lot is located. The more restrictive of the above stated requirements and those stated in the applicable zoning district regulations shall apply. Where lands are to be developed as a planned unit development and are to be served with public sewer, the density may only be increased by a total of up to 30%. The planned unit development density bonus and the sewer reduction provisions cannot both be utilized to further increase density beyond 30%.

**(f) Water Performance Standards**

Compliance: This ordinance permits specific uses in specific districts and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, and waters shall hereafter, in addition to their use, site, sanitary, and floodland and shoreland regulations, comply with the following performance standards:

1. Water quality protection: No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash-into surface or subsurface waters (including, but not limited to, groundwater) so as to contaminate, pollute, or harm such waters; or cause nuisances such as objectionable shore deposits, floating, or submerged debris, oil, or scum, color, odor, taste, or unsightliness; or be harmful to human, animal, plant, or aquatic life.
2. No activity shall withdraw water or discharge any liquid, gaseous, or solid materials so as to

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

exceed the minimum standards and the application of those standards set forth in Chapters NR102, 103 and 104 of the Wisconsin Administrative Code, and applicable standards of any federal agency for all interstate and intrastate surface waters of the Town of Lisbon.

3. The following water quality standards, as set forth in Chapter NR102 of the Wisconsin Administrative Code, shall be maintained:
  - A. Minimum standards.
  - B. Recreational standards-full body contact recreational uses.
  - C. Fish and aquatic life.
4. Water supply required: No occupancy or use permit shall be issued for a building used for residential purposes unless provisions are made for a safe and adequate supply of water in or within 300 feet of said residence, or a connection is to be made to an approved municipal or community water system.

**(g) Building Location**

**Purpose and Intent:** The purpose and intent of regulating building and structure location is as follows:

- To require the provision of adequate physical separation between uses to minimize conflict.
- To promote cluster development and other internally oriented living, shopping, and working environments, and to discourage strip development, in an effort to provide diversified and balanced growth.
- To provide aesthetic open space of sufficient size to accommodate landscaping and to soften, compliment, and enhance architectural design of buildings, parking areas, loading facilities, and utilities.
- To allow exposure to optimum amounts of light, air, and ventilation.
- To require the provision of a buffer zone between noise-intolerant land uses (e.g. residences, nursing homes, day care centers, schools, churches) and adjacent streets or highways to effectively attenuate noise, and buffer such developments from the pollution and hazards attendant to vehicular traffic.
- To provide vision triangles for safe visibility and traffic movement at all public intersections.
- To attenuate noise, odors, fumes, and dust generated by land use before they infringe upon adjacent land uses.
- To provide adequate area for snow removal.
- To insure adequate separation between pedestrian and vehicular circulation.
- To provide adequate area to detain, retain, and facilitate surface drainage.
- To protect and preserve the quality and quantity of groundwater resources.
- To prevent development which may result in unacceptable non-point source pollution.

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

1. Setbacks

- A. Base setback lines, from which building setbacks shall be measured, are hereby established for all streets and highways in the Town as follows, unless otherwise specified by action of the Town Board and the County DPW.
- i. On all streets or highways for which the ultimate width has been established by the Highway Width Ordinance of Waukesha County, the base setback line shall be located at a distance from the centerline equal to one-half such established width as designated on the "Established Street and Highway Width Map of Waukesha County", unless otherwise excepted in this ordinance.
  - ii. On all other streets, which shall be designated as "local streets or town roads", the base setback line shall be at least thirty-three (33) feet from the centerline of such street, or sixty (60) feet from the center point of a cul-de-sac unless specifically designated otherwise by action of the Town Board, unless otherwise excepted in this ordinance.
  - iii. When a lot abuts a frontage road, the base setback line shall be located at a distance from the centerline of the frontage road equal to one-half the platted right-of-way width of said frontage road.
  - iv. Such setback lines shall be parallel to and measured at right angles to the centerline of the street, highway, or frontage road.
  - v. There shall be a required setback equal to the offset requirement of the district in which the property is located, from a private right-of-way and/or easement providing ingress and egress to the subject land or other lands, unless such private right-of-way is considered a mill tax road, in which case the normal road setback requirements contained in this Ordinance shall apply.
  - vi. For roadways providing access to lands zoned M-1 or M-2, the base setback line shall be thirty-five (35) feet from the centerline of the street.
- B. Vision setback lines at the intersections of public streets or highways, and of a street or highway with a railroad where the grade is not separated, are hereby established as follows:
- i. Across each sector between the intersection of a street or highway with a railroad, a vision setback line shall be established by a straight line, connecting points on the base setback line and the railroad right-of-way line, which points are located one hundred twenty (120) feet from the intersection of the base setback line and the railroad right-of-way line.
  - ii. Across each sector between intersecting streets or highways, one (1) or more of which has an established width of one hundred (100) feet or more, a vision setback line shall be established by a straight line connecting two (2) points on the intersecting base setback lines, which points are located sixty (60) feet distant from the intersection of said base setback lines.

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

- iii. Across each sector between any other intersecting streets a vision setback line shall be established by a straight line connecting two (2) points on the intersecting base setback lines, which points are located thirty (30) feet distant from the intersection of said base setback lines.
- C. No principal or accessory building shall be hereafter constructed, erected, structurally altered, horizontally added to, relocated or placed so that any portion thereof, including roof overhangs, is closer to the base setback line than the setback distance specified by the regulations for the district in which such building is located except as specified here-in-after:
- i. If there is a building which is non-conforming with respect to road setback, with a similar use as the proposed building, located on an adjacent parcel on one side of the proposed building or within two hundred (200) feet of the proposed building and located on the same side of the street and on a similar plane, the average of the road setback of that existing building of similar usage and the required minimum road setback (50') shall apply.
  - ii. If there are two (2) buildings, which are non-conforming with respect to road setback, with similar uses as the proposed building, located on adjacent parcels on each side of said building or within two hundred (200) feet of the proposed building and located on the same side of the street and on a similar plane, the average of the road setbacks of those existing buildings of similar usage shall apply.
  - iii. In the case of a proposed addition to an existing building that has less than the required road setback, the average of the road setback of such existing building and the lesser of the required road setback (50') or the existing setback of the closest similarly used building within 200 feet of the subject property and located on the same side of the street and on a similar plane, shall be used to determine the required road setback for the proposed addition.
  - iv. The property is served with public sewer, and receives a sewer reduction in accordance with the sewer reduction provisions outlined in Section 3 (e) 4 of this ordinance.
- D. No other structures of any kind, except necessary highway and traffic signs, public utility lines, fences, rural mailboxes, and those signs permitted in a residential or agricultural district shall be hereafter constructed, erected, altered, relocated, or placed within such base setback area. Monuments and entrance gates are structures which require a building permit and shall be located at least ten (10) feet from the base setback line and shall not restrict safe access and visibility of the intersecting drive and the road and shall be subject to review and approval by the plan commission and the building inspector and the applicable municipality having jurisdiction over the road or highway.
- E. In the vision setback area, no structure of any kind shall be permitted which exceeds a height of two (2) feet above the elevation of the center of the intersection, except for necessary highway and traffic signs, public utility lines, and open fences through which there is clear vision, nor shall any plant material be permitted which obscures

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

safe vision of the approaches to the intersection.

- F. Additions to and replacements of existing structures may be made within the established road right-of-way as set forth by Section 3 (g) 1 A of this Ordinance, subject to approval of the Town Board and the Board of Appeals, provided the owner records, with the Waukesha County Register of Deeds office, a deed restriction, approved by the Town Board, to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this Ordinance at his or her expense, when said right-of-way is necessary for the improvement of the street or highway.
- G. In all cases where any of the highways for which setback lines are established by this Ordinance are located on municipal boundaries, such establishment shall apply only within the Town.
- H. On corner lots of record, as of the date of adoption of this Ordinance (July 14, 1958), the effect of the setback regulations shall not reduce the buildable width of such corner lots to less than thirty (30) feet. Where such reduction would result in an area narrower than thirty (30) feet after applying the offset reduction, the Zoning Administrator shall have the authority to modify the setback or offset provision to the extent necessary to minimize the encroachment on both the offset and setback standard while maintaining the thirty (30) feet area required herein.
- I. Every structure, except boathouses and any other structure excepted from shore setback by another section of this Ordinance, shall have a shore setback of at least seventy five (75) feet from the ordinary high water mark of navigable waters, the one-hundred year floodplain, and/or the conservancy district, whichever distance is greater, except:
  - i. Boathouses may be permitted within fifty (50) feet of the ordinary high water mark of a navigable body of water or a Conservancy District boundary line, but not closer than five (5) horizontal feet from the ordinary high water mark, or within a wetland or 100-year floodplain area, or within a floodway. However, new boathouses are prohibited in the Town of Lisbon.
  - ii. Boat hoists and piers may be erected on the bed of navigable waters pursuant to Chapter 30 of the Wisconsin Statutes and Section 3 (c) 6 C of this Ordinance.
  - iii. Under the authority of Section 59.692 (1v), 2001-2002 Wisconsin Statutes, also known as the “Gard bill”, the building inspector may grant a building permit and the County may grant a zoning permit for a structure that extends closer than seventy five (75) feet to the ordinary high water mark of a navigable body of water if all of the following requirements are met, but in no case is a structure exempt from the shore setback requirements from the Conservancy District boundary line:
    - a. The part of the structure that is nearest to the water is located at least thirty five (35) feet landward from the ordinary high water mark.
    - b. The total floor area of all existing and proposed structures in the

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

shore setback area of the property shall not exceed two hundred (200) square feet. In calculating this square footage, boathouses shall be excluded.

- c. The structure that is subject to the request for special zoning permission has no sides, or has open or screened sides.
  - d. The building inspector shall review a plan submitted by the applicant which shall be subject to the building inspector's approval and which will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least seventy (70) percent of the shore setback area that is within 35 feet of the water. The building inspector is authorized to require implementation of the vegetative buffer plan prior to the issuance of the building permit for the structure.
- iv. A retaining wall may be allowed if the building inspector determines that the retaining wall is necessary to abate a known and identified soil erosion and sedimentation problem. A retaining wall shall be set back at least seventy five (75) feet from the ordinary high water mark of a navigable body of water and outside of the conservancy district.
- v. A single stairway or walkway, determined by the building inspector to be necessary for access to a lake, pond or river, shall be permitted to have a shore setback of less than seventy five (75) feet provided the width of the stairway or walkway does not exceed three (3) feet, and said stairway or walkway shall not include platforms larger than 3 feet by 3 feet, benches, planters, or similar items.
- vi. Where there is an existing pattern of development with principal buildings having shore setbacks less than seventy five (75) feet from the ordinary high water mark of a navigable body of water or the Conservancy District boundary line, the setback requirements for new principal buildings, or additions to the existing principal building, or structures immediately adjacent thereto (such as decks or patios) shall be allowed to be reduced in accordance with the following setback averaging formulas. However, in **no** case shall the required minimum shore setback from the ordinary high water mark or Conservancy District boundary be reduced to less than thirty (30) feet:
- a. If there is a principal building which is non-conforming with respect to shore setback with a similar use as the proposed building and located on an adjacent parcel on one side of the proposed building and within two hundred (200) feet of the proposed building, the average of the shore setback of that existing building of similar use and the required minimum shore setback shall apply.
  - b. If there are two principal buildings that are non-conforming with respect to shore setback with similar uses as the proposed building and located on adjacent parcels on each side of the proposed building and within two hundred (200) feet of the proposed building, the average of the shore setbacks of the two existing

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

buildings of similar use shall apply.

- c. In the case of a proposed addition to an existing building which has less than the required shore setback, the shore setback of the addition shall be calculated by using the average of the existing building and the shore setback of an existing building with a similar use as the proposed addition if it is located on the adjoining parcel on the same side as the proposed addition and within two hundred (200) feet of the proposed addition.
- d. In the case of a proposed addition to an existing building that has less than the required shore setback, if there are not similar uses on either adjoining parcels, the shore setback of the addition shall be calculated by the average of the existing building and the required minimum shore setback.
- e. The effect of the shore setback regulations in combination with the road setback regulations shall not reduce the buildable depth of such lot to less than thirty (30) feet. Where such reduction would result in a depth less than thirty (30) feet after applying the shore setback and road setback averaging formulas, the building inspector shall have the authority to modify the road setback, shore setback, and offset provisions to the extent necessary to minimize the encroachment on the offset and setback standards while maintaining the thirty (30) foot depth.
- f. In applying these shore setback averaging formulas to a proposed principal building or addition to a principal building, the shore setback measurements shall be taken from other principal buildings only, and the measurements shall not be from any immediately adjacent structures, such as decks or patios.
- g. In applying these shore setback averaging formulas to a proposed structure, such as a deck or patio, which is immediately adjacent to the principal building, the shore setback measurements may be taken from other principal buildings or immediately adjacent structures, such as decks or patios.
- vii. A principal building, an addition to a principal building, or a deck or patio immediately adjacent to a principal building may be located as close as fifty (50) feet from the Conservancy District boundary if it is in conformity with the required shore setback from the ordinary high water mark and if the existing natural ground elevation adjacent to the lowest level of the principal building, including an exposed basement, is at least three (3) feet above the one-hundred year flood plain elevation or the ordinary high water mark of the conservancy or wetland area.
- J. Retaining walls do not need to meet the road setback requirements of the individual zoning district. However, they do need to be at least 10' from the base setback line as required in Section 3 (g) 1 D.
- K. Maintenance and use of setback areas: Any such required setback area shall be

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

landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material.

2. Offsets

A. No principal or accessory building shall be hereafter constructed, erected, horizontally added to, relocated, placed, or structurally altered so that any portion thereof, including roof overhangs, is closer to any side or rear lot line than the offset distance hereinafter specified by the regulations for the district in which such building is located, with the following exceptions:

i. (reserved)

ii. In the case of a lot of record, which has a minimum average width less than the required minimum average width of the district in which it is located, the required offset for the principal structure from a side lot line may be reduced proportionately to the ratio between the actual average width and the required minimum average width, but not less than ten (10) feet, except in accordance with Section 3 (e) 4, or as may be permitted within an approved Multiple Family or Planned Unit Development.

Example:  $\frac{\text{Actual Average Lot Width}}{\text{Required Minimum Average Lot Width}} \times \text{Required Offset} = \text{Reduced Offset}$

iii. Offsets for detached accessory buildings exceeding two hundred (200) square feet in area on lots of one hundred and twenty (120) feet in width or less may be reduced to an amount equal to the proportionate amount between the actual width and one hundred and twenty (120) feet and not less than five (5) feet, even when consideration is given to Section 3 (e) 4. However, no detached accessory building shall be located closer than ten (10) feet to any structure used for residential purposes, as measured between overhangs.

iv. Offsets for buildings housing animals including, but not limited to, livestock, fur-bearing animals, pigeons, swine, goats and poultry, shall be not less than fifty (50) feet from an adjacent property line. This does not include doghouses housing normal and usual household dogs (e.g., non-commercial in nature).

v. When an existing detached accessory structure lies on a lot and closer than five (5) feet of the common lot line, a new detached accessory structure on the adjacent lot may be located the same distance from the common boundary as the existing detached structure on the neighboring lot, as long as the two structures are within ten (10) feet of each other. In such a case, the new detached accessory structure shall contain a firewall sufficient to meet the one-hour fire rating contained in the building code. However, unless a common wall with a one-hour fire rating is constructed, and with agreement of both property owners, the building sidewalls shall be no closer than three (3) feet in order to accomplish proper maintenance. A deed restriction shall be recorded in the Waukesha County Register of Deeds office prior to issuance of the building permit prohibiting the construction of fences between said buildings and permitting maintenance of said buildings

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

from adjacent properties.

- vi. On any parcel, one detached accessory building that is less than two hundred (200) square feet in area may be located ten (10) feet from the side lot line unless otherwise excepted under any other provision.
  - vii. In the case of an extension or addition of a structure into the minimum offset area, and where such extension would not extend closer to the side lot line than the existing structure to which it is attached, a Variance may be granted by the Board of Appeals to allow such an extension or addition as long as said extension or addition does not encroach closer to the side lot line than an existing structure to which it is attached.
  - viii. Offsets on decks and patios may be reduced to 60% of the distance between the principal structure and the lot line, otherwise required for the principal structure, but shall in no case be located closer than five (5) feet of a lot line, even when consideration is given to Section 3 (e) 4.
  - ix. Retaining walls do not need to meet the offset requirements of the individual zoning districts, if they comply with the provisions of Section 3 (c) 5 of this Ordinance.
  - x. For accessory buildings and structures on lots more than two acres in size where the side of the building or structure adjacent to the nearest side and/or rear lot line is more than fifty feet in length, the offset otherwise required shall be increased one foot for every foot the side of the building or structure exceeds fifty feet in length. If the lot is not of sufficient size to meet this requirement from the side lot lines and the rear lot line, then the size of the building or structure shall be reduced.
- B. Where a lot abuts a zoning district boundary line, the offset from such line in the district of less restrictive use shall be not less than that required for the district of more restrictive use.
- C. In the case of commercial or industrial use structures the offsets may be modified as follows:
- i. Two (2) or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the state industrial code relative to such construction are complied with, and provided that at both ends of such type of buildings the applicable offset requirements shall be complied with.
  - ii. The required offset may be reduced on one (1) side of a structure provided the offset on the other side is increased by the equivalent amount, and provided the owners of any property adjoining the area of reduced offset record a deed restriction with the Waukesha County Register of Deeds office stipulating that no building shall be erected on said property so as to reduce the combined offset in such case to a distance less than that resulting from the normal application of the minimum offset requirements to both properties, except as permitted under paragraph 2.A. above.

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

- D. Maintenance and use of offset areas: Any such required offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material.
- E. Accessory building location: No detached accessory building shall be hereafter constructed, erected, structurally altered, horizontally added to, relocated or placed on a lot so that any portion thereof, including roof overhangs, is offset closer than ten (10) feet to the principal building on said lot.
- F. Driveway culvert offset: Where a residential property is required to have a culvert, at the point where the driveway enters the property, the culvert shall be placed no closer than five (5) feet to an adjacent property line.

**(h) Height Regulations**

- 1. Maximum height: In any district, no building or structure shall be hereafter constructed, erected, structurally altered, relocated, or placed on a lot so that any portion thereof exceeds a height in excess of that hereinafter specified by the regulations for that district, except the maximum height of any structure or building may be increased by not more than ten (10) feet, provided all required offsets and setbacks are increased by one (1) foot for each foot which said building or structure exceeds the height limit of the district in which it is located, and as provided in subsection 2 below.
- 2. Exceptions: The following shall be excepted from the height regulations of all districts:
  - A. Chimneys and flues.
  - B. Electrical transmission and distribution facilities.
  - C. Subject to approval of the Plan Commission: Cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless mass communication or mass radio, television, or satellite receiving/broadcasting towers, masts, aerials, antennas, or dishes and their necessary mechanical appurtenances and facilities, solar collectors, windmills or other wind generating structures. In making their determination, the Plan Commission shall consider the size of the property relative to the height of the structure proposed as to whether or not the structure should be approved.
  - D. Privately owned (ham) radio and residential/personal television towers, receivers, and antennas, provided such towers, receivers, and antennas are intended for the use of appropriately licensed amateur (ham) radio operators or residential/personal television users, shall not be erected or structurally altered to a height in excess of thirty five (35) feet, and in no case shall the overall height exceed the fall line distance as measured in a straight line to the nearest property line.

**(i) Area Regulations**

- 1. Floor area
  - A. Any building intended in whole or part for residential purposes shall provide a minimum floor area as hereinafter specified by the regulations for the district in which such building is located. Such minimums are stated in terms of the minimum total floor area required for a building and that portion of the total that must be provided on the first floor level, at a minimum. Such minimum total shall be

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

increased by two hundred (200) square feet for any building not having a basement of at least three hundred (300) square feet in area.

- B. The maximum total floor area of the buildings on a lot shall not exceed that permitted under the floor area ratio as hereinafter specified by the regulations for the district in which such building is located. The finished or unfinished basement or exposed basement area used for living space or any other use shall not be computed in the maximum floor area ratio requirements, but the floor area of an exposed basement may be used in computing the minimum floor area requirement. Garage space in an exposed basement is not computed in the maximum floor area ratio.
- C. The minimum floor area shall be measured at each level from the outside edge of wall to outside edge of wall and, for purposes of computing total minimum floor area, shall not include attached or detached garages; other outbuildings; open porches; unexposed basements; or attics or other storage areas having a height of less than seven (7) feet 6 (six) inches.

Exposed basements and the second floor of one-and-one-half and two-story residences may be included in computing total minimum floor area according to the following schedule:

- i. That portion of the exposed basement of an exposed basement residence which has been designed as an integral part of the living area of the home, may be included in computing total minimum floor area when at least one (1) side is completely exposed to grade level and access has been provided to the outside at grade level by means of at least one (1) door. Said area shall not be included in calculating the maximum floor area ratio requirements.
- ii. That portion of the second floor of one-and-one-half and two-story buildings which has a minimum distance between the ceiling face and the floor of 7 ½ feet shall be included in computing the total minimum floor area provided there is a permanent stairway leading from the first floor to the second floor. Where the floor to ceiling height is less than 7 ½ feet and the area is part of living space in the residence and does not include a closet, attic, or similar storage area, said area shall be included in the minimum floor area computation (i.e., "splayed" or sloped ceiling).
- iii. In tri-level and split level units, the minimum floor area shall be computed as follows:
- a. If less than one-half of the lower level(s) is above ground, such level shall be considered a basement and cannot be included in total floor area of the building unless such basement qualifies as an exposed basement section in 3(j) 1.C.i. above.
- b. If more than one-half of the lower level(s) is above the ground, such areas can be included in determining floor area. If there is no basement below this level(s), two hundred (200) square feet of floor area shall be required in addition to the floor area requirement of the zoning district in accordance with Section 3 (i) 1 A above. This required floor area shall be finished as an integral part of the

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

dwelling unit within six (6) months of the date upon which the building permit is issued.

- c. The first floor level shall include all area that is not over another living area of the building, exclusive of finished basements.
- D. The board of appeals may grant a variance to permit a building of less than the required minimum floor area where such grant would not be contrary to the spirit or intent of the ordinance, and provided the proposed building would not be of such character or quality as to depreciate the property values of the surrounding area, and provided further that in no case shall a minimum floor area of less than one thousand (1,000) square feet be permitted or granted.

2. Lot Size

- A. No lot shall hereafter be created and no building shall be erected on a lot of less land area or minimum average width than hereinafter specified by the regulations of the district in which such building is located except as may be provided in Section 3 (i) 2 E below, Section 3 (e) 4 and Sections 4 (h) 20 and 21 of this Ordinance. No lot may be created which has less than one hundred (100) feet of frontage on a navigable river or lake, or sixty-five (65) feet of frontage if served by public sewer, pursuant to NR115 of the Wisconsin Administrative Code.
- B. For the purpose of this ordinance, the lot area shall be measured from the base setback line.
- C. A lot shall be at least as wide as the specified minimum average width in the zoning district in which the lot is located for a distance of at least one-half the length of the lot.
- D. No lot area shall be reduced by any means so as to create a lot of less than the required size, or so that the existing offsets, setbacks, open space, lot width, or lot area would be reduced below or the floor area would be increased above that required by the regulations for the district in which such lot is located, except as provided by Section 3 (e) 4 and Sections 4 (h) 20 and 21 of this Ordinance.
- E. Where a lot has less area or width than required for the district in which it is located, or frontage on a navigable river or lake as specified in Section 3 (i) 2 A above, and was of record at the time of the passage of this Ordinance (July 14, 1958), such lot may be used for any purpose permitted in any such district, but not for residential purposes for more than one (1) family; provided; however, that building location, height regulations, and area regulations shall comply with the R-2 Residential District except where otherwise specified in other sections of this Ordinance.

Such substandard lots shall be in separate ownership from abutting lots. If abutting lands and the substandard lot owned by the same owner, the substandard lot shall not be sold or used without full compliance with the minimum lot area requirements of the R-2 Residential District or as close to that minimum as possible. Prior to any of the lots under the same ownership being sold or further developed/used, a Certified Survey Map combining all of the lots into one parcel shall be submitted to the Town for review and approval and, if approved, recorded in the Waukesha County Register of Deeds office.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

3. Open space

- A. No principal building shall be hereafter constructed, erected, horizontally added to, relocated, placed, or structurally altered on a lot so as to reduce the amount of usable open space of such lot to less than that hereinafter specified by the regulations for that district except as provided by Section 3 (e) 4 and Sections 4 (h) 20 and 21 of this Ordinance.
- B. To be considered usable, such open space shall be readily accessible and of a size and shape that can be reasonably considered to provide for the amenities and necessities of light, air, play space, drying yard, garden, etc. Crop, pasture, and wooded land may be included in computing such open space.
- C. No part of the open space provided for any building shall be included as part of the open space required for another building, except as hereinafter provided for in planned unit developments (refer to Section 4 (h) 21).
- D. Commercial and Industrial open space shall be calculated as specified by the regulations for those zoning districts.

4. Residential Density

Residential Density (either referred to as units per acre or minimum lot size) shall not exceed the density hereinafter specified by the regulations for the zoning district in which the development/building is located except as otherwise regulated in accordance with Section 3 (e) 4 (sewer reductions), Section 4 (Conditional Uses), and Section 4 (h) 20 (Multiple Family Units) and 21 (Planned Unit Developments).

5. Accessory Buildings and Structures as defined in this ordinance

Building permits are required for the construction of any accessory building/structure of any size, including detached garages which are included in the definition of "Garage, Private" in this ordinance.

- A. An accessory building or structure is considered a *private detached garage* if all of the following are true:
  - i. It is located no closer to the base setback line than the front line of the residence.
  - ii. It is located on the same side of the property as any attached garage, if an attached garage is present.
  - iii. It is connected to a driveway made with the same materials as the existing driveway.
  - iv. It is built of materials compatible with the principle building, including roofing, roof pitch, siding, windows, material colors, and doors.
  - v. The size of the building is based on the footprint of the building including up to a 36-inch overhang. If the overhang is in excess of 36 inches, then the overhang will be included in the building footprint total.
  - vi. Height shall be in accordance with the zoning district in which the building is located.
  - vii. Maximum allowable total building sizes of two buildings based on lot size:

Less than one acre	750 square feet maximum
1.0 acre to 2.0 acres	850 square feet maximum

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

2.1 acres or more

1200 square feet maximum

- B. An accessory building or structure is considered a *personal storage building* if all of the following are true:
- i. It is located no closer to the base setback line than the rear line of the residence.
  - ii. It may or may not have a connection to an existing driveway, but in any event the new driveway shall be made with the same materials or better as the existing driveway on the property.
  - iii. It is not a farm building as defined in this ordinance.
  - iv. The size of the building is based on the footprint of the building including up to a 36-inch overhang. If the overhang is in excess of 36 inches, then the overhang will be included in the building footprint total.
  - v. Height shall be in accordance with the zoning district in which the building is located.
  - vi. Maximum allowable total building sizes of two buildings based on lot size\*:

Less than one acre	800 square feet maximum
1.0 acre to 2.9 acres	1300 square feet maximum
3.0 acres to 5.9 acres	3900 square feet maximum
6.0 acres to 10.9 acres	7800 square feet maximum
11.0 acres or more	14300 sq. ft. maximum
- \*When the calculation of lot size in a fraction of 0.5 or greater, the lot size shall be rounded up. When the calculation of lot size in a fraction of 0.4 or less, the lot size shall be rounded down.
- C. An attached garage shall not be included in the accessory building limitations set forth in this subsection.
- D. Temporary structures shall be included within the limitations set forth in this subsection.
- E. In no case shall the building exceed the total floor area ratio requirements of the zoning district in which they are located (this includes all stories the principal buildings/structures (except the basement) and all stories of the accessory and principal buildings and structures, including any exposed basement level), unless the Board of Appeals grants a variance in accordance with Section 34.
- F. Setbacks and offsets for accessory buildings shall be specified by the regulations for that district, except as provided by Section 3 g, or unless the Board of Appeals grants a variance in accordance with Section 34. All setbacks and offsets shall be measured to the overhang.
- G. Number of Accessory Buildings: In no case shall more than two accessory buildings be permitted on any lot, unless excepted in i-iv below.
- i. On parcels of ten (10) acres or more in area, the number of accessory buildings may be greater than the limits set forth in this subsection when the buildings are used solely for the pursuit of agriculture, where the building(s) will house equipment as regulated in Section 3 (j) 3 A,

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

and/or where the buildings will house livestock or related farm animals and/or poultry, and when consistent with the total floor area ratio requirements of the zoning ordinance.

ii. In all Business and Industrial Districts, when approved by the Town Plan Commission as part of the Site Plan/ Plan of Operation review, and where said buildings are used solely accessory to the principal use on said lot.

iii. On parcels which are the subject of a conditional use permit and as regulated by the conditional use permit.

iv. Where more than two (2) such accessory buildings of any size are proposed on any lot, the Town Plan Commission shall review said structures in light of the provisions of Section 3 (c) 3 A and render a finding to allow or disapprove of the proposed structure(s).

- H. Accessory buildings shall not be located closer to the base setback line than the rear of the principal building on the lot unless the Town Building Inspector approves another location based on the facts for the specific request. In the case of a dispute, such questions shall be submitted to the Town Plan Commission for a determination.
- I. Accessory buildings shall be landscaped as determined by the Town Building Inspector. In the case of a dispute, such questions shall be submitted to the Town Plan Commission for a determination. Accessory buildings on farm operations as defined in this ordinance are exempt from this requirement.
- J. For accessory buildings less than 200 square feet:
- i. Said buildings shall be located no closer than ten (10) feet to a lot line, as measured to the overhang.
  - ii. Said buildings shall be located no closer to the base setback line than the rear line of the residence.
  - iii. Said buildings count toward the total number of accessory buildings allowed on a lot.
  - iv. Said buildings shall be regulated the same as any other accessory building, unless otherwise noted in subsection 5 J.
  - v. Only one such building meeting the criteria of this subsection shall be located on any lot.
  - vi. Shall be used to store primarily garden and other yard equipment or pool supplies.
  - vii. Any overhang in excess of one (1) foot shall be counted in the square footage of the building.
  - viii. The maximum height shall not exceed 12 feet from the ground to the highest point of the building.
- K. All accessory buildings, regardless of size, shall be constructed on footings or floating slab foundations as approved by the Town Building Inspector. Pole type constructed buildings may be exempt from this provision if the Building Inspector deems it appropriate. In the case of a dispute, such questions shall be submitted to the Town Plan Commission for a determination.

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

- L. Letters of Credit/Bonds: The Town Building Inspector shall require a letter of credit or bond as listed in the Fee Schedule Appendix included herein to be utilized in the event any work associated with the construction of an accessory building or accessory structure is not completed in accordance with the approved plans, the requirements of this ordinance, or the conditions as set forth by the Town Building Inspector, the Board of Appeals, and/or Town Plan Commission. The Town Building Inspector shall determine the appropriate amount of the bond or letter of credit. The amount shall be proportionate to the work proposed. In the case of a dispute specific to the amount of the bond or letter of credit, such questions shall be submitted to the Town Plan Commission for a determination.
- M. The total building footprint of all accessory buildings on any lot shall not exceed 3% of the total lot size, excluding the established road rights-of-way. Farm operations as defined in this ordinance are exempt from this requirement, but must still comply with the total floor area ratio requirements of this ordinance. Accessory buildings in business and industrial zoning districts may exceed the 3% limitation if approved by the Town Plan Commission as part of a Site Plan/Plan of Operation for the use.
- N. In no case shall any accessory building be used for purposes not allowed in the underlying zoning district or not approved by a conditional use permit and/or a Site Plan and Plan of Operation.
- O. When a petitioner is proposing to have more building footprint than the limits allow (3%), or as excepted above, the Board of Appeals may grant a variance in accordance with the procedure as outlined in Section 34 of this Ordinance. The petitioner must submit a current plat of survey by a registered land surveyor indicating all existing and proposed buildings on the parcel, their location, total square footages, the number of stories, and the total accessory building footprints. The Board of Appeals may require a deed restriction to be recorded in the Waukesha County Register of Deeds office prior to issuance of the building permit, restricting the use of the oversized accessory buildings to uses accessory to the principal use of the premises and shall not allow uses prohibited in the zoning district in which the building is located.
- P. All accessory buildings shall be constructed in such a way that the exterior appearance is compatible with the design, style, architecture, and appearance of the principal structure on the parcel. The Town Building Inspector shall make this determination. In the case of a dispute, such questions shall be submitted to the Town Plan Commission for a determination. Accessory buildings on farm operations as defined in this ordinance are exempt from this requirement.
- Q. In subdivisions recorded in the Waukesha County Register of Deeds office, pole building type construction of accessory buildings shall not be allowed. The Town Building Inspector shall make the determination as to the type of construction after consulting the definition of a pole building contained in this ordinance. In the case of a dispute, such questions shall be submitted to the Town Plan Commission for a determination. This subsection does not apply to farm operations as defined in this ordinance.
- R. For lots served by private septic systems, approval must be obtained from the Waukesha County Environmental Health Division prior to the issuance of a Building Permit for the accessory building.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

- S. No accessory building shall be erected prior to the construction of the principal building on any lot in the Town, unless in compliance with Section 3 (c) 1.
- T. In subdivisions, it is the property owner's responsibility to obtain approval from the Homeowners Association, if applicable. The Town does not recognize or enforce subdivision covenants or restrictions, and the project must comply with the zoning ordinance.
- U. Any accessory building that is to house animals, other than normal household pets, shall maintain a minimum offset of 50 feet, as measured to overhang.
- V. The required distance between a principal building and an accessory building shall be 10 feet, as measured between overhangs.
- W. All accessory buildings and structures shall meet the height requirements of the zoning district in which the building is located, unless exempted by Section 3 (h) 2 or increased in accordance with Section 3 (h) 1.
- X. For accessory buildings with basement or lower levels, the square footage of the basement level shall be included in the total floor area ratio calculations if at least one-half of the height of the basement at any point is above the existing natural grade of the land at the building site. In addition, in this case, Section 3 (h) 1 cannot be utilized to increase the height of the structure.
- If the basement or lower level is not exposed at least one-half of the height of the basement at any point is above the existing natural grade of the land at the building site, the square footage of the basement level shall not be included in the total floor area ratio calculations, and Section 3 (h) 1 can be utilized to increase the height of the structure.
- Y. For accessory buildings and structures on lots more than two acres in size where the side of the building or structure adjacent to the nearest side and/or rear lot line is more than fifty feet in length, the offset otherwise required shall be increased one foot for every foot the side of the building or structure exceeds fifty feet in length. If the lot is not of sufficient size to meet this requirement from the side lot lines and the rear lot line, then the size of the building or structure shall be reduced.
- Z. The above requirements, A-Y, apply to all accessory buildings and structures unless otherwise restricted in this ordinance.
- AA. Beehives as permitted in this Ordinance shall maintain minimum offsets and setbacks of 25 feet and shall be located behind the rear line of the residence or business as the residence or business faces the road.

In the A-3, A-5 and A-10 zoning districts, there shall be no limit on the number of bee colonies or bee hives on a lot. In the AD-10, RD-5, R-1, R-2 and R-3 zoning districts, in recorded subdivisions, on lots one (1) to three (3) acres in size, two (2) bee colonies or hives are permitted; and on lots larger than three (3) acres in size there is no limit on the number of bee colonies or hives allowed. In the AD-10, RD-5, R-1, R-2 and R-3 zoning districts, outside of subdivisions, on lots one (1) to three (3) acres in size, four (4) bee colonies or hives are permitted; and on lots larger than three (3) acres in size there is no limit on the number of bee colonies or hives allowed. In the AD-10, RD-5, R-1, R-2 and R-3 zoning districts, whether in a

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

recorded subdivision or outside of a recorded subdivision, on lots less than one (1) acre in size, no bee colonies or hives are allowed. In all other districts, no beehives shall be allowed on lots less than one (1) acre in size.

**(j) Off-Street Parking**

1. Spaces required: Any building hereafter constructed, erected, horizontally added to, relocated, placed, or structurally altered shall be provided with off-street parking spaces not greater than five hundred (500) feet from the principal use. A parking space shall be considered to be nine (9) feet in width by not less than twenty (20) feet in depth for angled sixty-degree parking and ninety-degree parking, and there shall be at least sixteen (16) feet of width between opposite facing parking stalls for one way traffic flow and 24 feet for two way traffic flow. The following schedule shall be utilized to determine the number of parking spaces for various uses allowed by this ordinance:
  - A. Two (2) spaces per dwelling unit (such dimensions as enumerated above, however, are not required for single family detached housing). The required number of residential spaces can be located in an attached or detached garage.
  - B. *Auditoriums, churches, theaters, community centers and other places of public assembly:* Three (3) spaces for each four (4) seats.
  - C. *Retail business establishments:* Three (3) spaces for each 100 square feet of floor space.
  - D. *Wholesale and other general business establishments:* Three (3) spaces for each 300 square feet of floor space.
  - E. *Office buildings and customer service establishments:* Three (3) spaces for each 200 square feet of floor space.
  - F. *Medical and dental clinics:* Three (3) spaces for each doctor and one (1) space for each employee.
  - G. *Industrial buildings and warehouse buildings:* Three (3) spaces for each 200 square feet of floor space.
  - H. *Sanitariums, institutions, rest homes, nursing homes:* One (1) space for each five (5) beds plus one (1) space for every three (3) employees.
  - I. *Hospitals:* One (1) space for each two (2) beds plus one (1) space for every three (3) employees.
  - J. *Hotels and motels:* One (1) space for each guestroom plus one (1) space for every three (3) employees.
  - K. *Colleges, vocational and night schools, secondary and elementary schools:* One (1) space for each two (2) employees plus one (1) space for every two (2) students except that the requirement for parking at elementary schools may not include student parking. At secondary schools the number of stalls for student parking shall be determined by the administration of that school and appropriate provisions made consistent with the intent of this provision.
  - L. *Restaurants, taverns, clubs, etc.:* Three (3) spaces for each 100 square feet of floor

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

space.

2. Residential parking: Parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking for guests. Vans or pick-up trucks used for private and recreational use, or a motor home (recreational vehicle), or one (1) van or pickup truck used in a conforming business or trade or used for transportation to and from a place of employment of an occupant of the residence, may be parked on any residential property as long as such use does not become a nuisance to the neighborhood. In the event a question as to use arises, the vehicle shall be subject to approval by the Plan Commission.
  
3. Parking of trucks and equipment: No other vehicular equipment of a commercial or industrial nature (trucks, construction vehicles, grading equipment, buses, semi-trailers and tractors, similar vehicles and related equipment, other trailers, etc), except one (1) van or pickup truck used in a conforming business or trade or used for transportation to and from a place of employment of an occupant of the residence may be parked on any residential property as long as such use does not become a nuisance to the neighborhood, shall be parked or stored on any lot in any zoning district except as permitted in the B-3, Q-1, M-1, and M-2 districts, or except as follows:
  - A. Agricultural equipment (such as farm tractors, plows, farm plows, seeders, combines, cultivators, trucks owned and used by the farmer in the operation of his or her farm, etc.) parked in an agricultural district and used in an active farm operation as defined in this ordinance.
  
  - B. As noted in subsection 2 above, one (1) van or pick-up truck used in a conforming business or trade or used for transportation to and from a place of employment of an occupant of the residence, may be parked on any residential property as long as such use does not become a nuisance to the neighborhood. The board of appeals may, if the need is evident, permit more than one (1) van or pick-up truck used in a conforming business or trade or used for transportation to and from a place of employment of an occupant of the residence, if the Town Plan Commission indicates in the Conditional Use approval that they have no objection to the increase in the number of such vehicles. No limitation shall be placed on vans or pick-up trucks if they are used for private non-business or non-commercial recreational purposes as long as such use does not become a nuisance to the neighborhood.
  
  - C. A conditional use permit pursuant to Section 4 (h) 10 may be granted to permit the parking of commercial or industrial type vehicles in any zoning district except C-1, EFD, UC, RM, RD-5, AD-10, P-I, and B-4. In the B-3, Q-1, M-1, and M-2 districts, where such vehicles are accessory to an otherwise permitted business, industrial, or quarrying use, a conditional use permit will not be required and there are no limitations as to the number of such vehicles which may be parked on the property except as may be hereinafter established under the provisions of the applicable zoning district, and/or the approved Conditional Use and/or Site Plan/Plan of Operation.
  
4. Surfacing: Any off-street parking area, other than that provided for a residence, having a capacity for more than four (4) vehicles shall be surfaced and well maintained in a dustless condition. Examples of surfacing can be either porous or pervious or impervious surfaces such as bituminous asphalt or blacktop, cement concrete, brick pavers, packed or recycled asphalt, or other surface as approved by the town engineer, but not dirt, grass, gravel, or

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

stone.

5. Screening: Any off-street parking area other than that provided for a residence, which abuts or faces a residential zoning district shall provide a permanent planting screen, landscaped fence, or wall, at least four (4) feet in height, initially, along the side abutting or fronting a residential zoning district. The wall shall be permitted in accordance with the regulations in Section 3 (g) 1 J and Section 3 C 5.
6. Offset: In any off-street parking area, other than that provided for a residence, no vehicle shall be parked closer than ten (10) feet to the abutting lot line, except where more restrictive requirements apply.
7. Setback: In any off-street parking area, other than that provided for a residence, no vehicle shall be parked closer than ten (10) feet to the base setback line, except where more restrictive requirements apply.
8. Lighting: Lights provided in any parking area shall be hooded or beamed so as not to create undesirable glare or illumination of adjacent residential property or distract the traveling public. The maximum pole height from the ground to the luminaire shall not exceed 18 feet in height.
9. Access: Direct vehicular access to an arterial or major collector street, as defined in this ordinance, is required if commercial type vehicles are to be allowed on the property.
10. Cars for sale: Occasional posting of a car for sale on any property, except in zoning districts where car lots are permitted by right, may be allowed by the Town Plan Commission unless a determination is made otherwise under Chapter 5, Nuisances, of the Town of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances, also included as Addendum B herein. The definition of “occasional” shall be the determination of the Plan Commission.
11. Any vehicles parked or stored in any zoning district shall be in compliance with Sections 3 (c) 3, 3 (d) 7 as applicable, and 4 (h) 10 if allowed by a conditional use permit, of this ordinance, or be subject to the provisions of Section 37 of this ordinance, as well as Chapter 5, Nuisances, of the Town of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances, also included as Addendum B herein.

**(k) Off-street Loading and Unloading**

1. Required: In any business or industrial district, except the Restricted Business District, one (1) off-street loading space shall be provided, in addition to the defined off-street parking area, for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building area used for business or industrial purposes, exclusive of any storage area.
2. Areas: Each such loading space shall have an area at least ten (10) feet wide by forty-five (45) feet long and shall have a minimum of fourteen (14) feet of height clearance.

**(l) Mobile Homes and Trailers**

1. Human habitation prohibited: Except within an approved mobile home park or trailer camp as defined in this ordinance, no trailer or mobile home shall be used for the purpose of human habitation in the Town, human habitation of a mobile home or trailer being defined as entering the mobile home for any purpose other than maintenance.

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

2. A permit for one (1) continuous six (6) month period allowing the human habitation of a mobile home on lands other than an approved mobile home park or trailer camp may be granted by the town board provided:
  - A. The habitation is accessory to the current construction of a principal structure owned by the same person who is applicant for the permit and who will be living in the mobile home or trailer.
  - B. The waste disposal facilities and water supply facilities are approved by the Town Building Inspector and the Waukesha County Environmental Health Division.
  - C. This use shall not be allowed in a floodway or wetland.
  - D. If located in a floodplain, the mobile home or trailer vehicle shall have the lowest floor elevation to the flood protection elevation, shall be anchored so that it does not float, collapse or move laterally during a flood.
  - E. If located in a floodplain, the mobile home or trailer shall provide continuous dryland access.
3. Mobile home parks and trailer camps: Such uses shall not be permitted except in accordance with Section 4.
4. Mobile Home/Mobile Home Park Ordinance: All mobile homes and mobile home parks shall comply with the provisions of Chapter 14, Mobile Homes and Mobile Home Parks, of the Town of Lisbon Code of Ordinances, also included as Addendum C herein.

**(m) Signs**

1. Use restricted: In any district no signs shall be permitted except as hereinafter specified by the regulations for that district.
2. Setbacks and offsets: In any district no sign other than those permitted in a residence or agricultural district shall be permitted closer than twenty (20) feet to the base setback line or to any other lot line, and any sign not directly related to the use of the premises on which it is located shall conform to the setback and offset requirements as would apply to a building in that district.
3. Hazards or nuisances prohibited: No sign, billboard, or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
4. Heights: No free standing sign shall exceed twenty (20) feet in height from the ground and no sign shall in any case exceed the maximum height limit for the district in which it is located.
5. Signs prohibited: Changeable Message (also Electronic Message Board) signs are prohibited in the Town of Lisbon, except a time and temperature sign approved by the Town Plan Commission and/or a manually changed marquee.
6. Sign Ordinance: All signs shall comply with the provisions of Chapter 13, Signs, of the Town of Lisbon General Code of Ordinances, also included as Addendum A herein.

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

7. Directional Signs: Directional signs as defined in this ordinance shall not exceed 12 square feet in area and may be permitted in any district other than residential zoning districts upon approval of the Plan Commission.

**(n) Legal Nonconformity**

1. Existing use permitted: The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance in the district in which it is located, and as outlined below.
2. Classification and regulation: For the purposes of administration of the Legal Nonconformity section of this ordinance, the effective date of the ordinance is July 14, 1958, and legal non-conformities shall be classified and regulated as follows:
  - A. *Non-conforming structures*:
    - i. No structure shall be altered, modernized, converted, expanded, or enlarged except in conformance with the applicable district regulations if such total work exceeds fifty (50) percent of the structure's assessed value. The 50% is cumulative over the lifetime of the structure.
    - ii. Pursuant to Section 62.23 of the Wisconsin State Statutes, a legal non-conforming structure that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after March 2, 2006, may be rebuilt, restored, repaired, or improved to its previous size and location, unless located within the road right-of-way or within a documented easement area. Such damaged or destroyed structure that is located within the road right-of-way or within a documented easement area shall only be rebuilt, restored, repaired, or improved in accordance with approval from the Board of Appeals. The size may be larger if necessary for the structure to comply with applicable state or federal requirements.
    - iii. If allowed to be altered, modernized, converted, expanded, or enlarged, all non-conforming structures lying within floodplains shall be floodproofed in accordance with the floodproofing requirements of this ordinance prior to an occupancy permit being granted by the Town Building Inspector.
  - B. *Non-conforming use of structures and lands*:
    - i. No such use shall be altered, converted, expanded, enlarged, improved, or intensified, except as provided for in Section 3 (n) 3 below.
    - ii. Upon petition to and approval by the Town Plan Commission, such use may be changed to another use provided the Plan Commission determines that the new use would not result in a greater degree of non-conformity than the current use.
    - iii. When any such use is discontinued for twelve (12) consecutive months, the use shall be deemed abandoned, and any future use of the land or structure shall conform to the use regulations of the applicable district of the ordinance currently in effect.
    - iv. When a structure which houses such non-conforming use, is damaged to the

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

extent of more than fifty (50) percent of its assessed value as determined by the Town of Lisbon tax roll, it shall not be improved for any use except that which is in conformance with the applicable district regulations of the ordinance currently in effect. The 50% is cumulative over the lifetime of the structure.

v. The total amount of improvements to a structure housing a non-conforming use shall not exceed fifty (50) percent of the assessed value of the structure as determined by the Town of Lisbon tax roll. The 50% is cumulative over the lifetime of the structure.

C. *Non-conforming lots:* The size and shape of such lots shall not be altered in any way that would increase the degree of such non-conformity with the applicable district regulations.

3. Conditional use status: Subject to the provisions of Section 4, conditional use status may be granted by the Town Plan Commission to existing legal non-conforming uses upon petition of the owner where such use is determined to be not adverse to the public health, safety, or welfare, would not conflict with the spirit or intent of the ordinance, or would not be otherwise detrimental to the community and particularly the surrounding neighborhood. Such conditional use status shall be granted only with the approval of the Plan Commission following a public hearing in the manner provided in Section 36.

4. No lot, use, or structure which was not lawfully existing at the time of adoption of this ordinance shall be made lawful solely by reason of the adoption of this ordinance, and to the extent that said lot, use, or structure is in conflict in any manner with the requirements of this ordinance, said lot or use remains unlawful hereunder.

**(o) Prior permit**

1. Construction permitted: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance and the construction of which shall have been substantially started within six (6) months from the date of such permit, in the sole determination of the Building Inspector.

2. Subsequently non-conforming: Any such use which does not conform to the use regulations of the district in which it is located, however, shall subsequently be considered a legal non-conforming use. Uses which are legally existing prior to adoption of this ordinance but do not conform to the regulations of the district in which they are located upon adoption of this ordinance shall be considered legal nonconforming unless appropriately classified as a conditional use through the approval of a Conditional Use Permit.

**(p) Swimming pools**

1. Use permitted: Above and below ground swimming pools (swimming pools as defined in this ordinance) are permitted in any district, except C-1 districts, subject to the following:

A. The pool must be used solely by the owners/occupants of the principal use of the property on which the pool is located, and their authorized/invited guests.

B. Any pool, together with its surrounding walks, decks, patios, diving platforms, bathhouses, mechanical appurtenances, and accessory structures shall be so located

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

that the parts of said complex are in conformity with the setback and offset requirements of the applicable zoning district. The pool itself shall not be closer than 10 feet to any residence. The area of the pool shall not exceed 3% of the area of the lot.

- C. Outdoor pools shall have walls that do not retain anything, or permanent fences, of at least four (4) feet in height, but not to exceed six feet in height, that completely surround the immediate area of all above ground pools to act as a deterrent and to restrict unauthorized persons gaining access to the pool. The wall or fence shall not have openings, holes, or gaps which would allow ease of access by unauthorized persons, except for self closing and self latching gates or doors. A door of a dwelling does not have to be so equipped. Permanent access from grade to above ground pools having stationary access ladders, stairs, or ramps shall not have less than equal safeguard fencing and gates or doors as are provided the swimming pool proper. The intent is to prohibit access to the pool via these mechanisms by unauthorized persons.
  - D. There shall be an unobstructed areaway at least three feet wide and four feet deep, as measured from the top of the pool, and as measured around the entire width of all above ground pools.
  - E. Compliance with Addendum G, Swimming Pools (Chapter 15 of the Town of Lisbon General Code of Ordinances).
2. Permit required: No swimming pool shall be erected, constructed, installed, enlarged, or altered unless a building permit has been issued pursuant to Section 3 (b) of this ordinance and Addendum G. Temporary pools in excess of 200 cubic feet in area and designed to hold more than 18 inches of water that are removed and later reinstalled require a permit to reinstall the pool.

**(q) Guesthouses**

- 1. Uses permitted: Guesthouses, as defined in this ordinance, are permitted in any district in which a single-family dwelling is permitted.
- 2. Permanent habitation prohibited: A guesthouse must be used only for the short term occupancy of guests of the owners (not a housekeeping entity), not to exceed fourteen (14) consecutive days in any 30 day period, and shall not be leased or rented for human occupancy.
- 3. Accessory to a single-family dwelling: No guesthouse is permitted unless a single-family dwelling is already present on the lot. Only one (1) guesthouse per lot is allowed.
- 4. Area Requirements: No guesthouse is allowed unless the lot upon which the guesthouse is to be located is at least double the minimum area and lot width requirements of the district in which the single family dwelling and guesthouse are located. This requirement is intended to prevent the creation of a non-conforming structure or lot in the event that the guesthouse lot is sold separately.
- 5. Building location: A guesthouse must be able to meet the minimum setback, offset, and open space requirements of the district in which it is located. This requirement is intended to prevent the creation of a non-conforming structure or lot in the event that the guesthouse lot is sold separately.

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

6. Floor area: The floor area of a guesthouse may be any size. However, in order to sell a guesthouse on a lot as a separate unit, its floor area minimum(s) must conform with the district regulations in which it is located, the guesthouse together with any other accessory buildings on the property shall not exceed the maximum accessory building floor area ratio requirement of the ordinance, and the total square footage of the buildings on the lot shall not exceed the maximum floor area ratio requirement of the district in which they are located.
7. Access provisions: In the event that a guesthouse parcel is sold separate from the single family dwelling, there must be direct access for each parcel to a public road. If this is impossible, the Plan Commission may approve a private easement for one or both of the parcels to a public road if the following requirements are met:
  - A. The private easement is at least thirty-three (33) feet for one (1) family and sixty-six (66) feet for two (2) families.
  - B. The creation of a private drive would not adversely affect existing or future development of the area.
  - C. The private drive would insure safe and continuous access for public service vehicles, and those properties served by such easement.
  - D. The driveway for the 33' easement shall be a minimum of 12' in width, and the driveway for the 66' easement shall be a minimum of 16' in width.

**(r) Boathouses**

1. Boathouses prohibited: Boathouses, as defined in this ordinance, and in Section 30.01 (1d) of the Wisconsin Statutes, are prohibited in any zoning district that may abut a public or private body of water. If an existing boathouse is located on a lot without a principal residence (not including having a legal attachment to another lot with a principal residence owned by the same owner), or is not used as a boathouse as defined in this ordinance, the structure shall be removed from the property upon notification and order of the Town Building Inspector. Improvements to existing boathouses shall be limited to maintenance only (e.g., work that does not legally require permits). The purpose of this regulation is to eliminate the existence of boathouses in the town over time in order to promote the purpose and intent of the ordinance.
2. Habitation prohibited: A existing boathouse may not be used for human occupancy or habitation, human habitation being defined for the purposes of this ordinance as utilizing the building for occupancy for overnight living or longer periods of time and including the aggregate of normal living activities such as lounging, cooking, eating, sleeping, living, dining, bathing, sanitation, etc. No existing boathouse may contain more than one-story and it shall not exceed fifteen (15) feet in total height as measured to the peak of the roof from the average grade surrounding the structure.
3. Only one boathouse shall be located on a lot abutting a public or private body of water. If there is more than one (1) existing boathouse on a lot, only the most conforming building, as determined by the Town Building Inspector in accordance with the provisions of this ordinance, shall remain and all other boathouses shall be removed upon notification and order of the Town Building Inspector.
4. Building location: An existing boathouse shall not be located closer than five (5) feet to the ordinary high water mark and as provided in Section 3 (g) 1 I of this ordinance. Its location

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

relative to offsets may be in accordance with the standards set forth in Section 3 (g) 2 of this ordinance. An existing boathouse may not be located in the C-1 zoning district, wetland, the 100-year floodplain or in the floodway as defined in this ordinance.

5. Existing flat roofed surfaces of existing boathouses may be used as open sitting areas (e.g., a deck) but shall not be permanently enclosed and no other items, except as otherwise noted below, shall be placed or stored on the flat roof (e.g., deck). A typical umbrella that can be closed and moved and/or removed daily, chairs, tables, railings, and access stairs shall be considered ordinary appurtenances for a flat roof boathouse.
6. The maintenance (or any other improvement) of existing boathouses, which extend beyond the ordinary high water mark of any navigable body of water (e.g., wet boathouses), shall be prohibited. The purpose of this regulation is to eliminate the existence of wet boathouses in the town over time in order to promote the purpose and intent of the ordinance.
7. An existing boathouse must be used exclusively by the owners and/or occupants (renters) of the lot. The deck of an existing flat roofed boathouse shall be used exclusively by the owners and/or occupants (renters) of the lot and their authorized guests.

**(s) First Amendment Protected Adult-Oriented Establishments**

1. Findings of Fact

- A. The Town finds that Adult-Oriented Establishments, as defined in this ordinance, require special zoning in order to protect and preserve the health, safety, and welfare of the Town.
- B. Based on its review of studies conducted in Phoenix, AZ, Garden Grove, CA, Los Angeles, CA, Whittier, CA, Indianapolis, IN, Minneapolis, MN, St. Paul, MN, Cleveland, OH, Oklahoma City, OK, Amarillo, TX, Austin, TX, Beaumont, TX, Houston, TX, Seattle, WA and the findings incorporated in City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Colman A. Young v. American Mini-Theaters, Inc., 427 U.S. 50 (1976), the Town finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
- C. The Town intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
- D. It is not the intent of the Town to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.
- E. In order to minimize and control the secondary effects of Adult-Oriented Establishments upon the Town, it is the intent of the Town to prevent the concentration of Adult-Oriented Establishments within a certain distance of each other and within a certain distance of other specified locations, which are incompatible with and would suffer from the secondary effects of Adult-

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

Oriented Establishments.

- F. Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the Town finds that a geographic separation of Adult-Oriented Establishments from alcohol beverage licensed premises is warranted.
2. Location of first amendment protected adult-oriented establishments.
- A. The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult-Oriented Establishments, as defined by this ordinance, are entitled to certain protections, including the opportunity to locate in the areas governed by this ordinance. Therefore, an Adult-Oriented Establishment shall be an allowed use in the Q-1 zoning district and shall be a prohibited use in any other zoning district. The Adult-Oriented Establishment may locate in the specified districts only if an Adult-Oriented Establishment License has been granted by a town, which is subject to the provisions of this ordinance, and all the requirements of this section and the applicable zoning district's regulations are met.
  - B. Adult-Oriented Establishments shall be located at least 1,000 feet from:
    - i. any residential district line, playground lot line, or public park lot line;
    - ii. any structure used as a residence, place of religious worship, public or private school, or "Youth Facility" as defined in the Town's Zoning Ordinance;
    - iii. any other structure housing an Adult-Oriented Establishment;
    - iv. any structure housing an establishment that holds an alcohol beverage license.
  - C. Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the Adult-Oriented Establishment to the residential district boundary lines, to the lot line of any lot used for a park, playground, or any structure listed in subsection 2 B (ii. – iv.) above.
  - D. The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.
  - E. For Adult-Oriented Establishments located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.
  - F. For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).

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

G. A licensed Adult-Oriented Establishment is not disqualified from holding an Adult-Oriented Establishment License by the subsequent location of any of the establishments described in subsection (B) above, within 1,000 feet of the licensed premises after the grant or renewal of its license. This provision applies only to renewal of an existing license and does not apply when an application for a license is submitted after a license for that location has not been renewed or has been revoked.

**(t) Airport Safety Zone**

1. Maximum Height: No building or object of natural growth located within 2 miles of the boundaries of any airport, landing field, or landing and take-off strip, and within a band of 500 feet on each side of the center line extended of any runway shall hereafter be erected, altered, or permitted to grow to a height above the elevation of the nearest point of such runway greater than 1/15 of the distance from said point.
2. Control of Use: No building or land located within 2 miles of the boundary of any airport, landing field, or landing field and take-off strip shall be so used that by reason of the emission of smoke, gas, or other emanation it shall produce a hazard to the operation of aircraft.
3. Exceptions: The aforesaid regulations shall not apply to growing field crops that are harvested at least once a year, or to fences not over 5 feet high.

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

**SECTION 4    CONDITIONAL USES**

(a)    **Approval required**

Certain uses and situations which are of a special nature, or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility or the detailing in this ordinance of the specific standards, regulations, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses in the zoning districts listed for each individual conditional use type, subject to the requirements hereinafter specified for each conditional use type, the approval of the Town Plan Commission, unless otherwise designated herein, and subject to any conditions as deemed appropriate in the approval process.

(b)    **Application**

Application for conditional use permits may be made by an individual property owner or group of owners or by a municipality, lake management district, sanitary district, or similar agency on behalf of a larger property area where said proposal may benefit a larger group or entire community. Application shall be made to the Town Clerk and shall include:

1.        A plat of survey (preferably a topographic survey), or an accurate map of the property drawn to a scale of not less than two hundred (200) feet to one (1) inch, and properly dimensioned showing: all lands within 500' of the subject property; the land in question; its legal description and location; location and use of existing buildings, sanitary systems, and private water supplies on such land; the ordinary high water mark of any navigable waters within one hundred (100) feet of the boundaries of the land in question; the location and use of any proposed buildings; sanitary systems and private water supplies on such land and within one hundred (100) feet of the land in question. Contact the Town Hall as to the number of copies required.
2.        Names and complete mailing addresses, including zip codes, of the owners of all properties within five hundred (500) feet of any part of the land included in the proposed change. When the project is to include a larger area and number of property owners and the applicant is the municipality or other governmental agency representing a large number of properties, the necessity of including names and addresses for the owners of land within five hundred (500) feet of the project area is not required although there must be a listing of all properties directly included by the project. Notice of hearing will only be required to be sent to the community, DNR, and other agencies of government as set forth elsewhere in this ordinance, and the notice shall be published in the newspaper as a class 2 type notice.
3.        Additional plans, data, or information as may be required by the County Environmental Health Division or the Town Plan Commission. Such plans shall be in sufficient detail to enable the Plan Commission to evaluate the suitability of architectural and landscape treatment; the proper sitting of the building or buildings on the lot; generation of vehicular traffic, and provision for parking and circulation needs; drainage and sewage disposal; exterior lighting; control devices, where necessary, to eliminate noise, dust, odor, smoke, or other objectionable operating conditions; and the general compatibility of the proposed use with the area in which it is located.
4.        A fee, as established and periodically modified by the Town under Section 37 (b) 5 shall accompany each application, except those submitted by a governmental body or agency. Such fee shall be paid by cash, check, or money order to the Town of Lisbon to defray the cost of official notification and posting of the public hearing. Costs incurred by the Town of Lisbon in obtaining legal, planning, engineering, and/or other technical and professional advice in connection with the review of conditional use applications and preparation of

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

conditions to be imposed on such uses, shall also be charged to the applicant.

5. Where necessary, to comply with the Waukesha County Shoreland and Floodland Protection Ordinance, and certain regulations established by the Wisconsin Statutes and the federal government, applications will be required to be submitted to the Waukesha County Planning and Zoning Division, the state Department of Natural Resources, and the U.S. Army Corps of Engineers.

The Town Clerk shall promptly refer any conditional use application to the Town Plan Commission for a determination.

(c) **Public Hearing**

Upon receipt of the application, the foregoing data, and fees, the Town shall establish a date for a public hearing by the Town Plan Commission, and shall publish notice of said hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the area of the proposed conditional use. The notice of the public hearing shall contain the purpose, time and place of the meeting. Notice of the public hearing shall be given by regular mail to the owners of all lands within five hundred (500) feet of any part of the land included in such conditional use at least seven (7) days before such public hearing. An exception to this requirement for notice to surrounding property owners is that for projects which are applied for and the responsibility of the municipality or other governmental agency as mentioned in Section 4 (b), notice is not required to be mailed to each affected property owner or those who own property within five hundred (500) feet of the project area. All other requirements for notice shall be accomplished as specified in this ordinance.

Testimony of all interested parties will be recorded at the public hearing and the Town Plan Commission shall take action within thirty (30) days, to either approve or disapprove of the application along with any conditions of approval or reasons for denial. If additional time is necessary beyond the thirty (30) days referred to above, such time may be extended with the consent, preferably in writing, of the petitioner. The decision of the Town Plan Commission, and any conditions or reasons made applicable thereto, shall then be sent in writing to the applicant and made a permanent part of the Town's records. In the case of conditional use applications for a cemetery or mausoleum, the Town Plan Commission shall submit their recommendation to the Town Board for official action of that body.

(d) **Final Determination and basis for Approval or Denial**

The Plan Commission and/or Town Board, if required, shall base their determination on the potential effect of such use on the health, general welfare, and safety of the Town and the immediate neighborhood, as well as the spirit and intent of the zoning ordinance. Specific consideration shall be given to the effect on the movement of traffic, environment, area aesthetics, Town services, and precedent of future development. Further, the proposed use shall conform to the building location, floor area ratio, parking, landscaping, lot width, setback, offset, height, building size, lot size, and open space regulations of the district in which it is located, except as otherwise regulated in this ordinance, or as modified by the Board of Appeals or the Town Plan Commission as appropriate.

The Plan Commission may deny the conditional use request if it concludes, based upon the information submitted, that the proposed use and/or development would likely:

- Materially endanger the public health, general welfare, and safety.
- Be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, or other similar factor.
- For any other reason cause a substantially adverse effect on property values.
- Be inharmonious with the area in which it is to be located.

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

- Will not be in general conformity with the land use plan, comprehensive plan, transportation plan, environmental plan, park and recreational plan, or other officially adopted plan.

The Town Plan Commission shall review the proposal as submitted along with requirements as may be established by the state department of natural resources and any applicable federal requirements. If approved, the decision shall include an accurate description of the approved use, the property description, and all conditions applied to the approval. If the conditional use request is denied, the Plan Commission shall state their reasons for denial.

Any conditions as may be deemed necessary by the federal government, the state, the town plan commission, the town board, or the county zoning agency shall be made an integral part of the permit. The applicant shall comply with these conditions, and in the event of conflicting conditions, the more restrictive of the conflicting conditions shall be complied with. Any deviation or alteration of the conditions set forth in the permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this ordinance and will be subject to prosecution and penalties under the terms of this ordinance. Notification of Town action on conditional uses shall be sent to the Department of Natural Resources, within ten (10) days of the approval by the Town if the conditional use is located in a shoreland and floodland area.

When a conditional use is approved, an official record of such conditional use approval shall be prepared by the Town in a prescribed form which shall include the description of the use for which the approval is given, and all development plans and conditions attached thereto. A copy of the official record shall be filed in the Town Hall.

Uses and structures accessory to the principal conditional use approval shall be regulated in accordance with the provisions of this ordinance.

(e) **Yearly compliance review**

All Conditional Use approvals shall be reviewed at least once every year at a time to be determined by the Town in order to ensure compliance with the terms and conditions of the approval.

(f) **Application for change, extension, alteration, or modification of conditional use permits**

If any holder of a conditional use permit wishes to change, modify, extend, or alter the terms of said permit, he or she must apply for such change, modification, extension, or alteration through the procedure of application for conditional use permits as detailed in this ordinance.

(g) **Termination, expiration, or automatic granting of conditional use status**

Conditional use status will terminate when, after a class 2 notice is published, notice is provided to the owner of the subject property of a public hearing, and the public hearing is held, the plan commission determines any of the following:

1. The conditional use has not continued in conformity with the conditions of the permit.
2. A change in the nature or character of the surrounding area, or of the conditional use itself causes it to be no longer compatible with surrounding uses.
3. The conditional use has been discontinued for a period of twelve (12) consecutive months. This includes an approved conditional use that has not commenced within twelve (12) months of the date of the Plan Commission action, or a building permit that has not commenced within six (6) months of issuance. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, ski

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

hills, quarries, marinas, etc.). Any future use shall conform to the regulations of the district in which it is located.

Upon a determination or finding by the town being made that the use must be terminated, the owner of the premises shall be required to bring all lands and structures into conformity with the permitted use regulations of the zoning district in which the property is located within sixty (60) days from such a determination. When changes in use or conditions of use upon which the use or operation exists are found to be more appropriate by the town, any changes or required improvements, or changes to the use or operation as set forth by the town, shall be made within sixty (60) days.

A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only with conditional use approval, shall automatically be granted conditional use status. The grant of conditional use status in such cases shall be based upon the existing conditions at that time, and any expansion of the use shall require an amendment to the conditional use. Application may be made at any time for expansion of the conditional use or other change, and such application shall not prejudice the existing conditional use status as authorized above. Existing legal nonconforming uses may be reclassified as a conditional use subject to the conditional use provisions, procedures, and requirements of this section of the ordinance.

(h) **Conditional uses permitted**

Subject to the foregoing, in addition to such uses enumerated in the district regulations, the following may be permitted as conditional uses in the districts specified, provided further that a public hearing shall be held by the Town Plan Commission before any such conditional use is granted, **and the location, building, and site plan and plan of operation shall be submitted to and considered for approval by the Town Plan Commission in each case:**

1. Airports, Landing Fields and Take Off Strips: In A-10, and in all cases the following requirements shall be met in order to grant a conditional use:
  - A. Subject to the approval of building and site plans and a plan of operation for the conduct of the use.
  - B. Subject to the review and approval by the Federal Aviation Administration and/or the State of Wisconsin Bureau of Aeronautics or a letter waiving their approval or indicating such approval is unnecessary.
2. Animal Hospitals, Veterinarian Clinics, Commercial Kennels (including “doggy day care” and pet sitting businesses): In any district, except C-1, EFD, UC, R-3, PR, RM, P-I, B-4, and Q-1 districts. However, animal hospitals and veterinarian clinics shall be permitted uses by right in all business and industrial districts, except B-4, as long as such facilities do not include the operation of a commercial kennel as defined in this ordinance. In the BP District, Animal Hospitals and Veterinarian Clinics, excluding commercial kennels, require a conditional use, provided all principal structures and uses are not less than 100 feet from any residential use. In all cases, the following requirements shall be met in order to grant a conditional use:
  - A. Animal hospitals and clinics not involved in the operation of a commercial kennel may be permitted on lots of not less than one (1) acre and shall be in conformance with building location, height regulations and area regulations of the district in

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

which such facilities are located. A commercial kennel operation shall not be permitted on parcels of less than three (3) acres and three hundred (300) feet of minimum average width.

- B. No building other than one used only for residence purposes shall be closer than fifty (50) feet to the lot line of an adjoining lot in a zoning district permitting residential use. Where the buildings are to be used to board or house dogs in a commercial kennel, including outdoor kennel runs, such structures and fenced runs shall not be closer than one hundred (100) feet to an adjoining lot line of any zoning district.
  - C. Off street parking shall be provided as required for Office Buildings and Customer Service Establishments.
3. Antique shops, gift shops, arts and crafts studios, and similar uses: Such uses are permitted uses by right in all Business and Industrial Districts, and may be allowed as conditional uses in the A-3, R-1, R-2, and R-3 zoning districts, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. The plan commission shall make a finding that such use is compatible with surrounding and nearby residential land uses which may be affected by the proposed use.
4. Automobile, Gasoline, and Service Stations and Convenience Stores associated with gasoline sales: In B-1, B-2, B-4 and B-P Business Districts and any Industrial District, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. No gasoline pumps and/or other accessory equipment shall be closer than fifteen (15) feet to the base setback line and fifty (50) feet offset to the side and rear yards. Underground or aboveground storage tanks shall conform with state standards.
  - B. No lighting installation shall be permitted which creates a hazard to traffic or a nuisance to surrounding property and all lights shall be shielded, baffled, or shaded to avoid such hazard or nuisance.
5. Bed and Breakfast Facility: The intent is to provide travelers/guests with temporary accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in any existing structure designed for and occupied as a single family residence in any district permitting single family residences, except the EFD, UC, B-4, B-P, Q-1, M-1 and M-2 zoning districts, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located. For building with significant architectural or historical value, the architectural integrity and arrangement of existing interior spaces must be maintained and the number of guest rooms shall not be increased except as may be required to meet health, safety, and sanitation requirements.

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

- B. Off-street parking shall be provided at the rate of one (1) parking space for each room rented and two (2) spaces for the owner/occupant. The front yard shall not be used for off-street parking for temporary guests unless the parking area is screened from view with natural plant material, and found to be compatible with the neighborhood.
  - C. The number of rooms shall be limited to five (5) sleep-in rooms or less, excluding those used by the occupants of the facility, and no room may contain more than two (2) beds. There must be at least five hundred (500) square feet of gross interior floor area for each sleeping room. These facilities providing service to a greater number of guests are not considered "license exempt" under state law and must comply with state hotel/motel restaurant licensing procedures administered by the County or State Health Department. The issuance of such licenses shall not be considered as conferring non-conforming commercial status to the use that would either allow alteration of the facility or otherwise compel rezoning of the property for commercial use beyond the scope of this section.
  - D. One (1) on-premise sign may be allowed provided that such sign is compatible with the residential use of the site and its surrounding areas and is not more than fifteen (15) square feet in size with letter sizes not less than five (5) inches in height.
  - E. All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast facility.
  - F. Room rentals to families or individuals shall not exceed fourteen (14) consecutive days during any thirty day (30) period.
  - G. The bed and breakfast facility must be accessory to and contained within the single family dwelling occupied by the owner (e.g., not a manager) of said premises.
  - H. The only meal to be provided to travelers/guests shall be breakfast and it shall only be served to guests taking overnight lodging in the facility.
  - I. The Waukesha County Department of Parks and Land Use - Environmental Health Division (EHD) shall examine both the water system and the sewage disposal system, and shall conduct a general health and safety inspection of the proposed facility. The EHD may impose any conditions required to ensure that all necessary health and safety standards have been met. The applicant shall not initiate any construction activity and other improvements related to the bed and breakfast facility; or begin operation of the facility until a determination, in writing, by the EHD that the necessary inspections have been completed and any deficiencies have been corrected. The proprietor shall have a water quality evaluation conducted by a recognized water testing laboratory on an annual basis following the certification of adequacy by the EHD. The results of that test shall be submitted to the EHD with a copy to the town building inspector. All requirements must be incorporated into the terms of the conditional use permit.
6. Business Park and Shopping Center Uses: In the B-4 zoning district. The use is a permitted use in the B-P zoning district. In evaluating the proposed use, the Town Plan Commission shall base their action on whether or not the proposed use will violate the spirit or intent of the ordinance, be contrary to the public health, safety, or general welfare, be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, traffic

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

congestion, incompatibility of uses, or other similar factors, or for any other reason causes substantial adverse effect on the property values and general desirability of the neighborhood or the shopping center. The Town shall utilize the following considerations in the determination of the appropriateness of the contemplated uses:

- A. The Town Plan Commission must review and approve all existing and proposed uses.
  - B. The economic practicality of the proposed use.
  - C. The proposed use shall be served by adequate off-street parking, loading, and service facilities.
  - D. The proposed use shall not create an adverse effect upon the general traffic patterns, circulation, or adjoining property.
  - E. The architecture, landscape, lighting, and general site development shall be compatible with the surrounding neighborhood and uses.
  - F. The use may be granted with any reasonable conditions deemed necessary by the Town Plan Commission.
  - G. The proposed development shall have adequate drainage and stormwater retention facilities, sewage and water facilities. Restrictions may be placed on uses without public sewer.
  - H. The intended use complies with the locally adopted Land Use Plan/Comprehensive Development Plan.
  - I. The shopping center complies with the Town of Lisbon Design Standards for the B-4 and B-P Zoning Districts (refer to Addendum E).
7. Cemeteries and Mausoleums for the Burial of Human Remains Only: Permitted by right in the P-I District. In any other district as a conditional use, except in the C-1, UC, PR, B-4, B-P, and Q-1 districts, subject to the approval of the Town Board following the recommendations of the Plan Commission.
8. Churches, Synagogues, and Other Buildings for Religious Assembly: Permitted by right in the P-I District. In any other district as a conditional use, except in the C-1, UC, PR, B-4, and B-P districts, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. A floor area ratio of no more than 50% shall be allowed.
  - B. Off-street parking shall be required in accordance with Section 3 (j) of this Ordinance.
  - C. Such use shall conform to the setback, height, and double the offset requirements of the district in which it is located.
  - D. The height limitation may be extended to a maximum of fifty (50) feet provided the minimum required setbacks and offsets shall be increased two (2) feet for every

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

additional foot of height in excess of the permitted maximum in that district. The aforesaid height regulation shall not apply to the spire or belfry of a church except where airport safety zone regulations specifically limit the maximum height.

9. Commercial fish ponds, bait ponds, or fish hatcheries: In the C-1, A-10, A-5, B-2, B-3, Q-1, M-1, and M-2 districts, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. No such use shall be permitted on a lot less than five (5) acres in area.
  - B. No building, other than one used only for residential purposes, shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.
10. Commercial Truck Parking: Such uses are uses permitted by right in B-3, Q-1, M-1, and M-2 districts. In all other districts as a conditional use, except the C-1, EFD, UC, PR, RM, RD-5, AD-10, P-I, B-4, and B-P zoning districts, and in all cases, the following requirements shall be met in order to grant a conditional use. However, in no case, shall such use be allowed on any lot within a recorded subdivision or certified survey map, or on unplatted lands in the Town where lot sizes are less than three (3) acres.
- A. Parking and storage of commercial or industrial type vehicles (trucks, construction vehicles, grading equipment, buses, semi-trailers and tractors, similar vehicles and related equipment, other trailers, etc) may be allowed as long as the vehicle is owned or leased and operated by the owner or occupant of the premises. No such use shall be allowed on any parcel except as may front directly upon, and have access to, an arterial or collector street as defined in this ordinance.
  - B. No more than three such vehicles and equipment shall be allowed to be parked or stored on the occupant's property. The type of vehicles allowed shall be specified by the Plan Commission. All such vehicles and equipment shall be fully operative and in active use. Where considered appropriate, two (2) semi trailers may be allowed, but in no case may there be more than one (1) semi-tractor or "cab" unit. The number of vehicles cannot be increased without the approval of a variance by the Town of Lisbon Board of Appeals.
  - C. The Plan Commission shall specify the area on the property where the vehicles shall be parked or stored. No such vehicle shall be allowed to be parked or stored closer than fifty (50) feet to any adjacent lot line, and not closer than one hundred (100) feet from the base setback line. In the case of refrigerator trucks, the refrigeration unit may not be operated in the open, except upon entering or leaving the property.
  - D. In determining whether or not the proposed conditional use permit should be issued, a determination of compatibility with adjacent existing and future land uses shall be made by the Town Plan Commission in issuing the conditional use permit. If it is determined that it would in any way be incompatible and represent an adverse effect or nuisance to adjacent land uses, the conditional use permit shall not be issued.
  - E. The conditional use permit shall be reviewed every year by the Town Plan Commission in order to determine conformance with the terms and conditions of the permit and if it is determined that the use is no longer compatible with adjacent land

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

uses as they develop in the vicinity, or if the use has become a nuisance in the sole opinion of the Plan Commission, the conditional use permit may be revoked in accordance with the revocation procedures contained in this Ordinance.

- F. When a request is filed with the Plan Commission for a proposed use that involves more than three (3) vehicles, or involves the construction of buildings to house, service, or maintain the vehicles, or where the use can be considered the principal use for the property, the use shall not be granted until the property has been rezoned, or until a conditional use permit has been applied for and granted. The Plan Commission, in its sole discretion, shall determine whether the property owner shall be required to apply for and obtain a conditional use permit or zoning change.
  - G. Notwithstanding anything contained herein to the contrary, the parking of agricultural equipment in an agricultural zoning district, and the parking of one panel van or pick up truck of a commercial nature in any zoning district, shall be permitted and shall not be subject to the requirements provided by this section.
  - K. The requirements of Section 3 (j) (4) through (11) shall also apply to the Commercial Truck Parking conditional use section of this ordinance.
  - I. Approval of a conditional use under this provision of the ordinance also requires compliance with Sections 3 (c) 3, 3 (d) 7, and 3 (j) as applicable. Noncompliance with Sections 4 (h) 10 and/or 3 (c) 3, 3 (d) 7, and 3 (j) as applicable, is subject to the provisions of Section 37 of this ordinance, as well as Chapter 5, Nuisances, of the Town of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances, also included as Addendum B herein.
11. Contractor's Yard: In A-10, A-5, B-3, Q-1, or Industrial Districts, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. The minimum lot area shall be at least five (5) acres.
  - B. All buildings used in the conduct of the business shall be located at least one hundred (100) feet from the lot line of an adjoining lot permitting a residential use or at least fifty (50) feet from a lot line of an adjoining lot in any other district.
  - C. No such use shall be allowed on any parcel, unless the parcel fronts directly upon and has access to an arterial or major collector street, as defined in this Ordinance, or within an established industrial park, where the roads can accommodate the heavy equipment.
  - D. A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The plan commission may increase or decrease the planting screen requirements as may be deemed appropriate.
  - E. In determining whether or not the proposed conditional use should be approved, the plan commission shall make a determination that the proposed conditional use is compatible with adjacent land uses. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.

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

- F. The Site Plan and Plan of Operation submitted for review and approval must include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.
12. Fur Farms, Pig Farms, Creameries, Condenseries, Wholesale Fattening of Livestock, Pea Vineries, Commercial Poultry and Egg Production, Commercial or Custom Grain Drying Operations: In A-10 and A-5 districts, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. No building other than one used only for residential purposes shall be located closer than one hundred (100) feet to the lot line of an adjoining lot permitting a residential use. In all other cases a minimum offset of fifty (50) feet shall be maintained.
  - B. Subject to approval of a site plan and plan of operation by the plan commission, and the plan commission shall give particular attention to the method by which animal waste will be handled in a safe and healthful manner. No such consideration or approval will be granted on a lot of less than twenty (20) acres in size.
13. In Law Unit: In any Residential, Agricultural, B-1, or B-2 zoning district, except the RM zoning district, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. The Waukesha County Department of Parks and Land Use - Environmental Health Division shall certify that the septic system will accommodate the proposed use and in accordance with COMM 83, County, and State Sanitary Codes.
  - B. Maximum living area of the in law unit shall not exceed eight hundred (800) square feet and shall contain no more than two (2) bedrooms. There shall be an additional off street parking space for the in law unit. There shall be no more than one (1) in law unit per single family lot.
  - C. The architecture of the residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single family residence. All other appropriate zoning district requirements for the principal living unit shall be complied with. A common entrance to the residence and in law unit should be designed into the structure so that a separate front entrance off of the common entrance is available and the structure does not appear to be a duplex.
  - D. The Plan Commission shall determine if it is appropriate to have an interior door between the in law unit and the principal residence.
  - E. A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office and a copy of the recorded document presented to the Building Inspector prior to issuance of the Building Permit. This Deed Restriction shall state that the in law unit is to be occupied by persons related by blood, adoption or marriage to the family occupying the principal unit and that the Conditional Use is not transferable without formal approval of the Plan Commission without necessity of a public hearing and that the unit will be used as intended.

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

14. Land-altering Activities: Land-altering activities in excess of those limits set forth in Section 3 (c) of this Ordinance may be permitted as a conditional use in any district, except the Conservancy/Wetland District unless rezoned to allow such activity. The UC district limits disturbance to 15% of the lot. In all cases, the following requirements shall be met in order to grant a conditional use:
- A. Highway construction which may be exempted by Wisconsin statutes by a written Memorandum of Understanding between the Wisconsin Department of Natural Resources and Department of Transportation for a specific highway project, new home construction and the attendant limited grading and filling necessary to achieve positive drainage away from the foundation, dredging as may be allowed in Section 3 (c) of this Ordinance, and minor grading as defined in the Ordinance, shall be excluded from regulation under this provision, but may be regulated elsewhere in this Ordinance.
  - B. The above land-altering activities permitted as a conditional use and in all cases, the following requirements shall be met in order to grant a conditional use:
    - i. Detailed plans of the project, at a scale of not less than 1" = 100', including all areas to be graded, filled, or otherwise altered along with seeding and/or vegetation plans, a planting schedule, and erosion and sedimentation practices to be employed shall be submitted for review and approval.
    - ii. No such use shall create flooding, concentrated runoff, inadequate drainage, unfavorable topography, excessive erosion and sedimentation, or restrict navigation in navigable waters.
    - iii. Such use shall comply with any ordinances or regulations established by the town and the county regulations as well as Chapter 30, 87, and 281 of the 2001-2002 Wisconsin Statutes and any federal regulations.
    - iv. Such use conforms to Section 3 (c) of this Ordinance.
    - v. If a rezoning is required, the procedure established in this Ordinance shall be complied with and the amendment to any other appropriate zoning district shall be approved in conjunction with the conditional use approval.
    - vi. The proposed grading and land-altering activities shall conform to the Town of Lisbon's adopted Storm Water Management and Erosion Control Ordinance (refer to Addendum F and Section 3 (c) 11) and a permit under that ordinance must be issued prior to the issuance of the conditional use permit.
15. Legal non-conforming uses: In any district as provided by Section 3 (n).
16. Limited Family Business or Service Oriented Businesses: The purpose and intent of this section is to provide a listing of procedures and standards of operation for limited family businesses/service oriented businesses (LFB/SOB) that may be allowed to operate in an attached garage or detached accessory building under a conditional use permit in the A-10, A-5, and A-3 zoning districts. The use is not permitted in C-1, UC, EFD, PR, AD-10, RD-5, R-1, R-2, R-3, RM, Q-1, B-1, B-2, B-3, B-4, B-P, M-1, M-2 and P-I zoning districts. A conditional use permit for a limited family business is designed to accommodate small

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

family businesses without the necessity for relocation or rezoning, while at the same time protecting the interests of the adjacent property owners and any future development of the area.

- A. Examples of a LFB/SOB include, but are not necessarily limited to, the following:
- i. Non-health related professional office or studio (architect, lawyer, accountant, realtor, travel agent, photographer, insurance agent, salesman, interior decorator, artist, crafter, tailor, shoe repair, beautician, barber, housekeeping, woodworker, music teacher, dance teacher, massage therapist, etc.).
  - ii. Small engine repair
  - iii. Certain outdoor or indoor storage for off-season vehicles (boats, snowmobiles, etc.) or for certain retail products (vending machine items, for example).
  - iv. A business where the only part of the business located on the property is the business office and/or the storage of the vehicles used for the business that are used at an off site location.

In the event a question arises, the town plan commission shall make the determination as to whether or not a business is considered a LFB/SOB.

- B. **Application requirements.** In all cases, the following requirements shall be met in order to grant a conditional use. An applicant may apply for a LFB/SOB if all of the following are true:
- i. The property is located in the A-10, A-5, A-3, R-1 or R-2 zoning district.
  - ii. The main portion of the business is run by members of the family residing on the premises, who is also the owner of the business.
  - iii. The business does not employ more than one (1) person who is not a resident on such lot, whether they are family members or not.
  - iv. The business is operated in the residence, the attached garage, or detached accessory building, and only where the principal use of the property is single family residential and where the business use is clearly incidental to the use of the property for residential purposes.
  - v. The business is operated entirely within a building(s).
  - vi. The business is run primarily for monetary gain or financial support.
  - vii. There is no manufacturing or assembling of products, and/or no sale of products on the premises unless the products are those produced by the LFB/SOB.
  - viii. Such business does not include conduct of any retail (other than subsection G above) or wholesale business on the premises, nor the removal of sand, gravel or stone from the premises for commercial purposes.
  - ix. Such business does not include the use of any machinery, tools, or other appliances, unless specifically allowed by the Conditional Use Permit.
  - x. Such business does not occupy more than twenty (20) percent of the site.
  - xi. Adequate off-street parking facilities are provided adjacent, or reasonably adjacent, to the building that houses such business.
  - xii. The nameplate does not exceed three (3) square feet in area.
  - xiii. Such business does not affect the residential character of the property or the neighborhood in the sole determination of the Town Plan Commission.

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

- xiv. Such business does not adversely affect the exterior of the structure or the property in the sole determination of the Town Plan Commission.
  - xv. The limited family business must operate on a parcel having at least the minimum parcel size required for the district in which it is located.
- C. In addition to the application requirements listed above, the minimum conditions of any approval must include, but not be limited to:
- i. Any unauthorized expansion of the limited family business will be subject to an amendment to the conditional use permit and, if said amendment is denied, the existing use may not be able to operate, any proposed expansion could not take place, and/or the existing conditional use permit could be terminated.
  - ii. All employees, except one full-time equivalent, shall be members of the family residing on the premises.
  - iii. The plan commission shall determine the total percentage of the buildings that may be devoted to the limited family business. However, the total percentage used shall not exceed 20% of what is available.
  - iv. The limited family business is restricted to a service oriented business or home occupation type business and is prohibited from manufacturing or assembling products. The sale of products on the premises, which are not produced by the limited family business, is prohibited. The limited sale of products as accessories to the business may be permitted or limited by specific conditions in the conditional use permit (i.e. hair care products such as shampoo and conditioners normally associated with a business that cuts or styles hair).
  - v. The conditional use permit shall restrict the number and types of machinery and equipment the limited family business operator may be allowed to bring onto the premises, and the machinery and equipment must be stored inside a building. If the use of any machinery, tools, or other appliances can reasonably be construed as creating an abnormal nuisance to the surrounding property owners, the Town Plan Commission may consider termination of said business after a public hearing is held.
  - vi. The structures used in the limited family business shall be considered to be residential accessory buildings and shall meet all of the requirements for such buildings. The design and size of the structures are subject to conditions in the conditional use permit.
  - vii. The conditional use permit shall automatically expire and terminate upon the sale of the property or its transfer to a non-occupant of the property.
  - viii. The limited family business shall not operate on a parcel having less than the minimum parcel size required for the district in which it is located. For certain uses that are determined by the town to have a potential adverse affect on adjacent residential zoned properties, additional requirements regarding location and site standards (i.e. screening) may be required as conditions of the conditional use permit.

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

17. Marinas and boat liveries: In the PR District and any business district, except B-4 and B-P, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. Such use shall be located at least five hundred (500) feet from the nearest public bathing beach or park.
  - B. Such use is designed and constructed so as to not interfere with adjacent riparian owners' uses of the water for swimming, fishing, or boating; nor interfere or obstruct the public's free navigation.
  - C. The minimum lot area shall be three (3) acres with a minimum average width of lot not less than three hundred (300) feet.
  - D. Sewerage disposal field shall be located no closer than one hundred (100) feet from the ordinary high water mark.
  - E. Fuel pumps shall be located two (2) feet above the ordinary high water mark. Fuel storage tanks shall be located no closer than fifty (50) feet from the ordinary high water mark, shall be located above ground and shall be adequately screened and fireproofed. The offset requirements for fuel pumps shall be at least twenty (20) feet from the side lot line and storage tanks shall be located no closer than fifty (50) feet from any side lot line. All other locational requirements shall conform to the requirements of the district in which the use is located.
  - F. No lighting installation shall be permitted which creates a hazard to any type of vehicular traffic or nuisance to surrounding properties.
  - G. No arcade as defined herein shall be permitted unless specifically authorized by the conditional use permit.
  - H. No pier may be permitted to extend beyond the pierhead line if established. The total length of all piers, and T's or L's extending from the pier may not exceed the total length of the lake frontage of the property and in no case greater than one hundred fifty (150) feet from shore, unless DNR requirements are more restrictive.
  - I. Any other condition of operation such as long term boat storage, launching, or other associated commercial activity on the site may be considered for inclusion in the terms and conditions of the conditional use permit in order to make the facility compatible with the neighborhood and the lake and to meet the spirit and intent of the Ordinance.
18. Mobile home parks and trailer camps: In B-2, B-3, M-1, and M-2 districts, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. The provisions of all other trailer camp or mobile home ordinances shall be met. Reference Chapter 14, Mobile Homes and Mobile Home Parks, of the Town of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances (Addendum C).
  - B. No such use shall be allowed unless municipal sewage facilities are used and the minimum lot size per unit is one-half (1/2) acre having a minimum width of not less than one hundred twenty (120) feet, offsets of twenty (20) feet and a setback of fifty (50) feet.

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

19. Motels and Hotels: In the B-2 and B-3 districts only, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. No such use shall be permitted on a lot less than three (3) acres in area.
  - B. Off-street parking shall be required in accordance with Section 3 (j) of this Ordinance.
  - C. No building shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.
  - D. All provisions of the County Community Health Code shall be met.
20. Multiple Family Units: In the RM District, and only where sewer is provided, more than two dwelling units are subject to the following requirements being met in order to grant a conditional use:
- A. The minimum lot area shall be one acre. The number of units shall be based on a maximum density of four (4) units per acre, exclusive of wetlands or 100-Year Floodplain or lands zoned C-1. The width of the lot shall be increased as the size of the lot increases in order to avoid excessively long and narrow lots and shall, however, be no less than one hundred and eighty (180) feet in width. The amount of open space on the property shall be four thousand (4,000) square feet per unit.
  - B. Approval of sewer availability shall be received prior to any approval of the proposed conditional use by the plan commission.
  - C. The minimum total floor area per unit shall be nine hundred (900) square feet.
  - D. Town Plan Commission review and approval of building plans, a site plan and a plan of operation, and architectural plans for the project is required.
  - E. There shall be two (2) off-street parking spaces required for each unit. The location and arrangement of these parking spaces shall be subject to the approval of the Plan Commission.
  - F. A minimum 440 square foot garage is required for each unit. If more than two single-family dwelling units are attached, the garages may be detached from the dwelling units, otherwise they must be attached to the dwelling units.
  - G. The offset and landscaping requirements are subject to approval by the Plan Commission. However, the offset requirements shall not be reduced to less than twenty (20) feet from any lot in an adjoining residential district. The road setback minimum shall be fifty (50) feet, and the shore/floodplain/wetland/C-1 setback shall be a minimum of 75'. The maximum height shall not exceed thirty five (35) feet as measured in accordance with this ordinance. Additional height may be permitted if the offset and setback requirements are increased by one (1) foot for each additional one (1) foot in height beyond thirty-five feet.
  - H. The Town of Lisbon may allow multi family development where the ownership is held in common under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin State Statutes (condominiums). Because of its multi family nature, this

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

development must also be served by public sewer. The town provides regulations to guide said development in accordance with Section 4 (h) 20 or 21 of this ordinance.

- I. In the U.S. Public Land Survey System Township of primarily Section 16 of the Town of Lisbon, but also containing a small portion of Section 17, condominium development of any kind will be permitted only if sewer is available and only at a density of no more than one (1) unit per 0.71 acres in accordance with the border agreement with the Village of Sussex and the adopted sewer service area plan.
- J. Multiple-family uses in the Town of Lisbon/Village of Merton joint planning/extraterritorial land use area will only be allowed subject to the terms agreed to in the joint planning process and shown in the clause on the adopted Town of Lisbon/Village of Merton joint planning area/extraterritorial land use plan map.

21. Planned Unit Development (PUD):

**Purpose and Intent:**

Due to increased urbanization, the associated greater demands for open space and natural resource preservation and protection, and the need to provide more efficient public services and create a more desired and creative living environment than would result through the strict application of the standard zoning requirements, flexibility in the regulations governing the development of land is herein provided. These provisions are intended to encourage planned unit development, as defined in this ordinance, which will recognize both the changes in design and technology in the building industry, and the new demands in the housing market. It is intended that these provisions create imaginative and interesting communities with substantial open area owned in common within the development, or dedicated to the public, for the enjoyment of the residents and the general public, as determined for each development, and will encourage a more efficient and desirable use of the land and open space areas thereby resulting in more variety of the physical development of the Town. This provision allows communities to infill between existing subdivisions, and allows growth adjacent to incorporated municipalities where municipal services may be available in the future. Coordinated site planning and a mixture of compatible uses are two additional benefits of a planned unit development. Such developments should also provide a safe and efficient system for pedestrian, bicycle, and vehicular traffic circulation, access, parking, lighting, signage, landscaping, architectural treatment, attractive recreation and open spaces, a sound economic design, the efficient provision of public and private utilities, community facilities, and ensure adequate standards of construction and planning.

Planned unit developments may be allowed as a conditional use in any district except the EFD, B-4, and Q-1 districts, and except that, while the C-1 Conservancy District can be part of a PUD as an outlot, no portion of any building lots or structures shall be allowed in the C-1 Conservancy District. Certain districts also prohibit one type (residential, mixed, commercial/light industrial) of planned unit development, but may allow another type (residential, mixed, commercial/light industrial) of planned unit development. In all cases where a planned unit development is proposed, the following requirements shall be met in order to grant a conditional use:

A. Procedures:

- 1. Pre-application meeting. Prior to official submittal of the petition for a conditional use, the owner/agent shall meet with the Town Administrator/Clerk, or his or her designee, to discuss the scope and nature of the contemplated development, the application process and

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

requirements, and the general concept plans and project design. The Town shall provide the owner/agent with the Engineer's checklist, the Town of Lisbon Land Division Review Checklist, the Condominium Plat Checklist (as applicable), and the owner/agent must sign and submit the professional services reimbursement form at the pre-application meeting.

2. Conceptual plan submittal. A conceptual plan, as defined in this ordinance, shall be submitted to the town and placed on an agenda for review and discussion along with the appropriate fee and the following information:
  - a. The name and legal description of the project.
  - b. Initial request for any variances or waivers required by the zoning ordinance, land division and development/subdivision control ordinance, or any other ordinances, regulations, rules or guidelines.
  - c. Conceptual architectural renderings and design of the buildings, if applicable.
  - d. Estimated cost of the buildings, if applicable.
  - e. Project plans and conceptual phasing schedule.
  - f. The density of the project and the amount of open space and common areas.
  - g. A detailed cover letter describing the benefits the planned unit development will provide to the Town of Lisbon.
  - h. Information regarding on site sewage disposal systems or public sewer.
  - i. Natural resource features.
  - j. Conceptual provisions for storm water management.

In addition, the following review comments will be provided at the meeting:

- Conceptual Town Engineer review comments.
  - Conceptual Fire Department review comments.
  - Conceptual County Planner review comments.
  - Conceptual County Environmental Health Division review comments.
3. Public Hearing. Once the Plan Commission has determined that all conceptual comments have been satisfactorily addressed, the owner/agent may file the required application with the Town for a conditional use. The petitioner shall contact the town for the appropriate number of copies and the appropriate fee.

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

The Town shall provide notice to neighbors and the official town newspaper and hold a public hearing pursuant to the provisions of Section 36 of this Ordinance. Notice for such hearing shall include reference to the requested conditional use. The notice shall also be posted in three places in the town.

The application shall be accompanied by project binders to include revisions to all information previously required at the conceptual stage, and the additional items outlined below:

- a. A cover letter which details how the proposed Planned Unit Development complies with the Town's adopted Land Use Plan/Comprehensive Development Plan or any adopted component or amendment thereof and the general character of and the uses to be included in the proposed Planned Unit Development. The cover letter must also include the following information:
  - i. Total area to be included in the Planned Unit Development, amount of open space to be provided, residential density computations, proposed number and size of dwelling units, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development.
  - ii. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
  - iii. Any proposed variances or waivers from the standards of development as set forth in the Town zoning regulations, land division and development/subdivision control ordinance, or other regulations, rules, ordinances, or guidelines.
- b. The expected date of commencement of physical development as set forth in the proposal and the submittal of a staging plan, if the development is to be staged.
- c. An overall site development plan showing how the objectives in Section 4 (h) 21, and specifically A through M, are to be achieved. The following information shall be submitted with the site plan:
  - i. A legal description and boundaries of lands included in the proposed Planned Unit Development.
  - ii. The location of public and private roads, sidewalks, paths, trails, and driveways.
  - iii. The size, arrangement, and location of any individual building sites and proposed building groups on each individual lot.
  - iv. The location of institutional, recreational, green space and open space areas, and areas reserved or dedicated for public uses, including schools, parks, and drainage

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

ways.

- v. The type, size, use, and location of all buildings and structures.
- vi. A landscaping plan showing existing and proposed vegetation location and including species and sizes at installation and maturity.
- vii. Architectural plans (color preferred) illustrating the exterior design, materials and colors, height, and character of proposed structures, including elevations and interior floor plans.
- viii. The existing and proposed location of public utilities including sanitary sewer and water supply facilities.
- ix. The existing and proposed location of all private utilities or other easements.
- x. Characteristics of soils related to proposed uses including soil tests for basements and on site sewerage disposal systems as required in the drainage regulations section and other sections in this ordinance. Also submit proposed private well information and show locations.
- xi. Existing and proposed grades with contours at no greater than two-foot intervals National Geodetic Vertical Elevation.
- xii. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- xiii. The location of existing driveway openings adjacent to, and across the street from, the proposed planned unit development.
- xiv. A Grading Plan to be reviewed and approved by the Town Engineer.
- xv. Building plans in compliance with Building Codes to be reviewed and approved by the Town Building Inspector.
- xvi. A Storm Water Management and Erosion Control Plan showing all existing and proposed storm water drainage facilities and erosion control measures, and drainage patterns to be reviewed and approved by the Town Engineer.
- xvii. All existing and proposed water features, wetlands, floodplain, environmental corridors, and any other natural resource features.
- xviii. A signage plan including location, size, dimensions, materials, and colors. Include wattage and cut sheets if lighted.

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

- xix. A lighting plan including design, location, number, wattage, lumens, isofootcandle dispersion, specifications on the type of illumination, and cut sheets.
- xx. A dumpster/recycling area plan.
- xxi. A fencing plan.
- xxii. A screening plan including berms, fences, and walls.
- xxiii. A parking plan including facilities, number and size of spaces for residents, employees and customers, handicap spaces, access, screening, general traffic circulation, adjacent streets, loading/unloading areas, snow removal areas.
- xxiv. All plans shall be prepared by registered professionals in their respective fields, and shall be at an engineering scale of not less than 100 feet to the inch, unless an architectural scale is used.
- xxv. Any other information as may be required by the Plan Commission in considering the application.

In addition, the following review comments will be provided at the public hearing:

- Town Engineer review comments.
- Fire Department review comments.
- Town Attorney review comments.
- County Planner review comments.
- County Environmental Health Division review comments.

4. Decision. The Town Plan Commission in making its decision on the conditional use shall consider:
- a. Whether the petitioners for the proposed Planned Unit Development have indicated that they intend to begin the physical development of the designated Planned Unit Development within twenty four (24) months following the issuance of a conditional use permit for the Planned Unit Development and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
  - b. Whether the proposed Planned Unit Development is consistent in all respects with the purpose of this section and to the spirit and intent of this Ordinance; is in conformity with the land use plan/comprehensive development plan or adopted component or amendment thereof; would not be contrary to the general welfare and economic prosperity of the Town or of the immediate neighborhood; and that the benefits and design of the resultant development justifies the establishment of a Planned Unit Development and approval of a conditional use.

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

- c. The Plan Commission shall not grant their approval unless it is found that:
    - i. The proposed site shall be provided with adequate water from either a private onsite well or public water utility, sanitary facilities, and drainage facilities for surface water and storm water.
    - ii. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
    - iii. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, schools, street maintenance, and maintenance of public areas by the proposed development.
    - iv. The streets, sidewalks, driveways, paths, and trails on the site of the proposed development shall be adequate to serve the residents of the proposed development, and the public where made available to the general public, and shall meet the minimum standards of all applicable ordinances, rules, guidelines, and regulations of the Town.
  - d. **The planned unit development must be approved by at least five members of the Plan Commission.**
  - e. If the planned unit development is approved, the petitioner shall provide appropriate financial guarantees for any public improvements to the town for review and approval by the town attorney and the town engineer prior to the commencement of construction.
  - f. The Plan Commission may add any additional conditions or restrictions they deem necessary or appropriate to promote the spirit and intent of this Ordinance and the purpose of this section.
5. Land Divisions. Any proposed land division which is part of the proposed Planned Unit Development shall be subject to the requirements of the subdivision control/land division and development ordinance of the town, including any associated technical checklists.
- Preliminary plat or condominium plat. Upon final approval of a conditional use permit, a preliminary plat, or condominium plat if applicable, shall be officially submitted to the County, with copies of the plat with the same date as that submitted to the County also submitted to the town (contact the town for the appropriate number of copies and fees). The plat will be placed on the plan commission agenda for review and discussion. The following information must also be submitted:
- a. A cover letter addressing any outstanding issues from the conceptual plan commission meeting or the public hearing for the planned unit development, and proving satisfaction of those outstanding issues as necessary.

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

- b. If the proposed project is a condominium, the owner/agent shall submit all additional items as required to be filed with the town in accordance with Chapter 703 of the Wisconsin State Statutes.

In addition, the following review comments will be provided at the meeting:

- Town Engineer review comments.
- Fire Department review comments.
- Town Attorney review comments.
- County Planner review comments.
- County Environmental Health Division review comments.

Final plat or condominium plat. Upon approval of a preliminary plat, or condominium plat if applicable, a final plat shall be officially submitted to the County, with copies of the plat with the same date as that submitted to the County also submitted to the town (check with the town for the appropriate number of copies and fees). The plat will be placed on the plan commission agenda for review and discussion. The following information must also be submitted:

- a. A cover letter addressing any outstanding issues from the conceptual plan commission meeting, the public hearing for the planned unit development, or the preliminary plat, and proving satisfaction of those outstanding issues as necessary.
- b. Final draft of the developers agreement with the town that will govern the project once completed, including timelines for stage development plans.
- c. Final draft of the association by-laws, covenants, and restrictions.
- d. If the proposed project is a condominium, the owner/agent shall submit all additional items as required to be filed with the town in accordance with Chapter 703 of the Wisconsin State Statutes.

In addition, the following review comments will be provided at the meeting:

- Town Engineer review comments.
- Fire Department review comments.
- Town Attorney review comments.
- County Planner review comments.
- County Environmental Health Division review comments.

No planned unit development, once approved by the Plan Commission and the approved plat recorded, may be thereafter divided into separate parcels except upon approval of the Plan Commission and Town Board in accordance with the Town of Lisbon Zoning Ordinance and the subdivision control/land division and development ordinance of the town, the town land use plan or any subsequent

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

comprehensive plan, Waukesha County Department of Parks and Land Use approval, where required, and approval by any extra territorial municipalities, where required.

- B. Water and sanitary facilities. Adequate water and sanitary facilities shall be provided.
- C. Site plan and plan of operation. A site plan and plan of operation must be submitted for all planned unit development requests.
- D. Permanent preservation of open space areas. Adequate guarantee shall be provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public, as determined by the Town Plan Commission.
- E. Park dedications and/or reservations. Certain park dedication and/or reservation provisions of the subdivision control/land division and development ordinance of the town shall apply to all residential units erected in a planned unit development. Specifically, where dedication/reservation of open space or public sites are not in accordance with the Town of Lisbon Park and Recreation Plan (which references the Town of Lisbon Land Use Plan or subsequent component thereof such as a Comprehensive Development Plan), or compatible with the development of the community, the developer shall pay fees, in lieu thereof, to the Town, as established on an annual basis by the Town.
- F. Modification of zoning district requirements. The zoning district requirements (lot size, lot width, height, offset, setback, open space, floor area ratio, building size, and building location) which would otherwise apply may be modified for planned unit developments based on the reasons stated in the purpose and intent section of the Planned Unit Development conditional use and upon compliance with the following:
  - 1. All private onsite waste disposal system provisions are approved by the Waukesha County Environmental Health Division.
  - 2. The proposed development is in conformity with the Town of Lisbon Land Use Plan/Comprehensive Development Plan or any subsequent amendments thereto, is not contrary to the general welfare and/or economic balance of the community, and that the benefits and amenities of the resultant development justifies the variation from the normal requirements of the district in which the development is located.
  - 3. All other requirements for a planned unit development are met as set forth in Section 4 (h) 21.
  - 4. **Residential Planned Unit Developments:**
    - a. The zoning district lot sizes and density for residential planned unit developments may be modified by applying up to a 30% maximum density bonus to the density otherwise permitted in each specific zoning district, unless otherwise stated below or elsewhere in this ordinance. The 30% increase can be applied to any zoning district except C-1, EFD, B-4, and Q-1, unless otherwise stated below or elsewhere in this ordinance. This is the maximum dwelling unit density increase for a residential planned unit

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

development whether or not it is served by public sewer. For example, where lands are to be developed as a planned unit development and are to be served with public sewer, the density may only be increased by a total of up to the maximum of 30%. The planned unit development density bonus and the sewer reduction provisions of this ordinance cannot both be applied to further increase the density bonus beyond the 30% maximum.

UC	Five (5) acres per dwelling unit*
AD-10	Not less than one acre per dwelling unit based on a 10 acre density
RD-5	Not less than one acre per dwelling unit based on a five acre density
R-1	Thirty thousand (30,000) square feet per dwelling unit
R-2	Thirty thousand (30,000) square feet per dwelling unit
R-3	Thirty thousand (30,000) square feet per dwelling unit
RM	Thirty thousand (30,000) square feet per dwelling unit (if three or more units are proposed, the site must be sewerred)
B-P	Forty thousand (40,000) square feet per dwelling unit

\*Note: Upland Corridors are further subject to the following: If all of the Upland Corridor zoned lands and designated Environmental Corridors are preserved in their entirety within the public open space or open space owned by the property owners or in recreational use, and are preserved in their natural state, the density of one unit per five (5) acres may be added to the maximum number of dwelling units otherwise allowed in this section.

b. **Lands currently zoned C-1 may not be used in formulating the density of the project as a reduction has already been factored in the above table and the maximum 30% density bonus.** When lands border a public body of water, pyramiding as defined in this ordinance may be allowed if the minimum frontage and average width of the parcel fronting on the public body of water at the high water mark is one hundred (100) feet for the first dwelling unit and an additional twenty-five (25) feet for each dwelling unit thereafter. No more dwelling units may have access to the public body of water than what would result from the application of this pyramiding provision irrespective of the overall size of the development project.

c. Adequate guarantee shall be provided for permanent preservation of open space areas resulting from these regulations and as shown on the approved site plan either by private reservation for use of the residents within the development and maintenance or by dedication to the public or others as may be specifically provided for (e.g., farmers use of open space, dedication to a public entity, for the preservation of rural character, or development of a private recreational facility open to the general public in perpetuity for a fee), as determined by and subject to the approval of the Town Plan Commission. There shall not be any clear cutting or clearing of vegetation other than dead, diseased, or dying vegetation or removal of invasive species on any lands being so preserved in public open

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

space or open space owned by the property owners or in recreational use which are considered Upland or Environmental Corridors, as depicted on the Town of Lisbon Zoning Map and/or Land Use Plan/Comprehensive Development Plan or any subsequent amendment thereto, except as provided in (h) below for limited path, trail, or recreational related development. Buildings or uses for noncommercial or accessory facilities may be permitted in such open space area with the approval of the Plan Commission, subject to the limitations in (g) below.

d. Perpetual care and maintenance of public open space or open space owned by the property owners or in recreational use shall be provided for by an agreement recorded in the Waukesha County Register of Deeds office. Said agreement shall include an operation plan, which shall preserve the natural qualities of the environmentally significant lands. The agreement shall be submitted to and approved by the Plan Commission with the assistance of an expert naturalist, if needed. This condition is not deemed satisfied unless all required approvals are granted.

e. Ownership and tax liability of the open space areas shall be established in a manner acceptable to the Town Plan Commission and made a part of the conditions of any approval.

f. The total open space of the development shall be no less than would have resulted from the application of the open space requirements of the zoning district.

g. Public open space or open space owned by the property owners or in recreational use shall be of a size and shape to provide an integrated system of open spaces to the greatest extent possible, and to provide protection of environmentally significant lands. These spaces shall not consist of long, narrow bands or corridors, but shall be larger blocks of wide corridors of land, usually not less than one (1) acre in area. Corridors linking large blocks or wide corridors of public open space or open space owned by the property owners or in recreational use shall not be less than fifty (50) feet in width to provide adequate buffers from adjacent residential lots. The size, shape, and location of said public open space or open space owned by the property owners or in recreational use shall be subject to review and approval of the Plan Commission in order to qualify the project for consideration as a planned unit development. Public open space or open space owned by the property owners or in recreational use shall be a minimum of 40% of the entire development, and not more than 20% of the required open space may be floodplain or wetland. This requires 80% of the open space to be upland or non-lowland open space. Ponds and detention basins not designated as floodplain or wetland may be included in the required 40% open space, but shall not constitute more than 20% of the total amount of open space. In any planned unit development, no more than 5% of the public open space may be used for public buildings such as schools, fire stations, municipal buildings, etc. The Plan Commission may modify the 5% open

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

space requirement, but only in conformance with the overall intent of these provisions while also protecting the public interest.

h. In public open space or open space owned by the property owners or in recreational use containing environmentally significant areas as defined in this ordinance, a maximum of 5% of the environmentally significant areas may be used for limited construction of recreational related structures and recreation paths and trails. Otherwise, there shall not be any clear cutting or clearing of vegetation other than dead, diseased, or dying vegetation or removal of invasive species on any lands being so preserved in public open space or open space owned by the property owners or in recreational use which are considered Upland or Environmental Corridors, as depicted on the Town of Lisbon Zoning Map and/or Land Use Plan/Comprehensive Development Plan or any subsequent amendment thereto. If invasive species are removed, they shall be replaced in kind with vegetation indigenous to the corridor.

i. Public open space or open space owned by the property owners or in recreational use shall contain at least 90% green space. Such public open space or open space owned by the property owners or in recreational use shall not be part of individual residential building lots, and all but 5% of the open space shall be free of structures and impervious surfaces. The Plan Commission may modify the 5% open space requirement, but only in conformance with the overall intent of these provisions while also protecting the public interest. The remaining open space that is not required to be green space, which may be up to 10% open space, may include surface area of water bodies such as ponds or detention basins.

j. As part of the planned unit development application process, the Plan Commission may require a conceptual yield plan and a conceptual conservation design (PUD) subdivision to be submitted so the Plan Commission can determine whether or not there will be no more lots allowed with the planned unit development than one would be allowed with a conventional layout. Refer to Figure 1.

k. The 30% density bonus is justified as a slight increase in density is a reasonable compromise in order to achieve more sustainable conservation design development that preserves natural features, creates more open space within developments, protects the rural character of the town, and cause less need for infrastructure such as roads and storm water management facilities. The 30% density bonus can only be utilized in the Town of Lisbon if the following criteria are met:

i. The development plan for a given site must incorporate an absolute minimum of 40% of the site in public open space or open space owned by the property owners or recreational

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

use. In calculating the open space, not more than 20% of the required open space may be floodplain or wetland. This requires 80% of the open space to be upland or non-lowland open space.

- ii. The Town must create and map an Upland Corridor zoning district for all primary and secondary environmental corridors as well as isolated natural resource areas, which allows for development at a density not greater than one unit per five acres.
- iii. Individual development projects must be developed as planned unit developments, conservation design developments utilizing conservation design standards, or cluster design developments, which allow the town to properly analyze the project's design. Conventional subdivision developments cannot be considered when using the 30% density bonus option.
- iv. Significant natural resource features such as primary and secondary environmental corridors, isolated natural resource areas, wetlands, and floodplains must be protected and shall be incorporated into the protected open space. If any portion of the above natural resource features will be located on a private lot, said resource must be protected with a protective covenant or restriction. Sites that do not contain significant natural resource features may be conducive to prairie or wetland restorations, enhanced with the establishment of landscaped open spaces, or used for agricultural purposes.

**5. Commercial/Light Industrial Planned Unit Developments:**

The economic practicality of a proposed Commercial/Light Industrial planned unit development shall be justified on the basis of purchasing potential, competitive relationship, and demonstrated tenant interest. The use of a Commercial/Light Industrial planned unit development may be authorized only where the zoning is mapped in one or more of the business/industrial districts (B-1, B-2, B-3, B-P, M-1, and M-2) on the parcel or a portion thereof. If only a portion is zoned for business/industrial, the Commercial/Light Industrial planned unit development may only be used for the same percentage of the site that would result from the normal application of the business/industrial zoning district requirements. The location of the proposed business/industry uses can, however, be flexed on the site so long as no more area is devoted to such uses than would be permitted in the zoning district in which the planned unit development is located. The attendant parking areas and service facilities for the commercial/industrial areas shall be included in the areas allocated to such non-residential uses.

- a. The proposed planned unit development shall be served by adequate off-street parking, loading, and service facilities.

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

b. The planned unit development shall not create an adverse effect upon the general traffic pattern or adjoining property values.

c. Architecture, landscaping, lighting, and general site development shall be compatible with the surrounding neighborhood.

d. The aforementioned requirements shall be certified by the Town Plan Commission as having been fully met.

e. In the business/industrial zoning district planned unit developments, the density shall be the same as in the R-3 district (30,000 square feet), except in the B-P District where it must be no less than 40,000 square feet.

**6. Mixed Planned Unit Developments:**

A Mixed planned unit development shall consider allowing a mixture of business, light industrial, residential, in the B-1, B-2, B-3, B-P, M-1, and M-2 districts, or other uses as the zoning would allow. The percentage of area in the project shall be the same as would result from the application or the strict adherence of the zoning district regulations, or as outlined in the Residential Planned Unit Development section above. The location of the uses can, however, be flexed on the site so long as no more area is devoted to the various uses than would be permitted in the zoning district in which the planned unit development is located. The attendant parking areas and service facilities for the non-residential part of the project shall be included in the areas allocated to such non-residential uses.

a. The proposed mixture of commercial, light industrial, residential, and other uses shall produce a unified composite that is compatible both within itself and with the surrounding neighborhood.

b. The mixed uses shall conform to the general requirements applicable to each of them as here-in-before set forth.

c. The maximum allowable dwelling unit density shall be computed using only the residential area portion of the total planned unit development area. If residential use and non-residential use occur in the same proposed building, that percentage of the commercial/industrial use of the building shall be deducted from said building lot and only the remaining area shall be used in the density computation for the remaining residential units.

d. Example - Computing Maximum Dwelling Unit Density in a Mixed Planned Unit Development:

A developer wishes to divide one hundred (100) acres of land into a mixed planned unit development. Ten (10) of these acres are zoned C-1 Conservancy. The development plan shows ten (10) acres devoted to commercial uses in the B-2 District. The remainder is

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

zoned R-1 Residential. The following computations demonstrate the method of determining how many residential units may be allowed in the project.

Gross acreage	100 acres
Less ten (10) acres zoned C-1	<u>- 10 acres</u>
90 acres	
Less ten (10) acres designated for B-2 Business use	<u>- 10 acres</u>

Remainder for residential use      80 acres

Total residential acreage in sq. ft. used to calculate the density:

80 acres x 43,560 square feet = 3,484,800 square feet

Divide by the square feet per dwelling unit requirement for the R-1 Residential district after applying the 30% density bonus or other applicable figure:

3,484,800 divided by 30,000 square feet = 116 units

The 10 acres designated for commercial use cannot be included in the planned unit development density as it is not zoned for residential use and would have to be rezoned to residential use to be considered in the residential density. Any lands zoned C-1 likewise may not be used in formulating the density of the project as a reduction has already been factored in the maximum 30% density bonus or other applicable figure.

- G. Condominiums. The Town of Lisbon may allow, upon petition, a planned unit development where the ownership is held in common under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin State Statutes (condominiums). The Town provides regulations to guide condominium development in Section 4 (h) 20 or 21 of this ordinance. Multi family condominium developments must be served by public sewer.
- H. Town of Lisbon-Village of Sussex Border Agreement dated January 22, 2001. In the U.S. Public Land Survey System Township of primarily Section 16 of the Town of Lisbon, but also containing a small portion of Section 17, condominium development of any kind will be permitted only if sewer is available and only at a density of no more than one (1) unit per 0.71 acres in accordance with the border agreement with the Village of Sussex and the adopted sewer service area plan, and as may be amended in the future.
- I. Town of Lisbon-Village of Merton Joint Planning Area. Any multi-family planned unit development uses in the Town of Lisbon/Village of Merton joint planning/extraterritorial land use area will only be allowed subject to the terms agreed to in the joint planning process and shown in the clause on the adopted Town of Lisbon/Village of Merton joint planning area/extraterritorial land use plan map.
- J. Financial Guarantees. In approving the planned unit development plan, in whole or

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

in part, the Plan Commission may require the posting of appropriate financial guarantees for any public improvements in an amount determined by the Town Engineer, and in a form approved by the Town Attorney. Such financial guarantees shall guarantee the completion of the project as approved.

- K. Changes or Additions: Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town Plan Commission and if, in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a conditional use amendment public hearing before the Plan Commission shall be required and notice thereof given pursuant to the provisions of Section 36 of this Ordinance.
  - L. Certification of project as a permitted use. After all conditions of a planned unit development project are certified by the Town Plan Commission as being completed, the conditional use status of such completed development shall be changed to a permitted use in the zoning district in which it is located.
  - M. Termination: If a permit, as required in any of the other Town approval processes related to the planned unit development, is not issued by the Building Inspector or the Town within two (2) years of receiving the planned unit development conditional use permit, or if physical development has not otherwise commenced, the conditional use approval shall automatically be terminated without public hearing.
22. Private Clubs and Resorts: Without limitation because of enumeration, this category includes private (not open to the general public) clubs and resorts such as outdoor/indoor recreational facilities, driving ranges, campgrounds, golf courses, racquet clubs, soccer clubs, swimming pools, beaches, yacht clubs, boarding stables, firing and archery ranges and gun clubs, recreational camps, riding academies, etc. These uses are allowed as conditional uses in any district, except C-1, UC, P-I, and PR, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. No such use shall be permitted on a lot less than three (3) acres in area except in the B-1 Restricted Business District or less restrictive district.
  - B. No building, other than one used only for residence purposes shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.
  - C. Off-street parking shall be provided as required by the Plan Commission adequate to meet the particular needs of the proposed use.
  - D. No such permitted use shall include the operation of a commercial facility such as a bar, restaurant, or arcade except as may be specifically authorized in the grant of a conditional use permit.
23. Public and Commercial Disposal Operations for Noncombustible Materials: In M-2 and Q-1, disposal operations for inert clean fill materials, as defined in this ordinance and by the WDNR, such as concrete, stone, brick, sand, dirt, gravel, and similar materials; gravel pit and quarry spoils; nonorganic materials as allowed by state law; and excavated materials; may be allowed, and in all cases, the following requirements shall be met in order to grant a conditional use:

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

A. A detailed restoration plan shall be submitted to, and approved by, the Town Board following a recommendation from the Town Plan Commission.

B. The Site Plan and Plan of Operation, and the Restoration Plan, shall be approved or disapproved upon consideration of the effects on: Topography, drainage, water supply, soil conditions, roads and traffic, present and ultimate land development and use, and any other factors involved in the specific operation.

C. Disposal operations are prohibited within the following area unless written permission is obtained from the State of Wisconsin:

1. Within 1,000 feet of any navigable lake, pond, or flowage. The WDNR shall determine if the water body is navigable.

2. Within 300 feet of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater. The WDNR shall determine if the water body is navigable. If the 100-year floodplain has not been established in the area of the proposed use, then a flood study shall be conducted, reviewed, and approved in conjunction with requesting the proposed conditional use.

3. Within an area from which solid waste or leaching therefrom may be carried into any surface water, or may have a detrimental effect on the groundwater.

4. Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway or the boundary of a public park unless written permission has first been obtained from the State of Wisconsin and the entity governing the public park.

D. A license shall be obtained from the Town of Lisbon and the Town Board shall review the license for possible renewal on an annual basis (January 1) of each year. The fee shall be as established by the Town of Lisbon and may increase on a yearly basis. If required, a license shall also be obtained from the State of Wisconsin.

E. The Town may require that a letter of credit, approved by the Town Attorney, in an amount approved appropriate for the specific operation, as determined by the Town Engineer, be filed with the Town.

F. Any organic materials shall be prohibited and shall be appropriately recycled.

G. All state and federal laws relating to the use shall be adhered to.

H. Approval by the Town Plan Commission must be obtained prior to commencing any of the above disposal operations.

24. Public and semi-public buildings and uses: In any district, except C-1 and UC, and in all cases, the following requirements shall be met in order to grant a conditional use:

A. Such use shall conform to the setback, height, and double the offset requirements of the district in which it is located.

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

- B. The height limitation may be extended to a maximum of fifty (50) feet provided the minimum required setbacks and offsets shall be increased two (2) feet for every additional foot of height in excess of the permitted maximum height of that district.
25. Quarrying as defined in this Ordinance: In Q-1 and M-2, and in all cases, the following requirements shall be met in order to grant a conditional use:
- A. Procedure for application:
- i. Permit: No quarrying operation shall take place in any district until a conditional use permit and quarrying permit have been secured from the Town Board. Such permits shall be for an initial period as is deemed appropriate by the Town to the specific situation but not exceed five (5) years, and may be renewed thereafter for periods not to exceed three (3) years provided application thereof shall be made at least sixty (60) and no more than one hundred twenty (120) days before expiration of the original permit. Application for renewal after such date shall be treated as an original application.
- ii. Application: Application for a conditional use permit and quarrying permit shall be made on forms supplied by the Town Clerk and shall be accompanied by a fee as established and periodically modified under Section 37 (b) 5 of this Ordinance in order to schedule, notice, and hold the public hearing. Such fee shall be paid by cash, check, or money order to the Town of Lisbon, and shall be accompanied by:
- a. A full and adequate description of all phases of the contemplated operation and the specific mention of type of machinery and equipment, which will be or might be necessary to carry on the operation. Where the operation is to include the washing of sand and gravel, the estimated daily quantity of water required, its source, and its disposition shall be made part of the description.
- b. A legal description of the proposed property with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site which will be affected by the operation.
- c. A topographic map of the area at a minimum contour interval of two (2) feet extending beyond the site to the nearest public street or highway or to a minimum distance of three hundred (300) feet on all sides.
- d. A restoration plan as required by NR 135.
- B. Procedure for action on application and other requirements:
- i. Referral to Plan Commission: The application and all data and information pertaining thereto shall be referred to the Plan Commission for public hearing and the Plan Commission shall forward a recommendation to the Town Board within sixty (60) days after the public hearing.

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

- ii. Public hearing: Within sixty (60) days after an application has been filed, a public hearing shall be held at which all interested parties may be heard. In addition to the normal posting and publishing, notices also shall be sent through the mail or otherwise placed in the hands of all land owners within a half mile radius of the approximate center of the proposed quarrying operation. These notices shall be mailed or delivered at least ten (10) days prior to the date of hearing. Substantial compliance with the notice requirements of this section shall be deemed sufficient. No hearing shall be required precedent to issuing a permit in a Quarrying District.
  
- iii. Action by the Town Board: The Town Board shall, within forty five (45) days after receipt of the recommendation of the Plan Commission, take action to approve or disapprove the application for the proposed quarrying operation and shall be guided by consideration of the public health, safety, and welfare, and shall give particular consideration to the following factors in making their decision:
  - a. The effect of the proposed operation on existing roads and traffic movement in terms of adequacy, maintenance, repair, safety, and efficiency.
  - b. The effect of the proposed operation on drainage and water supply.
  - c. The possibility of soil erosion as a result of the proposed operation.
  - d. The degree and effect of dust and noise as a result of the proposed operation.
  - e. The practical possibility of restoration of the site.
  - f. The effect of the proposed operation on the natural beauty, character, tax base, land value, and land uses in the area.
  - g. The most suitable land use for the area with particular consideration for future value.
  - h. The need for this limited natural resource to construct local infrastructure, roads, and housing, its economic effects on the community, and whether or not it is in the public interest.
  
- iv. Additional conditions: Any conditions accessory to the granting of a permit shall be in writing and copies made a part of the permit and of the records of the Town.
  
- v. Renewals: The procedure as designated in i., ii., iii., and iv. above shall also apply to applications of renewal of a permit. Determination in regard to renewal shall be based particularly on an evaluation of the effect of the continuance of the use in relation to changing conditions in the area. Where renewal is not granted, the reasons for refusal shall be presented to the applicant in writing and made a part of the records of the Town.

C. General Requirements:

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

- i. No part of the quarrying operation, including any accessory access roads, parking areas, office buildings, etc., but not including the restoration based on the approved plan, shall be permitted closer than one thousand (1,000) feet to a residential zoning district, unless approved by the Town Board after public hearing and upon proper notice as required in this section of the ordinance, and in accordance with Section 4(25)(B)(iii)a-h above, but in no case shall such quarrying operation, access roads, parking areas, etc. be permitted closer than 200 feet to any residential zoning district. Further, no part of the quarrying operation, including any accessory access roads, parking areas, office buildings, etc., shall be permitted closer than 75 feet to any shoreline, river, or stream, or 50 feet to any other environmentally sensitive area as defined in this ordinance.
  - ii. No quarrying operation shall be permitted, except in a Q-1 or M-2 district, if thirty (30) or more families reside within a one-half mile radius of the center of the proposed property.
- D. Road Setback requirements: No part of the quarrying operation other than access roads shall be located closer than two hundred (200) feet, nor shall any parking area, stock pile, or office building be located closer than one hundred (100) feet, to the base setback line along any street or highway.
- E. Offset requirements: No part of the quarrying operation shall be permitted closer than two hundred (200) feet, nor shall any access road, parking area, or office building be located closer than fifty (50) to any property line, except with the written consent of the owner of adjoining property, or except where said line is abutting a Q-1 or M-2 district, or abutting an existing quarrying operation, but in no case shall such operation be closer than twenty (20) feet to any property line, except by agreement between abutting quarrying operations, or be in conflict with the provisions of Section 3 (c) 5 relating to the preservation of topography.
- F. Operational Requirements:
  - i. Fencing or other suitable barrier shall be erected and maintained around the property or around portions of the site where, in the determination of the Town Board, such fencing or barrier is necessary for the protection of the public, and shall be of a type approved by the Town Board.
  - ii. All machinery and equipment used in the quarrying operation shall be constructed, maintained, and operated in such a manner as to minimize dust, noise, and vibration. Access and haulage roads on the site shall be maintained in a manner to minimize dust by surfacing or treatment as directed by the Town Engineer.
  - iii. The crushing, washing, refining, or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of the permit or as otherwise provided in a Q-1 or M-2 district.
  - iv. In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone, and similar architectural or structural stone, and the storing or stock-piling of such products on the site

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

shall be considered a permissible part of the operation, provided such production does not require the use of crushing or other heavy machinery, except as may be otherwise specifically authorized under the terms of the grant of the permit or as otherwise provided in a Q-1 or M-2 district.

- v. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the quarrying operation shall not be permitted, except as otherwise provided in a Q-1 or M-2 district.
- vi. The washing of sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity or where the quantity of water will, in the opinion of the Town Engineer, seriously affect the supply of other uses in the area.
- vi. The planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Plan Commission to screen the operation so far as practical from normal view, to enhance the general appearance from the public right-of-way, and generally to minimize the damaging effect of the operation on the beauty and character of the surrounding countryside. Such planting shall be started as soon as practicable, but no later than one (1) year after quarrying operations have begun and shall be done according to the recommendations of the Town Plan Commission.
- viii. Quarrying operations shall not begin before the hour of 6:00 a.m. and shall not continue after the hour of 6:00 p.m. unless previously authorized by the Town Board, and no operation shall take place on Sundays or legal holidays. During periods of national or unusual emergency, times and hours of operation may be altered at the discretion of the Town Board and through the issuance of a special permit which shall be renewable at thirty (30) day intervals.

G. Restorative requirements:

In order to insure that the area of the quarrying operation is restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a permit, submit to the Town Board a copy of a plan for such restoration that meets the requirements of NR 135 and any other applicable ordinances and that has been approved by the Waukesha County Land Resources Division who is the governing body responsible for the administration and enforcement of the restoration plan.

H. Exceptions:

- i. The provisions of this section, Section 4 (h) 25, shall not apply to the removal of sod.
- ii. When the operation is limited to the removal of topsoil, the Plan Commission may, consistent with the intent of these regulations, modify any or all of the provisions of this section, Section 4 (h) 25, provided, however,

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

that in no case shall such operation be permitted closer than ten (10) feet to any property line, or to a depth in excess of eighteen (18) inches, or so as to adversely affect the drainage of the area.

- iii. The provisions of this section, Section 4 (h) 25, shall not apply to an operation which is incident to a legitimate use of the premises; provided, however, where such operation involves the commercial disposal of the material removed, the approval of a conditional use by the Plan Commission in accordance with the provisions of this ordinance, shall be required and such operation shall be limited to a maximum period of six (6) months.
- iv. In a Q-1 or M-2 district the Plan Commission may, consistent with the intent of these regulations, modify the provisions relative to permitted hours of operation; and where the character of terrain, of surrounding development, or other special conditions would justify such modification may permit a reduction in the required setbacks or offsets; provided, however that in no case shall the setback be less than one hundred (100) feet, or the offset be less than one hundred (100) feet for quarrying operations, or twenty (20) feet for any access road, parking area, or office building except as may be otherwise provided by Section 4 (h) 25 E.

I. Application for existing operation:

- i. Permit: Within sixty (60) days after the original adoption of this ordinance, all existing quarrying operations shall be required to register with the town clerk submitting pertinent data relative to the present operation, including the boundaries of the actual operation and of the ownership. A conditional use permit and a quarrying permit shall be granted to such existing operation subject to compliance with the operational requirements, Section 4 (h) 25 F of this ordinance, where they can be reasonably applied under existing circumstances.
- ii. Plan for restoration: A plan for restoration of any existing quarrying operation shall be submitted to the town and the county as provided by Section 4 (h) 25 G. The plan for restoration shall comply with the requirements of NR 135.
- iii. Renewal permit: Within three (3) years after the original adoption of this Ordinance any such existing operation shall be required to make application for a renewal permit the same as for application for renewal in the case of a new operation under this ordinance, except in a Q-1 or M-2 district.

26. Restaurants, Supper Clubs, Lake Resorts (open to the general public), Taverns, Dance Halls, Pool Halls, Bowling Alleys, and Similar Uses: In B-1, B-2, B-3, and B-4 Business districts. Drive through restaurants require a conditional use in the B-P district. In all cases, the following requirements shall be met in order to grant a conditional use:

- A. The minimum lot area shall be at least two (2) acres and at least two hundred (200) feet in minimum in average width.
- B. Off-street parking shall be provided within two hundred (200) feet of the building in which such use is occurring, and all parking, including access drives and aisles shall

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

be offset twenty (20) feet from any lot line of an adjacent property zoned agricultural or residential. The number of spaces required shall be in accordance with the requirements contained in Section 3 (j), or as otherwise required by the Town Plan Commission.

- C. A planting screen of at least six (6) feet in initial height shall be provided between any abutting residential district and the proposed conditional use. The Town Plan Commission may require additional screening. A planting plan prepared by a Registered Landscape Architect shall be submitted to the Town for review and approval as a condition of approval.
  - D. The proposed building shall be offset at least fifty (50) feet from any adjoining residential district and one hundred (100) feet from the high water mark of any lake or navigable body of water.
27. Testing Laboratories (Experimental or Analytical): Agricultural laboratory testing is allowed as a conditional use in the A-10 and A-5 zoning districts. Medical, biological, food processing, and industrial design and manufacturing laboratory testing is allowed as a conditional use in the B-2, B-3, Q-1, M-1, and M-2 zoning districts.

In all cases, the following standards shall be met in order to grant a conditional use:

- A. The minimum lot size shall be three (3) acres.
  - B. The minimum offset for a building housing only testing facilities shall be fifty (50) feet where the zoning upon the adjoining lot permits residential use.
  - C. Off-street parking shall be provided as required for office buildings and customer service establishments.
  - D. Approvals of any other applicable state or federal agencies.
28. Unspecified Conditional Uses. Other uses or situations not specifically provided for in this conditional use section, that may be determined to be acceptable in the subject zoning district under the provisions of Section 3 (d) and in the judgment of the plan commission meet the intent of a conditional use as set forth in Section 4, may be allowed in accordance with the procedures set forth in Section 4.
29. Communication Towers and related facilities. In any district, except C-1 and EFD, and in all cases, the following requirements shall be met in order to grant a conditional use:

This section provides the procedures and standards for issuance of Conditional Use Permits for the placement, construction, or modification of communication towers as defined in this ordinance.

- A. It is intended that Conditional Use Permits shall be issued under this section to accommodate the expansion of wireless communication technology while minimizing the number of tower sites through the requirement that permitted towers be placed or constructed so that they may be utilized for the collocation of antenna arrays to the extent technologically and economically feasible.
- B. No Conditional Use Permit for the placement or construction of a tower shall be

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

issued unless the applicant presents to the Town Plan Commission credible evidence establishing to a reasonable degree of certainty the following:

- i. No existing communication tower is located within the area in which the applicant's equipment must be located; or
- ii. No existing communication tower within the area in which the applicant's equipment must be located is of sufficient height to meet the applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost; or
- iii. No existing communication tower within the area in which the applicant's equipment must be located has sufficient structural strength to support the applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost; or
- iv. The applicant's equipment would cause electromagnetic interference with equipment on the existing communication tower(s) within the area in which the applicant's equipment must be located, or the equipment on the existing communication tower(s) would cause interference with the applicant's equipment and the interference, from whatever source, cannot be eliminated at a reasonable cost; or
- v. The fees, costs, or contractual provisions required by the owner in order to collocate on an existing communication tower are unreasonable relative to industry norms; or
- vi. The applicant demonstrates that there are other factors that render existing communication towers unsuitable or unavailable and establishes that the public interest is best served by the placement or construction of a new communication tower.

C. The cost of eliminating impediments to collocation shall be deemed reasonable if it does not exceed by 25 percent the cost of constructing a new tower on which to mount the applicant's equipment.

D. In the event the Plan Commission determines that it is necessary to consult with a third party in considering the factors listed in subsection (2) above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the Plan Commission shall be grounds for denial or revocation of a Conditional Use Permit. The applicant may provide to the Plan Commission the names of consultants that the applicant believes are qualified to assist in resolving the issues by the Plan Commission, but the Town Engineer retains the authority to recommend the consultant to the Town.

E. In applying the standards and criteria set forth in the Conditional Use section to applications for Conditional Use Permits for the placement or construction of a communication tower, the Plan Commission shall, unless it is shown to be unreasonable, condition the grant of the permit upon the applicant placing or constructing the communication tower so as to accommodate, at a minimum height of 150 feet, the collocation of additional antenna arrays similar in size and function to that placed on the tower by the applicant. Collocation sites need not be available on the tower as initially

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

placed or constructed, provided that the tower will support at the specified minimum height the later addition of the required number of collocation sites. Notwithstanding the height and number of collocation sites on the tower as initially placed or constructed, the communication tower design approved and permitted under this ordinance shall be for a tower of 150 feet in height and shall include the required collocation sites. The holder of a permit under this section shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

F. Unless otherwise provided herein, a Conditional Use Permit is required for any modification of an existing communication tower that significantly alters the appearance or structural integrity of the tower. The Plan Commission shall apply the standards under the Conditional Use section, when considering an application for a Conditional Use Permit to allow the modification of an existing communication tower. In addition, the Plan Commission shall consider the reasonableness, based on economic and technological feasibility, of conditioning the grant of the Conditional Use Permit upon modifying the tower.

G. Upon written inquiry by the Plan Commission the recipient of a Conditional Use Permit under this section shall have the burden of presenting credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the Conditional Use Permit. Failure to establish compliance with all conditions placed upon the Conditional Use Permit shall be grounds for revocation of the permit. In the event the Plan Commission determines that it is necessary to consult a third party to ascertain compliance with the conditions of the Conditional Use Permit, all reasonable costs and expenses associated with such consultation shall be borne by the holder of the subject Conditional Use Permit. Failure to pay such costs and expenses or provide information requested by the Commission shall be grounds for revocation of the permit. The holder of the subject Conditional Use Permit may provide to the Plan Commission the names of consultants that the permit holder believes are qualified to assist in resolving the issues by the Plan Commission. In any event, where a dispute arises under this ordinance involving an applicant for a Conditional Use Permit and the holder of a Conditional Use Permit hereunder, the Plan Commission may allocate consulting costs and expenses between the applicant and the permit holder.

H. A Conditional Use Permit shall not be required for collocation on an existing tower permitted under this section, provided the collocated antenna arrays or equipment is similar in size and function to that installed by the holder of the Conditional Use Permit for the tower, does not significantly alter the appearance or structural integrity of the tower approved and permitted under this section, and is fully in compliance with all conditions contained in the original Conditional Use Permit. However, approval of a structural report stamped by a Professional Structural Engineer, a revised Site Plan and Plan of Operation and a Building Permit are required. The Town Engineer shall approve of the structural report. The holder of the Conditional Use Permit for any tower on which collocation occurs shall within 30 days of such collocation provide the Plan Commission with written notification of the identity of the co-locator and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the Plan Commission with written notice of the cessation of such use.

I. The holder of a Conditional Use Permit for a tower and any user collocating under

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

this ordinance shall each be permitted to construct a building for use directly incidental and necessary to the use of the tower. Two or more users of the tower may each build a separate building or share a single building. Buildings constructed or used by tower co-locators shall be subject to conditions established for the Conditional Use Permit for the tower.

J. Conditional Use Permits issued hereunder shall identify the primary type or types of transmission equipment that is to be placed on the subject communication tower. Any communication tower on which the transmission equipment so identified is no longer placed or used for a continuous period of 12 months shall, upon notification by the Plan Commission, be removed by the property owner issued under this section. If the tower is not removed within 60 days of such notification, the Plan Commission may remove the tower at the expense of the property owner.

K. If required by the Town Attorney, upon approval or revised approval of the use, a Conditional Use Agreement in the form of a deed restriction shall be recorded in the Waukesha County Register of Deeds office and shall include all conditions of approval.

L. A building permit is required for all towers, appurtenances, and cabinets.

M. The intent of these regulations is not to prohibit communication towers that are otherwise allowed by the enactment of federal regulations governing the same.

30. Outdoor Commercial Recreation Facilities/Uses. This category includes facilities and uses listed as conditional uses in Section 4 (h) 10 of this ordinance and, without limitation because of enumeration, other uses open to the public such as amusement parks, water parks, batting cages, paintball ranges, laser tag ranges, orienteering, trampolines, racquet sports, athletic courts, stadiums, indoor/outdoor recreational facilities, etc. These types of uses may be allowed as conditional uses in the B-3, M-1, and M-2 zoning districts, subject to the regulations in Section 4 (h) 10 of this ordinance, and no such conditional use shall include the operation of a commercial facility such as a bar, restaurant, or arcade except as may be specifically authorized in the grant of a conditional use permit pursuant to Section 4 (h) 26.
31. Outdoor storage and display. In the B-4 and BP Districts subject to review and approval of plans as required. In all other districts, unless otherwise stated, where outdoor storage and display is a permitted use, the use is subject to review and approval of plans as required, but is not subject to a conditional use.
32. Drive through facilities. In the BP District subject to review and approval of plans as required. In all other districts where drive through facilities are a permitted use, the use is subject to review and approval of plans as required, but is not subject to a conditional use.
33. Truck terminals of any size, warehousing, distribution centers, storage facilities for distributors, and mail-order centers over 50,000 square feet or with more than 5 overhead doors. In the BP District subject to review and approval of plans as required. In all other districts where the uses are permitted uses, the uses are subject to review and approval of plans as required, but are not subject to a conditional use.
34. Factory Outlets and retail sales of products made onsite in the principal industrial operation. In the BP District subject to review and approval of plans as required. In all other districts where the uses are permitted uses, the uses are subject to review and approval of plans as required, but are not subject to a conditional use.

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

35. General Sale of Industrial Products not listed as permitted uses in the BP District are subject to review and approval of plans as required. In all other districts where the uses are permitted uses, the uses are subject to review and approval of plans as required, but are not subject to a conditional use.
36. Self Service Storage (Mini-Warehouses): In the B-3, Q-1, M-1, and M-2 Districts. In all cases, in addition to satisfying the general requirements of Conditional Use submittals including, but not limited to, Sections 4(b) and 4(h), the following minimum requirements shall be met in order to grant the Conditional Use:
- A. The following is a summarized list of the required plans that must be submitted to the Town for review and approval by the Town Plan Commission for this use and are further detailed below.
    - i. Landscape and Maintenance Plan
    - ii. Screening, Berming, Wall, and Fencing Plan
    - iii. Exterior Lighting Plan; Photometric Plan
    - iv. State Approved Building Plans; Phasing Plan
    - v. Architectural Plan
    - vi. Parking, Circulation, and Maneuverability Plan
    - vii. Stormwater and Erosion Control Plan; Site Grading/Drainage Plan
    - viii. Signage Plan
    - ix. Waste Disposal and Recycling Plan
    - x. Outdoor Storage Plan
  - B. The use must be located on a collector or arterial street as defined in this Ordinance. In no case shall the use be located on a minor street as defined in this Ordinance. Addendum A Supplemental Design Standards of the Town of Lisbon's Land Division and Development Ordinance may be used by the Town Plan Commission in their review and approval of the overall Site Plan and development of the site in addition to the regulations contained in this Zoning Ordinance.
  - C. The use, upon review and approval, must be served with adequate public services as approved by the appropriate utilities, and the use must be able to be adequately served by Town services such as police, fire, etc.
  - D. The use must comply with the Town Comprehensive Development Plan and other adopted plans and be compatible, harmonious, and of general character and style with other properties in the area.
  - E. Landscaping treatments are required to be implemented in order to address the aesthetics of the site and the relationship of the use to the Town as a whole. A Landscape and Maintenance Plan shall be submitted for review and approval by the Town Plan Commission that treats the building foundation, parking area, and street frontage. Addendum A Supplemental Design Standards of the Town of Lisbon's Land Division and Development Ordinance may be used by the Town Plan Commission in their review and approval of the Landscape and Maintenance Plan in addition to the regulations contained in this Zoning Ordinance.
  - F. A planting screen, berming, walls, and/or fencing, as required and approved, shall be implemented in order to address the aesthetics of the site and the relationship of the use to adjacent properties in the area. A Screening, Berming, Wall, and Fencing Plan shall be submitted for review and approval by the Town Plan Commission.

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

- G. Security measures and access control, as required and approved by the Town Plan Commission, shall be implemented in an effort to protect the site and reduce the potential for incident.
- H. An Exterior Lighting Plan shall be submitted for review and approval by the Town Plan Commission. A Photometric Plan may also be required by the Town Plan Commission upon request for review and approval. All lighting shall be directed downward and no lighting shall be directed onto adjacent properties or the roadways. Addendum A Supplemental Design Standards of the Town of Lisbon's Land Division and Development Ordinance may be used by the Town Plan Commission in their review and approval of the Exterior Lighting Plan in addition to the regulations contained in this Zoning Ordinance.
- I. State Approved Building Plans, as required, shall be submitted for review and approval by the Town Plan Commission and the Town Building Inspector. If phasing is proposed, a Phasing Plan shall also be submitted for review and approval by the Town Plan Commission. Addendum A Supplemental Design Standards of the Town of Lisbon's Land Division and Development Ordinance may be used by the Town Plan Commission in their review and approval of the Building Plans in addition to the regulations contained in this Zoning Ordinance and the Building Code.
- J. An Architectural Plan, with elevation renderings, interior floor plans, and illustrating the design and character of the proposed structure, shall be submitted for review and approval by the Town Plan Commission. The Plan Commission may impose architectural standards as deemed appropriate including, but not limited to, building materials, building colors, roof pitch, height, architectural breaks, etc. in addition to the regulations contained in this Zoning Ordinance.
- K. A Parking, Circulation, and Maneuverability Plan shall be submitted to the Town Plan Commission for review and approval. The Plan should include snow removal areas. Addendum A Supplemental Design Standards of the Town of Lisbon's Land Division and Development Ordinance may be used by the Town Plan Commission in their review and approval of the Parking, Circulation, and Maneuverability Plan in addition to the regulations contained in this Zoning Ordinance.
- L. A Stormwater and Erosion Control Plan in compliance with the Waukesha County Stormwater Management and Erosion Control Ordinance shall be submitted to the Town Plan Commission and Town Engineer for review and approval.
- M. A Signage Plan shall be submitted to the Town Plan Commission for review and approval. Addendum A Supplemental Design Standards of the Town of Lisbon's Land Division and Development Ordinance, and the Town of Lisbon's Sign Ordinance, may be used by the Town Plan Commission in their review and approval of the Signage Plan in addition to the regulations contained in this Zoning Ordinance.
- N. A Waste Disposal and Recycling Plan shall be submitted to the Town Plan Commission for review and approval. All containers shall be enclosed with lids that remain closed at all times and all containers shall be totally concealed or screened from public view with fencing, walls, and/or landscaping/planting screens approved by the Town Plan Commission.

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

- O. The Town Plan Commission may consider Outdoor Storage on a case-by-case basis. If approved by the Town Plan Commission, an Outdoor Storage Plan shall be submitted for review and approval by the Town Plan Commission. In no case shall there be any display or sale of items on the site.
- P. The Conditional Use shall be reviewed on an annual basis or upon complaint, at which time the Town Plan Commission may consider termination of the Conditional Use in accordance with Section 4(g) of this Ordinance.
- Q. There shall be no commercial business activity or office use, either retail or wholesale, operated within any mini-warehouse facility or unit or on the property, other than a facility manager's office, if proposed on site; and there shall be absolutely no human habitation of any units in the form of a living unit. Per the definition in Section 2(b), the units shall be for personal storage purposes only.
- R. Other requirements as deemed necessary by the Town Plan Commission upon review of each specific request.

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

**SECTION 5 (Reserved)**

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 6 ZONING DISTRICTS**

(a) **Establishment of zoning districts**

For the purpose of this ordinance, the Town is hereby divided into zoning districts, which shall be designated as follows:

C-1 Conservancy/Wetland and Floodplain District  
EFD Existing Floodplain Development Overlay District  
UC Upland Corridor District  
PR Park and Recreation District  
AD-10 Agricultural Density 10-Acre District  
RD-5 Rural Residential Density 5-Acre District  
A-10 Agricultural District  
A-5 Mini Farm District  
A-3 Agricultural/Residential Estate District  
R-1 Suburban Single Family Residential District  
R-2 Single Family Residential District  
R-3 Two Family Residential District  
RM Multi-Family Residential District  
SFO Shoreland and Floodland Overlay District (denotes general areas of County zoning jurisdiction)  
P-I Public and Institutional District  
B-1 Restricted Business District  
B-2 Local Business District  
B-3 General Business District  
B-4 Commercial Special Use District (special planning district adjacent to the Village of Sussex)  
B-P Industrial/Business Park Special Use District (special planning district adjacent to the Village of Sussex)  
Q-1 Quarrying District  
M-1 Limited Industrial District  
M-2 General Industrial District

(b) **Zoning map**

1. Districts mapped: The boundaries of the zoning districts are shown upon a map designated as the Zoning Map of the Town of Lisbon, which is made a part of this Ordinance and adopted by reference. In addition, the Final Wisconsin Wetlands Inventory Maps for Waukesha County, dated September 6, 1984, and subsequent amendments thereto, were utilized to assist in the preparation and identification of conservancy/wetlands identified on the zoning map and accordingly are made a part of this Ordinance and are adopted by reference. All the notations, references and other information shown on the map shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein. Said map shall be kept on file in the office of the Town Clerk, and is periodically updated as amendments are made. In addition, a copy of the County Shoreland and Floodland Protection Ordinance zoning maps shall also be kept on file in the office of the town for informational purposes.

The existing floodplain development overlay district (EFD) is an overlay zoning district established to superimpose upon the conservancy zoning district regulatory standards or special regulations which will apply to the underlying zoning district where it is found that such land areas do contain existing development and are located within the floodplain as herein defined. The mapping of this district shall be established pursuant to the procedures set forth in Section 35, changes and amendments, of this ordinance.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

2. Determination of boundaries: District boundaries shall be determined by measurement from, and as shown on, the official zoning map and in case of any questions as to the interpretation of such boundary lines, the Zoning Administrator shall interpret the map according to the reasonable intent of this ordinance.
- A. Unless otherwise specifically indicated or dimensioned on the zoning map, the district boundaries are normally lot lines; shorelines (such as lakes, ponds, etc.); section, quarter section or sixteenth section lines; or the centerline of streets, public ways, waterways (such as streams, rivers, canals, etc.), highways, railroad right of ways or alleys. Distances not specifically indicated or dimensioned on the official Zoning Map shall be determined by the scale of the zoning map.
- B. The boundaries of Conservancy/Wetland District as drawn are intended to represent the edge of marsh lands, swamps, floodlands, wetlands, or the ordinary high water mark along streams or other watercourses, and where a question arises as to the exact location of those boundaries, they shall be determined by the DNR, ACOE, SEWRPC, FEMA, Waukesha County, or other agency as necessary through the utilization of the best available information such as topographic maps, soil maps, aerial photographs, infield botanical inventories, field determinations, floodplain studies, or other sources of information available which would lend assistance to such a determination and may be finally determined by actual conditions in each specific situation. An appeal to this determination may be made in conformance with Section 34 of this Ordinance. It is generally the intent of this Ordinance to place all lands subject to inundation by the 100-Year Floodplain in either the C-1 District, or the EFD district if the areas are previously developed.

There may be areas where floodplains or wetlands have not been indicated or mapped by a C-1 district or other district and may not have been otherwise indicated as being located within a floodplain or wetland. Where such situations exist, and the land may be subject to inundation by the 100-Year Flood and a hydraulic study has not been prepared, the maximum flood of record or other data which may be acceptable to the Department of Natural Resources shall be utilized in applying the floodland standards of this Ordinance until such time as a detailed hydrological study is prepared and reviewed and found to be adequate by the Department of Natural Resources or its designated agency, in which case the new floodland data will be used in the administration of this Ordinance. In addition, the Town shall map these floodplain areas in appropriate zoning districts within six (6) months of the time the Department of Natural Resources has determined the acceptability of the data and said mapping shall be done pursuant to Section 35 of this Ordinance. Any changes or amendments in the mapped floodlands and made a part of this Ordinance shall be approved by the Department of Natural Resources in accordance with the procedure set forth in Section 35 of this Ordinance.

If an area is found that has not been previously identified or mapped as a floodplain or a wetland and not as C-1, or a determination of navigability is made and a stream is subsequently found to be navigable, said stream and any shoreland, wetland, or floodplains as defined herein, shall immediately become subject to the provisions of this Ordinance. If the 100-Year Floodplain and wetlands have not been determined, said area of approximate 100-Year Floodplain and wetlands shall be considered to be subject to the C-1 regulations of this Ordinance until a determination has been

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

made. The water quality related standards, setbacks, and requirements of this ordinance are in effect immediately upon a determination of navigability or identification of a shoreland/wetland or floodplain (i.e., setback, grading and land altering activities, vegetation removal, etc.).

3. Amendments mapped: The Town, or the designated map caretaker, shall update the official Zoning Map as soon as possible after the amendments are adopted by the Town Board. Upon entering any such amendment on the zoning map, the Town, or the designated map caretaker, shall change the date of the zoning map to indicate the latest revision. New copies of the revised zoning map may then be printed and distributed. The Town Clerk shall keep copies of the superseded zoning maps on file at the Town Hall for historical reference.

**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.

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

**SECTION 8 EFD EXISTING FLOODPLAIN DEVELOPMENT OVERLAY DISTRICT**

**(a) Purpose and intent**

The purpose and intent of this district is to provide for the continued use of improved properties that lie within the floodplain and which are considered prohibited structures in Section 3 (c) 6 A. With the preparation of new floodplain data where such information was previously not available for many reaches of the various waterways in the Town of Lisbon, it is becoming more apparent that some development lies within the floodplains that may not have been previously recognized as floodplain. Accordingly, it is recognized that these improvements represent uses and structures of property owners. Therefore, the intent of this section is to recognize the existing uses and structures and regulate them in accordance with sound floodplain management practices while protecting the overall water quality of the river system.

It is further the intent of these provisions to regulate and diminish the proliferation of non-conforming structures and uses in floodplain areas and to regulate the reconstruction, remodeling, conversion, and repair of said non-conforming structures with the overall intent of lessening the public responsibilities attendant to the continued and expanded development of land and structures which are inherently incompatible with natural floodplains and to lessen the potential danger to life, safety, health, and welfare of persons whose lands are subject to the hazards of floods.

The provisions for this overlay district shall apply to all floodplains where specifically mapped, and where structures are in existence as of the date of adoption of this ordinance by the Town Board, based upon available flood data. As more detailed hydrologic and flood data becomes available and floodways and floodplains are more definitively identified, such portions of land areas where structures exist may be placed into this overlay district subject to the amendment procedures as set forth in Section 35 of this ordinance.

The degree of flood protection intended to be provided by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the 100-year recurrence interval floodplain or land uses permitted within such areas will always be totally free from flooding or flood damages, nor shall this ordinance create a liability on the part of, or a cause of action against, the Town of Lisbon or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

**(b) Permitted Uses**

1. Any use as permitted in the C-1 Conservancy District, except that no buildings, fill, drainage, or dredging of shorelands/wetlands as identified on the Final Wisconsin Wetlands Inventory Maps may be allowed except as may be allowed under Section 7 (c) of this Ordinance.
2. Additional 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 an EFD Zoning District, as of the date of

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

adoption of this ordinance, the EFD 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.
3. Accessory uses within buildings normally associated with permitted agricultural operations including single-family dwellings and shelters for housing animals, except that no new structures shall be located in a floodplain or upon lands not suited due to soil limitations (any structures within floodlands must conform to Section 3 (c) 6A of this Ordinance.).
4. Nurseries and greenhouses. 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.
5. Temporary roadside stands.
6. Signs not to exceed forty (40) feet in area displaying the name of the farm or farm organization. Signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
7. Structures and uses, including principal as well as accessory uses and structures existing as of the date of adoption of this ordinance, subject to compliance with the following:
- A. In the event of the damage, including fire, wind, or other natural causes, to any such existing structures, the valuation of which to repair such damage would exceed 50% of its assessed value (as computed over the life of the structure and including past improvements) said structure may be reconstructed, remodeled, repaired, or rebuilt if the following standards are met:
    - i. The structure is not located in a floodway as defined in this ordinance.
    - ii. The first floor of the structure shall be placed at or above the flood protection elevation and reconstruction may occur on the same foundation or newly constructed foundation which represents no greater an encroachment or extension of the previously existing structure other than vertically. Said foundation shall be floodproofed and certified as set forth herein. Fill shall be used to elevate the first floor so as to meet the above. The fill shall not be less than one (1) foot below the flood protection elevation for the particular area and the fill shall extend at such elevation at least fifteen (15) feet beyond the limits of the structure. Where such distance cannot be achieved because of lot lines or other similar constraints, said fill elevation shall extend as far as is practicable resulting in no slope conditions at its terminus which may adversely affect surface water drainage on adjacent properties. In addition, where the fifteen (15) feet of fill cannot be achieved as set forth above, the structures shall be floodproofed to the flood

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

protection elevation in accordance with the methods set forth herein and shall be certified as such by an architect or professional engineer registered in the State of Wisconsin. Other methods may be used, as long as they are certified as set forth above, which are designed to the flood protection elevation for the particular area in question. All floodproofing measures shall at a minimum provide anchorage to resist flotation and lateral movement, and shall insure that the structural walls and floors are watertight. In order to insure that adequate measures are taken, the applicant shall submit a plan or document certified, as required above, that the floodproofing measures are adequately designed to protect the property to the flood protection elevation, as defined in this ordinance, for the subject area.

- iii. There shall be dry land access to all structures affected by these regulations, dry land access to be considered contiguous lands outside or above the floodplain elevation where the depth and duration of floodwaters do not adversely affect rescue and relief operations during flood. Normally, an inundation of not more than one (1) foot of water above the roadways is considered adequate to meet the intent of this requirement.
- iv. All onsite waste disposal systems and private wells shall be floodproofed to the flood protection elevation and shall conform with the provisions of the Waukesha County Sanitary Code and/or Wisconsin Administrative Codes where applicable to such facilities.
- v. The basement or crawl space shall be at or above the floodplain elevation unless a community wide exemption allowing floodproofing of basements has been granted by the Federal Insurance Administration (FIA) of the Federal Emergency Management Administration (FEMA). Heating and electrical equipment shall be at or above the flood protection elevation.
- vi. A structure may be reconstructed or rebuilt which has less than the minimum floor area and open space requirements set forth in the R-2 Residential District. If a larger floor area than previously existed is desired or the previous floor area ratio exceeded the R-2 Residential District requirements, reconstruction or enlargement (vertically only) may not exceed the floor area ratio requirements set forth in the R-2 Residential District. The offset and setback requirements of the R-2 Residential District shall apply.
- vii. Where more than one (1) principal building, as defined in Section 2 (b) of this Ordinance, exists on a single property, and one (1) or more of said buildings is destroyed or damaged beyond fifty (50) percent of their assessed value as heretofore set forth, the reconstruction, rebuilding, or repair of one (1) such building would be allowed, but only if all other principal buildings were removed from the property. Where only one (1) principal building on a property exists, and is destroyed or damaged beyond fifty (50) percent of their assessed value as heretofore set forth, the reconstruction, rebuilding, or repair of that building would be allowed. The intent of this provision is to allow for the reasonable use of the developed floodplain lands but not to the degree of intensity which may have existed prior, and so that the intensity of use of floodplain lands will be diminished.

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

- B. Where a structure lies within the floodplain but outside of the floodway, no modification or addition to such structure shall be permitted unless it conforms with the following standards: (For the purpose of this section, the words "modification" and "addition" shall include, but not be limited to, any structural alteration, addition, modification, reconstruction, rebuilding, or lateral enlargement of any such existing structure, principal or accessory. Modification shall also refer to the conversion of various living spaces or other floor areas into space for living purposes such as converting a part of a living room into a bedroom or bathroom regardless of whether such changes require structural alteration to the basic structures. Ordinary maintenance repairs, including painting, decorating, paneling, exact replacement of doors, windows, and other non-structural components, shall not be subject to these provisions.)
- i. The modification or addition to a structure may not decrease floodwater conveyance or storage capacities. Said modification or addition to a structure shall not extend laterally from the structure so as to extend into the floodplain but may be allowed to go above existing floors of the structure. A carport, accessory to the existing principal use, may be permitted on existing grades, which does not decrease the flood storage or conveyance capacity of the floodplain as long as it is not enclosed on more than two of its sides. It shall, however, meet all other offset, setback, and floor area ratio requirements. A garage, boathouse, and accessory structure may be permitted accessory to the existing principal use. However, new boathouses are not allowed in the Town of Lisbon. When a garage is attached, the floor shall be at or above the flood protection elevation, and when detached shall be at least one (1) foot above the floodplain elevation as defined herein, and in all other respects shall meet the fill requirements set forth in Section 3 (c) 6 A i d, locational and floor area ratio criteria of this ordinance.
  - ii. Floor area ratio requirements of the R-2 Residential District may not be exceeded although minimum floor area requirements are not required to be met. Minimum offsets and setbacks shall be required to be met.
  - iii. The provisions of subsection 8 (b) 2 A ii, iii, v, and vi, shall be complied with. Only one (1) principal structure on a lot will be allowed to be modified or altered in accordance with the intent of subsection A vii. above.
  - iv. The provisions of subsection 8 (b) 2 A iv shall be complied with. Where a modification or addition requires a larger waste disposal system than what exists (ie, additional bedrooms), it shall be demonstrated to the zoning administrator that a new or expanded waste disposal system can be provided, and a County sanitary permit granted meeting the requirements of the Waukesha County Sanitary Code and the Wisconsin Administrative Code, where applicable, prior to the issuance of a building permit for such alterations to the structure. Such new, improved, or enlarged waste disposal system shall be required to be installed concurrently with the construction or prior to an occupancy permit being issued for the altered structure.

The intent of this provision is to allow only those additions and modifications that can be accommodated with an onsite waste disposal system, and that will comply with contemporary standards for waste disposal which will result in improved systems that will be adequately protected from flooding and will accommodate said structures and their

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

improvements.

- C. Conversions of residences from seasonal use to year round use will not be allowed unless all of the conditions set forth in Section 8 (b) 2 B above are met. Conversions of this nature will require a building permit and inspections to determine conformance with the above-cited sections.
  - D. The provisions set forth above and related to reconstruction, rebuilding, modification, remodeling, and additions, shall conform with all other requirements and provisions of this Ordinance, except as may be allowed to be modified as set forth in Section 8 of this Ordinance.
  - E. Lateral extension of buildings, or other exceptions, which may be prohibited above, may be allowed only with approval by the Town of Lisbon Board of Appeals in accordance with the procedures established in Section 34 of this Ordinance. The Board of Appeals, in granting said lateral extension, shall determine whether the spirit and intent of the ordinance will be upheld by granting said variance from the provisions regulating the continued or intensified use of lands which are located in floodplains, and whether the public health, safety, and welfare will be in any way jeopardized through the granting of said variance.
  - F. In the administration of the above standards, it is required that the various standards set forth above shall be subject to review and approval by the Town Building Inspector upon submittal of appropriate data and information necessary to determine compliance with the above regulations.
8. 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.

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

**SECTION 9 UC UPLAND CORRIDOR DISTRICT**

(a) **Purpose and Intent**

Upland Corridor District, as mapped or intended to be mapped, includes non-wetland/non-floodplain primary or secondary environmental corridors as defined herein, and is intended to be used to preserve, protect, enhance, and restore significant woodlands, native plant communities, upland wildlife habitat areas, scenic overlooks, slopes exceeding 12%, and upland wooded areas, while also affording an opportunity to use the site for the limited residential purposes, in concert with the goals and intent of the Town of Lisbon Land Use Plan/Comprehensive Development Plan, which suggests that residential densities in such areas not exceed one unit per five acres for all parcels which lie entirely within the upland corridor. Where questions arise as to the exact location or boundary of an environmental corridor, the extent and location of such corridors shall be finally determined by infield investigation by the SEWRPC.

(b) **Permitted Uses**

1. Any uses permitted in C-1 Conservancy/Wetland District, except the cultivation of agricultural crops or the harvesting of wild crops. Sustained yield forestry and silviculture are permitted in accordance with the C-1 Conservancy/Wetland District. Whenever possible, storm water management facilities, pasturing, and grazing shall be located outside of the upland corridor.

Additional Livestock Regulations

- i. As of the date of adoption of this ordinance, the maintenance of existing fences is permitted in the UC District.
  - 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 UC Zoning District, as of the date of adoption of this ordinance, the UC 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.
2. Single family dwelling with a minimum 440 square foot attached garage.
  3. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
  4. A sign in accordance with Section 15 (b) 7.
  5. Hobby kennel in accordance with Section 15 (b) 8.

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

6. Family home day care.
7. 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.

(c) **Prohibited Uses**

1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels.
2. Antique shops, gift shops, arts and crafts studios.
3. Cemeteries and Mausoleums
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Commercial Truck Parking
6. Limited Family Business
7. Private Clubs and Resorts
8. Bed and Breakfasts
9. Public and Semi-Public Buildings and Uses
10. Contractors yards
11. Adult-Oriented Establishments

(d) **Conditional Uses**

1. In law units, except in a planned unit development
2. Single family residential planned unit development only – five acre density
3. Communication Towers

(e) **Building Location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Thirty-five (35) feet minimum.
3. Shore Setback: Seventy-five (75) feet minimum.

(f) **Height Regulations**

1. Principal Building: 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 Building:
  - A. Farm: Sixty (60) feet maximum.
  - B. Other: Eighteen (18) feet maximum.

(g) **Area Regulations**

1. Floor Area: Minimum Required:
  - A. First floor: One thousand (1,000) square feet.
  - B. Total: Sixteen hundred (1,600) square feet.
2. Lot size
  - A. Minimum area: Five (5) acre density, two (2) acre lot size. The overall density of parcels lying entirely within the upland corridor shall be not less than one dwelling

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

unit per five (5) acres of corridor area, with no lot area being less than two (2) acres in size. On parcels which contain area outside of the upland corridor or partially within the upland corridor and in a zoning category requiring less than a five (5) acre lot, the five (5) acre density requirement shall not apply and the lot can be the size required for that adjacent zoning category as long as any land altering activity and/or building envelopes are located outside of the corridor area and appropriately restricted as such on the face of the Certified Survey Map, Subdivision Plat, or other appropriate document, and recorded in the office of the Waukesha County Register of Deeds office. The overall goal of this requirement is to obtain a maximum density of building activity within the upland corridor of not more than one (1) dwelling unit for each five (5) acres of upland corridor lands.

- B. For that portion of lands which is not zoned UC, but which lies within a larger parcel or tract of land partially zoned UC, those non UC zoned lands shall meet the minimum lot size required in the non UC zoning district.
- C. There are no minimum average lot width requirements for the Upland Corridor District.

3. Preservation of Open Space

- A. For parcels lying entirely within an upland corridor, no open space regulation shall apply. However, the areas of disturbance (all land altering activities and vegetative removal including building sites, septic areas, and driveway and parking areas) shall be no more than 15% of five (5) acres (32,670 square feet) in the upland corridor, no matter the size of the lot.
- B. For parcels that lie partially within and partially outside of the upland corridor, the area of disturbance shall be limited to that area outside of the upland corridor unless otherwise permitted by a building envelope on the certified survey map, subdivision plat, or other document recorded in the Waukesha County Register of Deeds office.

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

**SECTION 10 PR PARK AND RECREATION DISTRICT**

**(a) Purpose and intent**

The Park and Recreation District is intended to provide for areas where the active and passive recreational needs, both public and private, of the Town residents can be met without undue disturbance of natural resources and adjacent uses. When applied to privately-owned recreational lands, this district is intended to avoid the conversion of such lands to other urban uses without adequate public review and approval. The district should be used for areas designated as parks on the adopted Town Land Use Plan/Comprehensive Development Plan or component or subsequent amendment thereto.

If a proposed park and recreation site does not comply with the Town's Land Use Plan/Comprehensive Development Plan, the Town shall carefully assess the proposal's impact on the environment, traffic, Town services, sewer use, water use, and surrounding properties prior to taking action.

All permitted and conditional uses proposed in this district shall be subject to review and approval of a site plan and plan of operation by the Town Plan Commission.

**(b) Permitted Uses**

1. Forest reserves for wildlife refuges and wilderness areas.
2. Flood control retention/detention areas.
3. Sledding/tobogganing without lights.
4. Biking, hiking, cross-country skiing, and snowshoeing trails.
5. Horseback riding trails.
6. Passive open space uses.
7. Picnicking areas.
8. Playgrounds without lights.
9. Existing residences.
10. All other municipally owned and operated recreational facilities/uses and parks not subject to a conditional use as listed below in Section 10 (e).

**(c) Permitted Accessory Uses**

1. Buildings and structures used in conjunction with the operation of a permitted use.
2. Signs displaying the name of the site or facility provided they are no greater than fifty (50) square feet in area. Signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
3. Parking in accordance with Section 3 (j).
4. Satellite dishes or other communication equipment apparatus.
5. Temporary Uses: Lands and buildings within the district may be used on a temporary basis for private and/or commercial uses not more than 1 week in duration. Such uses might consist of carnivals, rental of said buildings for private gatherings, use of buildings for temporary commercial displays, trade fairs or similar functions for the purpose of fundraising, or other special and unique events in conjunction with the permitted use. The town board must grant approval for such temporary uses and such approval is subject to any conditions

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

that may be imposed.

6. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Town Plan Commission.
7. Parking and Driveway Setback and Offset
  - A. A minimum parking and driveway setback of twenty-five (25) feet from the base setback line shall be required (other than at the intersection of the driveway and the road right-of-way).
  - B. A minimum parking and driveway offset of not less than twenty (20) feet from a side or rear lot line shall be required.

**(d) Prohibited Uses**

1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels.
2. Limited Family Businesses
3. Cemeteries and Mausoleums
4. Commercial Truck Parking
5. Private Clubs and Resorts
6. Churches, Synagogues, and Other Buildings for Religious Assembly
7. New residential uses
8. Adult-Oriented Establishments
9. The keeping of livestock and poultry/fowl.

**(e) Conditional Uses**

Conditional uses as provided below and in Sections 4 (h) 17, 24, and 29. Lands zoned Park and Recreation may be included as park and recreation lands in planned unit developments in accordance with Section 4 (h) 21 of this ordinance.

1. Public and private noncommercial play fields or athletic fields (soccer, baseball, softball, etc.) with lights.
2. Skating rinks and ice hockey arenas with lights.
3. Downhill skiing and snowboarding with lights.
4. Playgrounds with lights.
5. Golf courses and related facilities.
6. Swimming beaches.
7. Recreation Centers.
8. Nature Centers.
9. Tennis courts with lights.
10. Group or organized camps, campgrounds.
11. Art exhibits and fairs.
12. Boat rentals, boat liveries, and boat access sites.
13. Outdoor amphitheaters.
14. Golf driving ranges and miniature golf courses with lights.
15. Skateboard parks.
16. Sand volleyball courts with lights.
17. Outdoor basketball courts with lights.

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

18. Sledding/tobogganing with lights.
19. Other indoor and outdoor recreational facilities and uses similar to the above.

(f) **Building Location**

1. A minimum building setback of not less than fifty (50) feet from the base setback line shall be required.
2. A minimum building offset of not less than fifty (50) feet from a side or rear lot line shall be required.
3. A minimum building shore setback of not less than seventy-five (75) feet shall be required.

(g) **Height Regulations:** 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. No accessory building shall exceed thirty-five (35) feet in height.

(h) **Area Regulations:** Lots in the PR Park and Recreation District shall provide sufficient area for the principal structure and any accessory structures, off-street parking and loading areas, and all required offsets and setbacks. The Town Plan Commission shall determine the minimum lot size, minimum average width, maximum floor area ratio, and open space required in each specific case.

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

**SECTION 11 AD-10 AGRICULTURAL DENSITY 10-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 ten (10) acres, in order to protect and encourage the preservation of the rural character of the town, environmentally sensitive areas, and open spaces; provide for some marketability of 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.

A. 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.

B. 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.

C. This district encourages the transfer of residential development rights from one area of a parcel to another, and from one tract of land to another in the same development, thereby allowing an 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".

D. 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.

**(b) Principals 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 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.
2. The "agricultural preserved lands" shall be retained in accordance with one of the following methods:

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

- 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), which could be owned and retained by the party 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 “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.
  - D. The landowner and/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.
3. On a parcel that is zoned AD-10, the development density shall not exceed ten (10) acres for each dwelling unit.
  4. 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 (AD-10) to an RD-5 district in the same development at a rate of 1 dwelling unit per ten (10) acres.
  5. 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.
  6. 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.
  7. 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.

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

8. 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, through the 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.
  9. 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 transferring lands.
  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. 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".
  12. 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".
  13. 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.
  14. 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.
- (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 ten (10) 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

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

(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 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.iii. 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, stables, and poultry houses on lots at least three (3) acres in size. Buildings used for housing livestock or poultry shall maintain a minimum offset of fifty (50) feet from all adjacent lot lines.
  4. Signs:
    - A. Sign 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 must be provided.
    - B. No such stands 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. Limited Family Business as defined and intended in this ordinance
  2. Commercial Truck Parking
  3. Adult-Oriented Establishments

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

(e) **Conditional Uses**

1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels.
2. Bed and Breakfast
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 required area: one (1) acre, ten (10) 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 ten (10) 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

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

factors presented.

- B. A parcel which is zoned AD-10, may be developed at no more than a ten (10) acre density per dwelling unit. 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.
- i. 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.
  - ii. The location of the residential development on the site shall be approved by the Town Plan Commission and mature vegetated areas shall be preserved. Farm fields must be preserved as determined by the Town Plan Commission based on the factors presented.
  - iii. Where a parcel is zoned AD-10, 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 AD-10 land is transferred to an RD-5 zoned district, development shall occur at a 1 dwelling unit per ten (10) acres of AD-10 zoned land, and no C-1 zoned areas may be calculated in the overall density.

**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.

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

**SECTION 13 A-10 AGRICULTURAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for very low-density single-family residential development in predominantly rural areas in order to maintain, to some degree, the agricultural character of the property and the rural character of the area. These lands are best suited for small farm units, i.e., truck and hobby type farms, grazing, orchards, and other similar agriculturally-related activities in areas that have an existing pattern of scattered or low-density residential development. Such a district is intended to be used to implement the Town's Land Use Plan/Comprehensive Development Plan category entitled "Rural Residential, Other Agricultural and Open Lands".

**(b) Permitted Uses**

1. Any use as permitted in the C-1 Conservancy/Wetland District.
2. Farm dwellings. New single-family dwellings shall have a minimum 440 square foot attached garage.
3. Agriculture or farm uses on not less than ten (10) acres, including, but not limited to, horticulture, private greenhouses, floriculture, raising of crops, sustained yield forestry, silviculture, tree farming, orchards, nurseries, apiculture as defined in this ordinance [also refer to Section 3(i)(5)(AA)] but not on lots less than one (1) acre in size, truck farming, viticulture, sod farms, gardening, hay baling, paddocks, stables, grain drying for grain originating on or in connection with a single farm operation as defined in this ordinance, and dairy farming, livestock grazing, livestock raising (not including fur bearing animals) in accordance with Section 13(b)6, Section 13(b)7, and Section 13(b)12 below. Farm buildings housing livestock or poultry, barnyards, and feedlots, shall not be located within a floodland nor closer than one hundred (100) feet to any navigable water course nor closer than one hundred (100) feet to an existing adjacent dwelling or residentially zoned lot.
4. Signs not to exceed forty (40) feet in area displaying the name of the farm or farm organization. Signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
5. Family home day care.
6. The keeping of hogs, male goats, or fur bearing animals shall not be permitted on less than twenty (20) acres.
7. 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. If the lot is less than ten (10) acres in size, the keeping of poultry and livestock shall be regulated so that 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 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. 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.
8. Hobby kennels as permitted in the A-3 Agricultural/Residential Estate District.

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

9. Home occupations as permitted in the A-3 Agricultural/Residential Estate District.
10. Quarters for household or farm employees provided, however, that such quarters shall be occupied only by individuals employed full time on the property and his/her immediate family.
11. 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.
12. Accessory farm uses and buildings normally associated with an agricultural operation, including garages, stables, and poultry houses.
13. Agricultural business related uses

The following uses are permitted in the A-10 District subject to approval of a Site Plan and Plan of Operation by the Town Plan Commission. If the Site Plan and Plan of Operation are not approved, the use may not operate. In their consideration of approval, the Plan Commission shall determine the use will exist on appropriate lands within the community, and be thereon properly located and regulated:

- A. Warehousing, transfer, and transport services of agricultural commodities.
- B. Horticultural services and commercial greenhouses. Retail sales, including nursery stock and other agricultural crops, produce, and related commodities, are limited to that which is produced by the farm operator.
- C. Feed milling operations.
- D. Agricultural machinery sales and services.
- E. Cheese factories.
- F. Bulk milk collection, storage, and distribution facilities.
- G. Custom grain drying.
- H. Poultry and/or egg production.
- I. Any other similar agricultural business related use subject to approval of the town plan commission.

(c) **Prohibited uses**

1. Adult-Oriented Establishments

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

(d) **Conditional uses**

1. Airports, Landing Fields, and Take Off Strips
2. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels
3. Bed and Breakfast
4. Cemeteries and Mausoleums
5. Churches, Synagogues, and other buildings of Religious Assembly
6. Commercial Fish Ponds, Bait Ponds, or Fish Hatcheries
7. Commercial Truck Parking
8. Contractor's Yard
9. Fur Farms, Pig Farms, and Similar Agricultural Uses
10. In Law Unit
11. Limited Family Business
12. Private Clubs and Resorts
13. Public and Semi-Public Buildings and Uses
14. Testing laboratories (agricultural)
15. Communication Towers and related Facilities
16. Single family residential planned unit developments only

(e) **Building location**

1. Road Setback: Fifty (50) feet minimum.
2. Offset:
  - A. Buildings used for agricultural business purposes that include the housing of livestock and/or animal waste storage, one hundred (100) feet minimum.
  - B. Buildings used for agricultural business purposes not involving livestock housing or animal waste storage, twenty (20) feet minimum.
  - C. For agricultural business related uses: The Site Plan and Plan of Operation will relate buildings, parking areas, and any loading dock facilities that may be necessary and accessory to the use, and shall be governed by suitable contemporary design criteria.
3. Shore Setback: Seventy-five (75) feet minimum.

(f) **Height regulations**

1. Principal building: 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 building: Farm - sixty (60) feet maximum.
3. Accessory structures: Farm - up to one hundred (100) feet maximum where the road setback and offset is equal to or exceeds the height of the structure itself.
4. Other: Eighteen (18) feet maximum.

(g) **Area regulations**

1. Floor area:

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

- A. Minimum required for residential purposes: First floor: One thousand (1,000) square feet. Total: Eighteen hundred (1,800) square feet.
  - B. Maximum floor area ratio: Ten (10) percent of the site.
2. Lot size:
- A. Minimum area: Ten (10) acres.
  - B. Minimum average width: Three hundred (300) feet.
3. Open space: Three acres minimum.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 14 A-5 MINI-FARM DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for very low-density single-family residential development in predominantly rural areas in order to maintain, to some degree, the agricultural character of the property and the rural character of the area. These lands are best suited for small farm units, i.e., truck and hobby type farms, grazing, orchards, and other similar agriculturally-related activities in areas that have an existing pattern of scattered or low-density residential development. Such a district is intended to be used to implement the Town's Land Use Plan/Comprehensive Development Plan category entitled "Rural Residential, Other Agricultural and Open Lands".

**(b) Permitted Uses**

1. Permitted Uses on lots greater than five (5) acres: Agriculture and farm uses limited to: Horticulture, private greenhouses, floriculture, orchards, viticulture, apiculture as defined in this ordinance [also refer to Section 3(i)(5)(AA)], raising of crops, hay baling, paddocks, truck farming, and livestock raising (not including fur bearing animals), non-commercial poultry raising, and livestock grazing in accordance with Section 14(b)2C and Section 14(b)8 below.

Permitted Uses on lots less than five acres: Gardening, livestock grazing and livestock and non-commercial poultry raising (not including fur bearing animals) in accordance with Section 14(b)2C and Section 14(b)8 below, and apiculture as defined in this ordinance [also refer to Section 3(i)(5)(AA)] but not on lots less than one (1) acre in size.

2. Permitted Accessory Uses

- A. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
- B. Private boathouses, provided no living quarters are included in said boathouse. Only one (1) boathouse per lot is permitted. New boathouses are prohibited.
- C. Stables, barns, or poultry houses on lots at least three (3) acres in size, provided that no building housing livestock or poultry shall be closer than fifty (50) feet to any lot line.

3. Farm dwellings. New single-family dwellings shall have a minimum 440 square foot attached garage.

4. Signs not to exceed forty (40) feet in area displaying the name of the farm or estate. Signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).

5. Family home day care.

6. Hobby kennels as permitted in the A-3 Agricultural/Residential Estate District.

7. Home occupations as permitted in the A-3 Agricultural/Residential Estate District.

8. The keeping of poultry/fowl is permitted on any lot, except no poultry/fowl are allowed in a

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

recorded subdivision on lots less than three (3) acres. If the lot is less than ten (10) acres in size, the keeping of poultry and livestock shall be regulated so that 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 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. 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.

9. 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.

(c) **Prohibited uses**

1. Adult-Oriented Establishments

(d) **Conditional Uses**

1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels.
2. Bed and Breakfast
3. Cemeteries and Mausoleums
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Commercial fish or bait ponds or hatcheries
6. Commercial Truck Parking
7. Contractors Yard
8. Fur Farms, Pig Farms, Creameries, Condenseries, Wholesale Fattening of Livestock, Pea Vineries, Commercial Poultry and Egg Production, Commercial or Custom Grain Drying Operations
9. In Law Units
10. Limited Family Business
11. Private Clubs and Resorts
12. Public and Semi-Public Buildings and Uses
13. Testing Laboratories (agricultural laboratory use)
14. Communication Towers
15. Single family residential planned unit developments only

(e) **Building Location**

1. Setback: Fifty (50) feet minimum.
2. Offset:
  - A. Thirty (30) feet minimum.

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

B. Fifty (50) feet for any accessory building having livestock, fowl, poultry or other animals, except doghouses for house-hold type dogs (e.g., non-commercial in nature).

3. Shore Setback: Seventy-five (75) feet minimum.

(f) **Height Limitations**

1. Principal Building: 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 Building:

A. Farm: Sixty (60) feet maximum.

B. Other: Eighteen (18) feet maximum.

(g) **Area Regulations**

1. Floor Area:

A. Minimum required:

i. First floor: One thousand (1,000) square feet.

ii. Total: Eighteen hundred (1,800) square feet.

B. Maximum F.A.R. permitted: 15%.

2. Lot Size:

A. Minimum area: Five (5) acres.

B. Minimum average width: Three hundred (300) feet.

3. Open Space: Two acres minimum.

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

**SECTION 15 A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT**

**(a) Purpose and Intent**

This District is intended to be a transition between rural, agricultural uses and low-density single-family suburban residential development. These lands provide for limited agricultural use and single family residential estate type dwellings.

**(b) Permitted Uses**

1. Single-family dwellings with a minimum 440 square foot attached garage.
2. Gardening, apiculture as defined in this ordinance [also refer to Section 3(i)(5)(AA)], but not on lots less than one (1) acre in size, and livestock and non-commercial poultry/fowl raising, and livestock grazing as regulated in Section 15(b)3, Section 15 (b)4, and Section 15(b)5C below.
3. 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. The keeping of poultry/fowl and livestock shall be regulated so that 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 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. 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.
4. The keeping of hogs, male goats, or fur bearing animals shall not be permitted on less than twenty (20) acres.
5. The following accessory buildings and uses, subject to the conditions specified:
  - A. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
  - B. Private boathouses, provided no living quarters are included in said boathouse. Only one (1) boathouse per lot is permitted. New boathouses are prohibited.
  - C. Stables, barns, or poultry houses on lots at least three (3) acres in size, and provided that no building housing livestock or poultry shall be closer than fifty (50) feet to any lot line.
6. Home occupations/professional offices as defined in this ordinance, when incident to the residential use and when situated in the dwelling, subject to the following conditions:
  - A. No name plate exceeding three (3) square feet in area shall be permitted.
  - B. Such home occupation or professional office shall not occupy more than twenty (20)

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

- percent of the floor area of the residence.
- C. Such home occupation or professional office shall not employ more than one (1) person not a resident on such lot.
  - D. Adequate off-street parking facilities shall be provided adjacent, or reasonably adjacent to the residence housing such occupation or office.
  - E. Such permitted use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel or stone for commercial purposes.
  - F. Such permitted use shall not include the use of any machinery, tools, or other appliances that can reasonably be construed as creating an abnormal nuisance to the surrounding property owners.
  - G. Such permitted use shall be permitted subject to the condition that no materials or equipment used incident to the home occupation/professional office are stored on the premises except in those circumstances where the materials and equipment are stored within the residence.
7. A sign pertaining to the lease or sale of any building or land provided such sign does not exceed twenty (20) square feet in area. A sign not exceeding six (6) square feet in area may be maintained by the owner or occupant of any land or building for the purpose of displaying the name of the owner or occupant, or for the purpose of warning against trespasses. Signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
8. Hobby kennels may be permitted on parcels more than one acre in area if they are accessory to a single-family residence, but not including the operation of a commercial kennel unless a conditional use permit is obtained, provided such use has the specific approval of the town plan commission, meets all of the standards for the issuance of a commercial kennel conditional use provided in Section 4 (h) 2 A-C, and will not adversely affect the use of adjacent lands as may be determined by findings of the town plan commission. The Town Clerk shall notify landowners within 100 feet of the subject property and in any case to land owners immediately adjacent and across the street from such use, in writing by regular mail 10 days prior to the meeting at which this matter will be discussed. The town plan commission may establish conditions of approval as deemed appropriate to protect adjacent properties. The town may deny the request on the basis of a finding that such a use would be incompatible and a possible nuisance to surrounding uses and not in the public interest. Any person aggrieved by a decision of the plan commission relative to this provision may appeal such decision to the board of appeals for review and determination as provided for in Section 34 of this Ordinance.

Where two (2) or fewer dogs are kept, such use shall be considered accessory to the principal use and shall not require special approval by the plan commission. In any case, if the keeping of any number of dogs accessory to the principal use becomes a nuisance to the neighborhood as may be determined by the town plan commission or town board, such use shall be terminated or the nuisance abated. Where necessary, the town plan commission or town board may take appropriate steps to abate such nuisance.

9. Family home day care.

(c) **Prohibited Uses**

1. Adult-Oriented Establishments

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

(d) **Conditional uses**

1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels.
2. Bed and Breakfast
3. Cemeteries and Mausoleums
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Commercial Truck Parking
6. In Law Units
7. Limited Family Business
8. Private Clubs and Resorts
9. Public and Semi-Public Buildings and Uses
10. Single family residential Planned Unit Developments
11. Communication Towers
12. Antique shops, gift shops, arts and crafts studios

(e) **Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Thirty (30) feet minimum.
3. Shore Setback: Seventy-five (75) feet minimum.

(f) **Height regulations**

1. Principal building: 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 building: Eighteen (18) feet maximum.

(g) **Area regulations**

1. Floor area:
  - A. Minimum required
    - i. First floor: One thousand (1,000) square feet.
    - ii. Total: Sixteen hundred (1,600) square feet.
  - B. Maximum F.A.R permitted: Fifteen (15) percent.
2. Lot size:
  - A. Minimum area: Three (3) acres.
  - B. Minimum average width: Two hundred (200) feet.
3. Open space: Two (2) acres.

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

**SECTION 16 R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT**

(a) **Purpose and Intent**

This District is intended to provide for low-density suburban single-family residential development.

(b) **Permitted Uses**

1. Single-family dwellings with a minimum 440 square foot attached garage.
2. The keeping of usual household pets, but not the operation of hobby kennels or hutches unless the lot contains more than three (3) acres.
3. The following accessory buildings and uses, subject to the conditions specified:
  - A. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
  - B. Private boathouses, provided no living quarters are included in said boathouse. Only one (1) boathouse per lot is permitted. New boathouses are prohibited.
  - C. Barns or poultry houses on lots at least three (3) acres in size, and provided that no building housing poultry shall be closer than fifty (50) feet to any lot line.
4. Home occupations as permitted in the A-3 Agricultural/Residential Estate District.
5. Signs as permitted in the A-3 Agricultural/Residential Estate District.
6. Family Home Day Care.
7. 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. For lots less than three acres in size the keeping of poultry/fowl shall be regulated so that there shall be no more than four (4) poultry/fowl for the first acre of land, and four (4) poultry/fowl per acre of land thereafter up to three acres. Thereafter the keeping of poultry/fowl shall be regulated so that there shall be no more than twenty (20) poultry/fowl per one (1) acre of land in excess of three (3) acres. 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.
8. Apiculture as defined in this ordinance [also refer to Section 3(i)(5)(AA)], but not on lots less than one (1) acre in size.

(c) **Prohibited Uses**

1. Adult-Oriented Establishments
2. The keeping of livestock equivalents

(d) **Conditional Uses**

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

1. Bed and Breakfast
2. Cemeteries and Mausoleums
3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Commercial Truck Parking
5. In Law Units
6. Limited Family Business
7. Private Clubs and Resorts
8. Public and Semi-Public Buildings and Uses
9. Single family residential Planned Unit Developments
10. Communication Towers
11. Antique shops, gift shops, arts and crafts studios
12. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels

(e) **Building location**

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

(f) **Height regulations**

1. Principal building: 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 building: Fifteen (15) feet maximum.
3. On waterfront lots, no principal building or structure shall contain more than three (3) stories when viewed from the waterfront.

(g) **Area regulations**

1. Floor area:
  - A. Minimum required:
    - i. First floor: One thousand (1,000) square feet.
    - ii. Total: Fifteen hundred (1,500) square feet.
  - B. Maximum F.A.R. permitted: Fifteen (15) percent.
2. Lot size:
  - A. Minimum area: One (1) acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.
3. Open space: Thirty thousand (30,000) square feet minimum.

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

**SECTION 17 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

(a) **Purpose and Intent**

This District is intended to provide for low-density single-family residential development.

(b) **Permitted Uses**

1. Any use as permitted in the R-1 residential district, except boathouses are prohibited.

(c) **Prohibited Uses**

1. Adult-Oriented Establishments

(d) **Conditional Uses**

1. Bed and Breakfast
2. Cemeteries and Mausoleums
3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Commercial Truck Parking
5. In Law Units
6. Limited Family Business
7. Private Clubs and Resorts
8. Public and Semi-Public Buildings and Uses
9. Single family residential Planned Unit Developments
10. Communication Towers
11. Antique shops, gift shops, arts and crafts studios
12. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels

(e) **Building location**

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

(f) **Height regulations**

1. Principal building: 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 building: Fifteen (15) feet maximum.
3. On waterfront lots, no principal building or structure shall contain more than three (3) stories when viewed from the waterfront.

(g) **Area regulations**

1. Floor area:
  - A. Minimum required:
    - i. First floor: One thousand (1,000) square feet.
    - ii. Total: Fourteen hundred (1,400) square feet.
  - B. Maximum F.A.R. permitted: Fifteen (15) percent.

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

2. Lot size:
  - A. Minimum area: Thirty thousand (30,000) square feet on public sewer.  
One-acre unsewered.
  - B. Minimum average width: One hundred twenty (120) feet on public sewer.  
150 feet unsewered.
3. Open space: Twenty thousand (20,000) square feet minimum on public sewer.  
30,000 square feet unsewered

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 18 R-3 TWO FAMILY RESIDENTIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for single family or two-family attached residential development.

**(b) Permitted Uses**

1. Any use as permitted in the R-2 residential district, except Family Home Day Care is not allowed in two-family attached dwellings. 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. One two-family attached dwelling, each unit with a minimum of a 440 square foot garage, maximum 600 square foot garage.

**(c) Prohibited Uses**

1. Limited Family Business
2. Adult-Oriented Establishments
3. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels.
4. Bed and Breakfast
5. Hobby kennels and hutches

**(d) Conditional Uses**

1. Cemeteries and Mausoleums
2. Churches, Synagogues, and Other Buildings for Religious Assembly
3. Commercial Truck Parking
4. In Law Units
5. Private Clubs and Resorts
6. Public and Semi-Public Buildings and Uses
7. Single and two-family attached residential Planned Unit Developments
8. Communication Towers
9. Antique shops, gift shops, arts and crafts studios

**(e) Building location with or without sewer**

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

**(f) Height regulations**

1. Principal building: 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 building: Fifteen (15) feet maximum.
3. On waterfront lots, no principal building or structure shall contain more than three (3) stories when viewed from the waterfront.

**(g) Area regulations**

1. Floor area with or without sewer:
  - A. Minimum required:

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

- i. First floor: One thousand (1,000) square feet for a single-family residence, 900 square feet in each unit for a two family attached residence.
      - ii. Total: Thirteen hundred (1,300) square feet for a single-family residence, eighteen hundred (1,800) square feet (total) for a two-family attached residence.
    - B. Maximum F.A.R. permitted: Fifteen (15) percent.
- 2. Lot size:
  - A. Minimum area: Thirty thousand (30,000) square feet on public sewer.  
One-acre unsewered.
  - B. Minimum average width:
    - Single family: One hundred twenty (120) feet on public sewer.  
150 feet unsewered.
    - Two-family: 180 feet sewerred or unsewered.
- 3. Open space: Ten thousand (10,000) square feet minimum per unit on public sewer.  
15,000 square feet minimum per unit if unsewered.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 19 RM MULTI-FAMILY RESIDENTIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for single-family residential development (one unit per acre) or two family attached dwellings with or without sewer, or multi-family residential development in accordance with Section 19 (d)7 below and only if the property is served by public sewer. The multi-family density is limited to a maximum of four units per acre and must be served by public sewer. Multi-family residential development in this zoning district existing prior to the adoption of this zoning ordinance is excluded from the requirements listed in Section 19(a).

**(b) Permitted Uses**

1. Single-family detached dwellings with a minimum 440 square foot attached garage.
2. Single-family attached dwellings, either side-by-side or up-and-down, each dwelling unit having its own attached garage a minimum of 440 square feet in size. More than two attached dwelling units are subject to Section 19(d)7 below.
3. The following accessory buildings and uses, subject to the conditions specified below:
  - A. Detached private garages, if more than two dwelling units are attached to one another, and the garages shall not involve the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage. This use requires Town Plan Commission approval of building plans, site plans and a plan of operation.
  - B. A sign pertaining to the lease or sale of any building or land provided such sign does not exceed twenty (20) square feet in area. A sign not exceeding six (6) square feet in area may be maintained by the owner or occupant of any land or building for the purpose of displaying the name of the owner or occupant, or for the purpose of warning against trespasses. All signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
  - C. Home occupations as regulated in the A-3 District.
  - D. The keeping of usual household pets, but not the operation of hobby or commercial kennels or hutches.
  - E. Private residential outdoor recreational facilities. This use requires Town Plan Commission approval of building plans, site plans and a plan of operation.
  - F. Guest Parking – there shall be one off street guest parking space for every two (2) dwelling units, provided reasonably close to the building(s), to be used exclusively by guests of the residents, unless additional parking spaces are determined to be necessary by the Town Plan Commission. The parking spaces shall be 10' x 20' and shall provide an area to maneuver. This use requires Town Plan Commission approval of building plans, site plans and a plan of operation.
  - G. Apiculture as defined in this ordinance [also refer to Section 3(i)(5)(AA)], but not on lots less than one (1) acre in size.

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

H. 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.

(c) **Prohibited Uses**

1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels
2. Commercial Truck Parking
3. Limited Family Business
4. In Law Units
5. Bed and Breakfast
6. Adult-Oriented Establishments
7. The keeping of livestock equivalents.

(d) **Conditional Uses**

1. Cemeteries and Mausoleums
2. Churches, Synagogues, and Other Buildings for Religious Assembly
3. Private Clubs and Resorts
4. Public and Semi-Public Buildings and Uses
5. Residential Planned Unit Developments
6. Communication Towers
7. Multi Family Units

(e) **Building location**

1. Setback: Fifty (50) feet minimum with or without sewer.
2. Offset: Twenty (20) feet minimum unless reduced in accordance with Section 4 (h) 20 of this ordinance.
3. Shore Setback: Seventy-five (75) feet minimum with or without sewer.

(f) **Height regulations**

1. Principal building: 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: Fifteen (15) feet maximum.

(g) **Area regulations**

1. Floor area with or without sewer:
  - A. Minimum required
    - i. First floor one family: One thousand (1,000) square feet per unit.
    - ii. Total - One family: Twelve hundred (1,200) square feet.
    - iii. First floor two families: Nine hundred (900) square feet per unit.
    - iv. Total – Two families: Eighteen hundred (1,800) square feet per unit.
    - v. More than two families: Nine hundred (900) square feet per dwelling unit minimum.

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

- B. Maximum F.A.R permitted: Thirty (30) percent.
- 2. Lot size with or without sewer:
  - A. Minimum area: One acre.
  - B. Minimum average width: One family: 150 feet.  
Two or more families: 180 feet
  - C. Density is limited to a maximum of four (4) units per acre and must be served with sewer.
- 3. Open space with or without sewer: Minimum four thousand (4,000) square feet per unit.

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

**SECTION 20 (Reserved)**

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

**SECTION 21 SHORELAND AND FLOODLAND OVERLAY DISTRICT (SFO)**

**(a) Purpose and intent**

The purpose of this district is to delineate where the Waukesha County Shoreland and Floodland Protection Ordinance jurisdictional boundaries are located throughout the Town of Lisbon. The additional regulations associated with the SFO are primarily outlined in Section 3 of this ordinance and are imposed in order to better protect the shoreland and floodland areas of the town. It is anticipated that the assignment of this overlay district to lands in the Town of Lisbon will also serve to notify property owners and town officials of the need to contact the County Planning and Zoning Division office for the County's zoning regulations regarding those properties so designated, in addition to the Town enforcing the regulations in this ordinance. This district will grant the uses permitted in the Town's underlying zoning district and as well those permitted by the Waukesha County Shoreland and Floodland Protection Ordinance. In the event a conflict between the Town and County ordinance requirements arises, the more restrictive of each individual regulation of the two ordinances shall apply.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 22 (Reserved)**

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

**SECTION 23 P-I PUBLIC AND INSTITUTIONAL DISTRICT**

(a) **Purpose and Intent**

This district is intended to provide for those uses which serve a public need and are principally of an institutional, educational, medical, or governmental nature (whether public or privately owned, and either "for profit" or "not for profit", but not including the operation of a bar, restaurant, or recreational facility as a commercial enterprise). Group homes, as regulated by State Statute, shall not be included as they are either allowed in other districts or regulated pursuant to Section 4.

(b) **Permitted Uses**

The following uses are permitted by right subject to review and approval of the site plan and plan of operation by the Town Plan Commission:

1. Hospitals and clinics or rehabilitation facilities or centers.
2. Nursing home, rest home, homes for the elderly.
3. Public or private schools, colleges, and universities, and their associated gymnasiums, athletic fields, auditoriums, arenas, performance theaters, and assembly halls.
4. Mental health or substance abuse treatment, training, counseling, or rehabilitation facilities.
5. Residential treatment, training, or education facilities.
6. Municipal buildings and offices, including community centers and swimming pools.
7. Museums, exhibit halls, art galleries, and art centers.
8. Police and fire stations.
9. Libraries.
10. Penal reform institutions.
11. Military installations.
12. Public service yards.
13. Cemeteries and Mausoleums.
14. Churches, Synagogues, and Other Buildings for Religious Assembly.
15. Other similar uses as determined by the Town Plan Commission.

(c) **Permitted Accessory Uses**

1. Garages and buildings for storage of vehicles and/or equipment, which is used in conjunction with the operation of a permitted use.
2. Signs displaying the name of the institution or facility provided they are no greater than fifty (50) square feet in area, and in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A), unless otherwise regulated in this subsection.
3. Parking and loading in accordance with Section 3 (j).
4. Satellite dishes or other communication equipment apparatus. Roof mounted equipment shall be located, screened, or painted to minimize visibility from streets and adjacent lands.
5. Temporary Uses: Lands and buildings within the district may be used on a temporary basis for private and commercial uses not more than 1 week in duration. Such uses might consist of carnivals, rental of said buildings for private gatherings, use of buildings for temporary commercial displays, trade fairs, or similar functions for the purpose of fundraising, or other special and unique events in conjunction with the permitted use. Approval must be granted by the town board for such temporary use, and such approval is subject to any conditions that may be imposed.

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

6. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Town Plan Commission.
7. Dumpsters and other refuse type containers shall be secured from view from streets and adjacent properties.

(d) **Prohibited Uses**

1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels
2. Commercial Truck Parking
3. Limited Family Business
4. Non institutional residential uses
5. Private Clubs and Resorts
6. Adult-Oriented Establishments

(e) **Conditional uses**

Conditional uses as provided in Sections 4 (h) 24 and 29. Lands zoned Public and Institutional may be included as public and institutional lands in planned unit developments in accordance with Section 4 (h) 21 of this ordinance.

(f) **Building Location**

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

(g) **Height Regulations**

1. Principal Buildings: 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, unless fire and emergency apparatus adequate to service a taller building is available to service the building on the subject parcel and verification of such apparatus' availability from the Town Fire Department is filed with the Town Building Inspector prior to issuance of a building permit, in which event the maximum height of a principal building on the subject parcel shall be the maximum height which such available apparatus can service (but such maximum height shall not be greater than sixty (60) feet).
2. Accessory Buildings: Eighteen (18) feet maximum.

(h) **Area Regulations**

Includes Lot Size, Minimum Average Lot Width, Maximum Floor Area Ratio, Minimum Open Space and Green Space Regulations: The use will dictate the size of the parcel, but in no case shall the lot size be less than one acre nor be less than 150 feet in width. The total floor area ratio shall not exceed thirty (30) percent. However, no more than 60% of the subject parcel shall be of impervious surfaces, consisting of roof tops, paved or gravel roads, driveways, surface parking, service or other areas, and 40% of the subject parcel shall be green space in vegetative cover or tillable soil.

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

**SECTION 24 B-1 RESTRICTED BUSINESS DISTRICT**

(a) **Purpose and Intent**

This District is intended to provide for retail or customer service establishments of a restrictive nature.

(b) **Permitted Uses**

1. Any use as permitted in the R-3 residential district, except that residential use shall be permitted only in conjunction with or accessory to an otherwise permitted business use, and family home day care shall only be located in a single-family residence.
2. The following retail or customer service establishments of a restrictive nature are permitted, provided the location, building, and Site Plan and Plan of Operation, including signage, have been submitted to, and approved by, the plan commission as being in keeping with the character of the surrounding residential area.
  - A. Boarding, lodging, or rooming houses.
  - B. Delicatessen.
  - C. Florist shop.
  - D. Funeral home.
  - E. Gift shop, antique shop.
  - F. Interior decorator.
  - G. Professional office or studio.
  - H. Tea room or restaurant provided no liquor is served.
  - I. Animal Hospitals and Vet Clinics, not including the operation of commercial kennels.
  - J. Any similar use subject to the approval of the plan commission.
3. Signs permitted subject to the following:
  - A. Non-illuminated signs and non-flashing but illuminated business signs. However, no sign shall include illuminating devices or be constructed of illuminated material or be specifically illuminated except by properly shielded cove or back lighting of a non-intermittent type on an opaque background, such source of light not to be more than two (2) feet from the vertical face to be illuminated.
  - B. No freestanding sign shall exceed a total height of twenty five (25) feet, as measured from the ground, and shall not exceed 50 square feet in area.

No ground sign shall exceed a total height of 10 feet, as measured from the existing grade, and said sign shall not exceed 50 square feet in area.
  - C. Only one (1) free-standing sign shall be permitted for each lot or parcel. However, the owner of a corner lot or parcel may, subject to plan commission review and approval, erect one freestanding sign for each abutting street.
  - D. All signs are subject to a Site Plan and Plan of Operation being submitted to, and approved by, the plan commission as to design, location, area, size, number, purpose and any other relevant factors affecting use of the property or any adjoining properties.

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

- E. No sign attached to a building shall be higher than four (4) feet above the top of the roof line or in any case exceed thirty-five (35) feet in height.
- F. All signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A), unless otherwise regulated in this subsection.

4. Accessory uses

- A. Dumpsters and other refuse type containers shall be screened from view from streets and adjacent properties.
- B. Roof mounted equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.
- C. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Town Plan Commission.

(c) **Prohibited Uses**

- i. Limited Family Businesses
- ii. Adult-Oriented Establishments

(d) **Conditional Uses**

- 1. Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and similar uses.
- 2. Public and Semi Public Buildings and Uses, including commercial day care facilities
- 3. Churches, Synagogues, and Other Buildings for Religious Assembly
- 4. Private clubs and resorts
- 5. Single Family, Mixed and Commercial Planned Unit Developments
- 6. Commercial Kennels
- 7. Bed and Breakfast
- 8. Cemeteries and Mausoleums
- 9. Commercial Truck Parking
- 10. In Law Units
- 11. Marinas
- 12. Communication Towers
- 13. Automobile, Gasoline, and Service Station and Convenience Stores associated with gasoline sales

(e) **Building location**

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

(f) **Height regulations**

- 1. Principal building: 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.

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

2. Accessory buildings: Fifteen (15) feet maximum

(g) **Area regulations**

1. Floor area required with or without sewer:

A. Minimum required for residential purposes:

i. First floor: Nine hundred (900) square feet per unit.

ii. Total: Single family: Twelve hundred (1,200) square feet. A minimum 440 square foot attached or detached garage is also required.

iii. Total: Two-family: 1,800 square feet. A minimum 440 square foot attached or detached garage is also required per unit.

B. Buildings used for both residential and business purposes: Minimum fifteen hundred (1,500) square feet total.

C. Maximum F.A.R permitted: Twenty (20) percent with or without sewer.

2. Lot size with or without sewer:

A. Minimum area: One acre.

B. Minimum average width:

i. Single family: One hundred fifty (150) feet.

ii. Two-family: 180 feet.

3. Open space with or without sewer: Fifteen thousand (15,000) square feet minimum per unit

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

**SECTION 25 B-2 LOCAL BUSINESS DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for retail or customer service establishments serving the local area.

**(b) Permitted Uses**

1. Any use permitted in the B-1 restricted business district, except two family or multi family uses.
  
2. Any of the following retail and customer service establishments, normally serving the local area, are permitted provided the location, building, and Site Plan and Plan of Operation are submitted to and approved by the plan commission:
  - A. Art shop, arts and crafts studio.
  - B. Appliance store.
  - C. Bakery (not over ten (10) employees).
  - D. Barber shop.
  - E. Beauty shops, including hair care, face care, nail care, and therapeutic massage.
  - F. Bank, savings and loan office, security broker.
  - G. Clinic, medical and dental.
  - H. Clothing or dry goods store.
  - I. Confectionery store.
  - J. Drug store.
  - K. Furniture store.
  - L. Book and stationery stores.
  - M. Fruit and vegetable market.
  - N. Grocery or other food products store.
  - O. Hardware store.
  - P. Ice cream store.
  - Q. Jewelry store.
  - R. Meat and fish market.
  - S. Music and radio store.
  - T. News-stand.
  - U. Notion or variety shop.
  - V. Parking lot.
  - W. Pharmacy.
  - X. Radio and television sales and repair shop.
  - Y. Photography studio.
  - Z. Shoe store.
  - AA. Soda fountain.
  - BB. Tailor or dressmaking shop.
  - CC. Tanning booths.
  - DD. Telephone office and telephone exchange.
  - EE. Utility company office.
  - FF. Watch repair.
  - GG. Book or stationary store.
  - HH. Insurance office.
  - II. Real estate office.
  - JJ. Any similar use subject to the approval of the plan commission.

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

3. Garages for storage of vehicles used in conjunction with the operation of the business.
4. Signs as permitted in the B-1 Restricted Business District.
5. Accessory uses
  - A. Dumpsters and other refuse type containers shall be screened from view from streets and adjacent properties.
  - B. Roof mounted equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.
  - C. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Town Plan Commission.

(c) **Prohibited Uses**

1. Limited Family Businesses
2. Adult-Oriented Establishments

(d) **Conditional Uses**

1. Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and similar uses.
2. Public and Semi Public Buildings and Uses, including commercial day care facilities
3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Private clubs and resorts
5. Commercial Kennels
6. Single family residential Planned Unit Developments only, and mixed or commercial planned unit developments
7. Bed and Breakfast
8. Cemeteries and Mausoleums
9. Commercial Truck Parking
10. In Law Units
11. Marinas
12. Commercial fish or bait ponds or hatcheries
13. Communication Towers
14. Automobile, Gasoline, and Service Station and Convenience Stores associated with gasoline sales
15. Mobile home parks and trailer camps
16. Motels and hotels
17. Testing laboratories

(e) **Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset:
  - A. Buildings used solely for commercial purposes: Ten (10) feet minimum.
  - B. Buildings used in whole or part for residential purposes: Twenty (20) feet minimum.
3. Shore setback: Seventy-five (75) feet minimum.

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

(f) **Height regulations**

1. Principal building: 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: Fifteen (15) feet maximum.

(g) **Area regulations**

1. Floor area:
  - A. Minimum required for residential purposes: Buildings used solely for residence purposes – first floor: Nine (900) square feet. Total: Twelve hundred (1,200) square feet. A minimum 440 square foot attached or detached garage is also required.
  - B. Buildings used for both residential and business purposes: Minimum fifteen hundred (1,500) square feet total.
  - C. Maximum F.A.R permitted: Fifty (50) percent.
2. Lot size:
  - A. Minimum area: One acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.
3. Open space: Fifteen thousand (15,000) square feet minimum.

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

**SECTION 26 B-3 GENERAL BUSINESS DISTRICT**

(a) **Purpose and Intent**

This District is intended to provide for business and trades of a more general nature and serving a larger trade area.

(b) **Permitted uses**

1. Any use as permitted in the B-2 local business district.
2. The following business and trades of a more general nature, normally serving a larger trade area, are permitted provided the location, building, and Site Plan and Plan of Operation are submitted to and approved by the plan commission:
  - A. Wholesalers and distributors.
  - B. Theaters, arcades, video game parlors, and other indoor amusement places.
  - C. Dry cleaning and dyeing establishments.
  - D. New and used automobile sales rooms and lots, sale of snowmobiles, personal watercraft, boats and marina equipment, along with repair and service shops for such equipment, storage yards and garages for said equipment, vehicles and supplies, and commercial truck parking, but in no case shall any of the above include the storage and/or sale of junked or wrecked vehicles, equipment, or parts.
  - E. Printing and publishing houses.
  - F. Dairies and bottling plants.
  - G. Laundries.
  - H. Lockers and cold storage plants.
  - I. Any similar use subject to the approval of the plan commission.
3. Signs as permitted in the B-1 Restricted Business District.
4. Accessory uses
  - A. Dumpsters and other refuse type containers shall be screened from view from streets and adjacent properties.
  - B. Roof mounted equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.
  - C. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Town Plan Commission, except when accessory to a Self Service Storage (Mini-Warehouse) Conditional Use where it requires the approval of a Conditional Use.

(c) **Prohibited Uses**

1. Limited Family Businesses
2. Adult-Oriented Establishments

(d) **Conditional Uses**

1. Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and similar uses.
2. Public and Semi Public Buildings and Uses, including commercial day care facilities
3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Private clubs and resorts
5. Commercial Kennels

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

6. Single family residential Planned Unit Developments only, and mixed or commercial planned unit developments
7. Bed and Breakfast
8. Cemeteries and Mausoleums
9. Contractor's Yard
10. Outdoor Commercial Recreation Facilities and Uses
11. Marinas
12. Commercial fish or bait ponds or hatcheries
13. Communication Towers
14. Mobile home parks and trailer camps
15. Testing laboratories
16. Motels and hotels
17. Self Service Storage (Mini-Warehouses)

(e) **Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset
  - A. Buildings used solely for commercial purposes: Ten (10) feet minimum.
  - B. Buildings used in whole or part for residential purposes: Twenty (20) feet minimum.
3. Shore setback: Seventy-five (75) feet minimum.

(f) **Height regulations**

1. Principal building: 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: Fifteen (15) feet maximum.

(g) **Area regulations**

1. Floor area:
  - A. Minimum required for residential purposes: Nine hundred (900) square feet total. A minimum 440 square foot attached or detached garage is also required.
  - B. Buildings used for both residential and business purposes: Minimum fifteen hundred (1,500) square feet total.
  - C. Maximum F.A.R. permitted: Fifty (50) percent.
2. Lot size:
  - A. Minimum area: One acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.
3. Open space: Fifteen thousand (15,000) square feet minimum.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**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 along the 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. Sites will be developed free of outside storage and outside display of products unless otherwise approved subject to the conditional use provisions enumerated and contained within the zoning district. The zoning district is located along and adjacent to an arterial highway and should be buffered by means of landscaping and berms from adjacent residential uses. The Village and Town have agreed to cooperate on planning as part of the Boundary Stipulation and Intergovernmental Cooperation Agreement Between the Village of Sussex and the Town of Lisbon herein after referred to as “Border Agreement” and Town of Lisbon’s Land Use Plan/Comprehensive Development Plan. As a “special use” zoning district there are certain requirements and processes that are unique to development within this zoning district in comparison to other zoning districts in the Town of Lisbon.

**Joint Planning Committee Role and Authority in this Zoning District**

The Joint Planning Committee (JPC) shall exercise its rights and authority in this zoning district as granted in the “Border Agreement” and through the Town of Lisbon's Land Use Plan/Comprehensive Development Plan. The Village of Sussex and Town of Lisbon, in a cooperative manner to regulate and foster quality development and land uses, will utilize the following procedure:

*“Both the Village of Sussex and the Town of Lisbon desire to have a smooth visual transition from one community to the next. Therefore, any buildings approved in these Special Use Districts are to be constructed to match the design and feel of already existing businesses in the abutting areas of the Village of Sussex. To that end and as mentioned above, the Town of Lisbon, in the implementation of its Land Use Plan/Comprehensive Development Plan, will adopt zoning regulations and design standards comparable to those existing in the Village of Sussex for the Special Use Districts. Said zoning regulations and design standards shall be reviewed and approved by the JPC, whose approval shall not be unreasonably withheld. The design for specific buildings including, but not limited to, landscaping and parking, in these designated Special Use Districts shall be submitted to the JPC and must be approved by the JPC before building permits are issued.*

*Until zoning and design standards are approved by the JPC for the Special Use Districts, the current Village of Sussex zoning categories, BP-1 and B-5, and the Sussex design standards as referenced in Chapter 18 of the Land Division and Development Ordinance for the Village of Sussex Code, shall be used by the JPC in its review and approval of specific buildings in the Special Use Districts. If the JPC cannot reach agreement, the arbitration process as described in the “Border Agreement” shall be utilized to resolve the impasse.”*

**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).

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

- (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 and approval of the Town of Lisbon Plan Commission, Town Board, and JPC as appropriate. Said JPC review and approval 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) Development that falls within this zoning district or special planning areas if not yet zoned shall be presented and reviewed by the Town Plan Commission under the normal process outlined in Chapter 11 of the Town of Lisbon's Town Code. Once the Town Plan Commission finds that the development is generally acceptable under the Zoning Ordinance, the development shall be forwarded to the JPC for its consideration and comment on any rezoning, land division, conditional use (CU), or Planned Unit Development (PUD), or to the JPC for review and approval of the site plan, architectural plan, ingress and egress, parking, loading and unloading, landscaping, and open space utilization plans. After the consideration or approval (if such approval is granted) by the JPC as appropriate for the type of development action being reviewed the development proceeds back to the Town Plan Commission and continues the normal process outlined in Chapter 11 of the Town of Lisbon's Town Code.
- (3) 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 Principal 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.)

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

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) **Certain Incompatible Uses Prohibited**

The following uses are considered to be incompatible with the residential characteristics of the Town and surrounding area and are herewith prohibited:

1. Any new residential dwelling.
2. Car, truck, and trailer sales lots - new and used.
3. Outside bulk sales, bulk storage, or bulk display of materials or products.
4. Drive-in theaters.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

5. Commercial childcare facilities.
6. Residential, commercial, and mixed Planned Unit Developments.
7. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels.
8. Bed and Breakfast facilities
9. Two Family and Multi Family
10. Commercial Truck Parking
11. Limited Family Businesses
12. Marinas
13. Cemeteries and Mausoleums
14. Churches, Synagogues, and Other Buildings for Religious Assembly
15. Operations which generate noise levels which exceed the following when measured at the property line.

Octave Band Frequency (Cycles Per Second)	South Level (Decibels)
0 to 74	72
75 to 149	67
150 to 299	59
300 to 599	52
600 to 1199	46
1200 to 2399	40
2400 to 4799	34
4800 and above	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

16. Adult oriented establishments.

**(d) 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

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

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 Plan Commission, Town Board, and JPC make the following findings:
  - a. The use is consistent with the intent and types of uses depicted for the zoning district, and
  - b. The use is not one of the prohibited uses in Section C above, and
  - c. 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 Plan Commission, Town 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.

(e) **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.

(f) **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.

(g) **Area Regulations**

1. Floor Area Ratio/Lot Coverage/Open Space:  
Maximum FAR of thirty percent (30%) unsewered, and fifty percent (50%) sewer. Not more than sixty-five percent (65%) unsewered, or seventy five percent (75%) sewer, 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% (sewer) 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.

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

(h) **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. **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** 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

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

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.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 28 B-P INDUSTRIAL/ BUSINESS PARK SPECIAL USE ZONING DISTRICT**

**Purpose and Intent**

This zoning district is intended to provide for the orderly and attractive grouping of diverse office, retail, and customer service uses, and industrial uses of limited intensity where the appearance of such mixed uses is enhanced by pleasing building architecture and generously landscaped sites. Sites will be developed free of outside storage and outside display of products unless otherwise approved subject to the conditional use provisions enumerated and contained within the zoning district. The zoning district is located along and adjacent to an arterial highway and should be buffered by means of landscaping and berms from adjacent residential uses. The Village and Town have agreed to cooperate on planning as part of the Boundary Stipulation and Intergovernmental Cooperation Agreement Between the Village of Sussex and the Town of Lisbon herein after referred to as "Border Agreement" and Town of Lisbon's Land Use Plan/Comprehensive Development Plan. As a "special use" zoning district there are certain requirements and processes that are unique to development within this zoning district in comparison to other zoning districts in the Town of Lisbon. This zoning district is initially comprised of the Lieds parcel of 44.98 acres located in the NE 1/4 of Section 25-8-19, initially administered to said site through a Declaration of Restrictions recorded in the Waukesha County Register of Deeds Office. Other parcels in the Town of Lisbon maybe subject to this zoning district per the Town of Lisbon's Land Use Plan/Comprehensive Development Plan.

**Joint Planning Committee Role and Authority in this Zoning District**

The Joint Planning Committee (JPC) shall exercise its rights and authority in this zoning district as granted in the "Border Agreement" and through the Town of Lisbon's Land Use Plan/Comprehensive Development Plan. The Village of Sussex and Town of Lisbon, in a cooperative manner to regulate and foster quality development and land uses, will utilize the following procedure:

*"Both the Village of Sussex and the Town of Lisbon desire to have a smooth visual transition from one community to the next. Therefore, any buildings approved in these Special Use Districts are to be constructed to match the design and feel of already existing businesses in the abutting areas of the Village of Sussex. To that end and as mentioned above, the Town of Lisbon, in the implementation of its Land Use Plan/Comprehensive Development Plan, will adopt zoning regulations and design standards comparable to those existing in the Village of Sussex for the Special Use Districts. Said zoning regulations and design standards shall be reviewed and approved by the JPC, whose approval shall not be unreasonably withheld. The design for specific buildings including, but not limited to, landscaping and parking, in these designated Special Use Districts shall be submitted to the JPC and must be approved by the JPC before building permits are issued.*

*Until zoning and design standards are approved by the JPC for the Special Use Districts, the current Village of Sussex zoning categories, BP-1 and B-5, and the Sussex design standards as referenced in Chapter 18 of the Land Division and Development Ordinance for the Village of Sussex Code, shall be used by the JPC in its review and approval of specific buildings in the Special Use Districts. If the JPC cannot reach agreement, the arbitration process as described in the "Border Agreement" shall be utilized to resolve the impasse."*

**Review Process for Development within this Zoning District**

The review process for this zoning district shall be in accordance with the language contained in Section 28, 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 business park environment that is compatible with the residential character of the Town and the neighboring Village and that will maintain a campus like setting, building permits for permitted uses in this zoning district shall not be issued without review and approval of the Town of Lisbon Plan Commission, Town Board, and JPC as appropriate. Said JPC review and approval shall

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

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. Development that falls within this zoning district or special planning areas if not yet zoned shall be presented and reviewed by the Town Plan Commission under the normal process outlined in Chapter 11 of the Town of Lisbon's Town Code. Once the Town Plan Commission finds that the development is generally acceptable under the Zoning Ordinance, the development shall be forwarded to the JPC for its consideration and comment on any rezoning, land division, conditional use (CU), or Planned Unit Development (PUD), or to the JPC for review and approval of the site plan, architectural plan, ingress and egress, parking, loading and unloading, landscaping, and open space utilization plans. After the consideration or approval (if such approval is granted) by the JPC as appropriate for the type of development action being reviewed the development proceeds back to the Town Plan Commission and continues the normal process outlined in Chapter 11 of the Town of Lisbon's Town Code.
  3. 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 uses may occur on individual sites or as part of a larger planned development subject to the approval of a site plan and plan of operation:

- (1) The manufacture, fabrication, assembly, and/or processing of the following products; parts, supplies, or sub-assemblies of the same:
  - Apparel and findings and related products
  - Automatic temperature controls
  - Automotive upholstery
  - Baked goods and bakery products
  - Beverages, non-alcoholic, including bottling
  - Blank books, loose-leaf binders, and devices
  - Boot and shoe cut stock and bindings
  - Brooms and brushes
  - Canvas products
  - Cheese
  - Cleaning, dressing, and dyeing
  - Commercial bakeries
  - Computer hardware and software
  - Confections
  - Cosmetic and toiletries
  - Costume jewelry, novelties, buttons, and miscellaneous notions
  - Curtains and draperies
  - Dental equipment
  - Electrical appliances and electronic devices
  - Electrotyping and stereotyping
  - Engineering, laboratory, scientific and research instruments/equipment
  - Fabrics, broad and narrow woven
  - Felt goods
  - Flavor extracts and flavor syrups

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

- Floor coverings limited to rugs and carpeting
  - Food locker plants, excluding slaughtering
  - Footwear
  - Fur products, packaging/assembly, excluding slaughtering or dressing
  - Glass and glass products
  - Graphics and/or graphic design
  - Handbags and other personal leather goods
  - Hat, caps, and millinery
  - Ice
  - Ice cream and frozen desserts
  - Jewelry
  - Knit goods, yarns and threads
  - Lace goods
  - Lamp shades
  - Leather, but not including tanning
  - Luggage
  - Manifold business forms
  - Mechanical measuring and controlling instruments
  - Men, Women, and Youth furnishings, work clothes, and garments
  - Morticians goods
  - Musical instruments
  - Office furniture
  - Ophthalmic goods
  - Optical instruments and lenses paper products
  - Orthopedic, prosthetic, and surgical appliances
  - Paper coating and glazing, and paper products/envelopes/greeting cards
  - Partitions, shelving, lockers, and office and store fixtures
  - Pens, pencils, and other office and artist materials
  - Pharmaceuticals
  - Photoengraving instruments
  - Photographic equipment
  - Pizza
  - Pleating, decorative, and novelty stitching and tucking for the trade
  - Raincoats and other waterproof outer garments
  - Robes and dressing gowns
  - Signs and advertising displays
  - Silverware and plated ware
  - Surgical and medical instruments
  - Textiles, dyeing and finishing
  - Toys, amusement, sporting, and athletic goods
  - Umbrellas, parasols, and canes
  - Venetian blinds and shades
  - Wallpaper
  - Watches, clocks, clockwork operated devices
- (2) Business and service facilities including:
- Accounting, auditing, and bookkeeping services.
  - Administrative and public service offices.
  - Advertising services

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

- Bakeries
  - Banks and financial institutions, excluding drive-through facilities
  - Barber shops and beauty shops
  - Book stores, newspaper and magazine stores
  - Cabinet makers
  - Camera and photographic supply stores
  - Computer software development
  - Confectioneries
  - Grocery stores/Drug Stores
  - Corporate headquarters
  - Delicatessens
  - Dental and medical clinics
  - Duplicating and mailing services
  - Data processing centers
  - Electrician
  - Employment services
  - Hotels and motels
  - Interior decorators
  - Janitorial supplies
  - Machine shops
  - Office supplies and business machine stores
  - Parking lots and structures
  - Plumbing and heating services
  - Professional offices of an architect, engineer, lawyer, accountant, doctor, dentist, realtor, optometrist, clergy, or other similarly recognized profession
  - Public relations offices
  - Publishing, printing, and binding of books, newspapers, periodicals
  - Radio and television studios, not including transmitting towers
  - Real estate and insurance sales offices
  - Research and development facilities
  - Restaurants, including drive-in restaurants, but excluding drive-throughs
  - Security brokers, dealers, and associated investment services
  - Sheet metal services
  - Studios for photography, painting, music, sculpture, art, or dance
  - Travel agencies
  - Limited warehousing and storage facilities for distributors provided that such warehousing and storage does not exceed 50,000 square feet or have more than 5 overhead doors.
- (3) Other uses not specifically mentioned above may be permitted uses if the Town of Lisbon Plan Commission, Town of Lisbon Board, and JPC makes 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 uses, and
  - c. The use is not one of the prohibited uses in Section D 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.

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

b. Permitted Accessory Uses

- (1) Garages for storage of vehicles used in conjunction with the permitted uses.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, distribution, warehousing, and other uses normally auxiliary to permitted business park uses.
- (4) Indoor storage and sale of machinery and equipment associated with the permitted business park uses.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- (7) Bus/taxi shelters or waiting areas.
- (8) Refuse areas.
- (9) Signage in accordance Town Sign Ordinance Chapter 13 of the Municipal Code (Addendum A).

c. Conditional Uses

- (1) Business Uses The following commercial uses shall be conditional uses and may be permitted as specified:
  - a. Drive-Through Facilities such as drive-through banks, restaurants. For drive through restaurants refer to the conditional use for Restaurants, Supper Clubs, Lake Resorts (open to the general public), Taverns, Dance Halls, Pool Halls, Bowling Alleys, and Similar Uses. For all other drive through facilities refer to the conditional use for drive through facilities.
  - b. Radio and Television transmitting towers, receiving towers, relay and microwave towers, and broadcast studios. Broadcast studios and offices without towers may be permitted in this zoning district.
  - c. Commercial Day Care Centers (refer to Public and Semi Public Buildings and Uses) provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site.
  - d. Truck terminals of any size, warehousing, distribution centers, storage facilities for distributors, and mail-order centers over 50,000 square feet or with more than 5 overhead doors.
  - e. Cellular and Digital Communication Antennas provided that:
    1. The developer shall prepare a plan showing the number and potential location of all antenna sites needed in the Town (and all other adjacent municipalities) to complete the communication network.
    2. All antennas shall be constructed on existing structures, such as, but not limited to, water towers, public buildings, existing utility towers, industrial buildings, farm silos, barns, or other communication towers.
    3. If it is determined by the Plan Commission that such antennas cannot be co-located on existing structures, freestanding tower structures may be permitted, but such structures shall be designed to support the proposed antennas and three additional sets of

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

communication antennas. The developer shall agree, in writing, to make the structure available for co-location by other companies of other communication equipment at a reasonable return.

4. The developer may be required to post a bond or cash deposit to assure maintenance of communication equipment and its supporting structures; and to assure that if such facilities are abandoned, sufficient resources are available for the Town to remove such equipment and structures.
  - f. Gasoline Service Stations with or without Convenience Stores – including car washes and oil change facilities provided that the use shall not cause--or shall include traffic control measures to ameliorate--traffic congestion; that lighting and glare shall not extend into adjacent residential neighborhoods; and that service islands shall comply with the minimum setback requirements of the zoning district. Canopies over a gasoline service island may extend into front, side or rear yard areas, but shall not encroach more than six (6) feet into any required yard and in no case, may a canopy extend into a street R.O.W.
  - g. Outside Storage for commercial uses. 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.
- (2) Industrial Uses The following Industrial Uses shall be conditional uses and may be permitted as specified:
- a. Animal Clinics or Hospitals, excluding commercial kennels, provided all principal structures and uses are not less than 100 feet from any residential use.
  - b. Outside Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar, and yeast or other industrial outside storage. 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 Town Plan Commission, Town Board, and JPC may waive or reduce the 600-foot separation requirement. In all cases, outside storage should be screened from all sides. All screening plans are subject to Town Plan Commission review and approval. Screening should be a permanent, predominantly evergreen, planting screen, the individual trees to be of such a number and so arranged that they will have formed a dense screen within ten years or by a fence or masonry wall or a combination of the above. Individual trees shall be capable of reaching a height of ten feet within two years. 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, odor, or if the use will generate traffic volumes in excess of those reasonably expected in a residential neighborhood.
  - c. Factory Outlets and retail sales of products made onsite in the principal industrial operation.
  - d. Construction Services (refer to Contractor’s Yard) not listed as permitted uses above.
  - e. General Sales of Industrial Products, not listed as permitted uses above.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

- (3) Other uses not specifically mentioned above may be conditional uses if the Town Plan Commission, Town Board, and JPC make the following finding:
- a. The use is consistent with the intent and types of uses depicted for the zoning district, and
  - b. The use is not one of the prohibited uses in Section D below, and
  - c. 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 Plan Commission, Town 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. Certain Incompatible Uses Prohibited The following uses are considered to be incompatible with the residential characteristics of the Town and surrounding area and are herewith prohibited:
- (1) Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, lampblack, poison, pulp, pyroxylin, and radium.
  - (2) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
  - (3) Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials.
  - (4) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
  - (5) Drive-in outdoor theaters.
  - (6) Junkyards.
  - (7) New residential dwellings.
  - (8) Bed and Breakfast facilities.
  - (9) Adult oriented establishments.
  - (10) Operations which generate noise levels which exceed the following when measured at the property line.

Octave Band Frequency (Cycles Per Second)	South Level (Decibels)
0 to 74	72
75 to 149	67
150 to 299	59
300 to 599	52
600 to 1199	46
1200 to 2399	40
2400 to 4799	34
4800 and above	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

- e. Lot Area and Width
- (1) Lots shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width.
  - (2) To achieve a campus-like appearance, lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

- f. Building Height
- (1) No building or parts of a building shall exceed 60 feet in height.
- g. Setback and Yards
- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
  - (2) There shall be a side yard of 25 feet on each side of all structures not exceeding 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet up to a maximum height of 60 feet.
  - (3) There shall be a rear yard of not less than 25 feet.
  - (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet from the Conservancy or Conservancy Wetland and Floodplain zoning district boundaries, or less than 2 feet above the Regional Flood Elevation.
  - (5) Service islands for gasoline service structures shall be considered principal structures and shall comply with building setback requirements. Canopies over a gasoline service island may extend into a front, side, or rear yard, but shall not encroach more than six (6) feet into any required yard and in no case, may a canopy extend into a street right-of-way.
  - (6) Parking Setbacks shall be as follows for this zoning district: Arterial Roadway 30 feet from the right of way, other street yard 25 feet from the right of way. Parking Side and Rear Yard shall be a minimum of 5 feet from the property line. The actual setbacks, side yards, and rear yards for a particular site may need to be increased to address landscaping and buffering requirements for the site as determined by the Town Plan Commission, Town Board, and JPC.
- h. 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 or reground asphaltic surface. If the storage areas are a reground asphalt product, the design shall require approval of the Town Engineer before installation to ensure compliance with maintenance and dust free standards.
    - 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

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

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. 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 or industrial 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.
- (2) Lighting shall be installed and maintained in accordance with the standards set forth herein:
- a. Type. Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement shall be required so as to facilitate compliance with this section.
  - b. 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.
  - c. 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.
  - d. Flashing, flickering, or other distracting lighting which may distract motorists is prohibited. Lighting which creates or becomes a public nuisance is not permitted.

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

- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) Erosion Control Developments must follow the Town 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.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 29           (Reserved)**

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

**SECTION 30 Q-1 QUARRYING DISTRICT**

**(a) Purpose and Intent**

This District is mainly intended to provide for limited A-3 agricultural/residential estate district uses and quarrying and quarry related operations.

**(b) Permitted Uses**

1. Any use as permitted in the A-3 agricultural/residential estate district, except family home day care and new residential dwellings of any type are prohibited. Signs shall be regulated in accordance with Section 30 (b) 7 below.
2. Quarrying, although permitted, shall be authorized as a conditional use under Section 4 (h) 25 of this Ordinance. By placing a property in this zoning category, it has been determined that the subject area is appropriate for such quarrying designation and the issuance of a conditional use permit to authorize the quarrying of the site shall be conditional on compliance with the standards and regulations as set forth in Section 4 (h) 25.
3. The following related operations where accessory to the permitted quarrying operation, subject to the regulations of Section 4 (h) 25:
  - A. The manufacture of concrete building blocks or other similar blocks.
  - B. Production of ready-mixed concrete.
  - C. Production of asphalt.
  - D. Stone cutting and crushing.
  - E. Recycling of asphalt and concrete.
4. Commercial Truck Parking
5. Outdoor display subject to the approval of a Site Plan and Plan of Operation by the Town Plan Commission, except when accessory to a Self Service Storage (Mini-Warehouse) Conditional Use where it requires the approval of a Conditional Use.
6. Adult-oriented establishments in accordance with Section 3 (s).
7. Signs, either illuminated or non-illuminated, may be erected subject to Plan Commission approval as to design, location, area, size, number, purpose, and any other relevant factors affecting use of the property or any adjoining properties, and in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).

**(c) Prohibited uses**

1. Animal Hospitals, Veterinarian Clinics, and Commercial Kennels
2. Bed and Breakfast
3. Limited Family Business
4. Cemeteries and Mausoleums
5. Planned unit developments

**(d) Conditional Uses**

1. Public and semi public buildings and uses
2. Contractors yards
3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Public and Commercial Disposal Operations for Noncombustible Materials
5. Private clubs and resorts

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

6. Commercial fish or bait ponds or hatcheries
7. Communication towers
8. Testing laboratories
9. Quarrying
10. Self Service Storage (Mini-Warehouses)

(e) **Building location**

1. Setback:
  - A. Quarrying operations: As required by Section 4 (h) 25.
  - B. Other permitted uses: Fifty (50) feet minimum.
2. Offset:
  - A. Quarrying operations: As required by Section 4 (h) 25.
  - B. Other permitted uses: Twenty (20) feet minimum.
3. Shore Setback:
  - A. Quarrying operations: As required by Section 4 (h) 25.
  - B. Other permitted uses: Seventy five (75) feet minimum.

(f) **Height regulations**

1. Principal building: 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. Quarrying operations: Sixty (60) feet maximum.
  - B. Other permitted uses: Fifteen (15) feet maximum.

(g) **Area regulations**

1. Floor area:
  - A. Minimum required for residence purposes:
    - i. First floor: Nine hundred (900) square feet.
    - ii. Total one (1) family: One thousand (1,000) square feet.
    - iii. Total two (2) families: One thousand eight hundred (1,800) square feet.
  - B. Maximum F.A.R. permitted:
    - i. Quarrying operations: As required by Section 4 (h) 25.
    - ii. Other permitted uses: Ten (10) percent.
2. Lot size:
  - A. Minimum area:
    - i. Other permitted uses: Three (3) acres.
    - ii. Quarrying operations: As required by Section 4 (h) 25.
  - B. Minimum average width:
    - i. Other permitted uses: Two hundred (200) feet.

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

- ii. Quarrying operations: As required by Section 4 (h) 25.
- 3. Open space:
  - A. Quarrying operations: As required by Section 4 (h) 25.
  - B. Other permitted uses: One (1) acre minimum per unit.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 31 M-1 LIMITED INDUSTRIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for trades or industries of a restrictive character.

**(b) Permitted Uses**

1. Any use as permitted in a B-3 general business or A-3 agricultural/residential estate district, except that residential use shall be permitted only in conjunction with or accessory to an otherwise permitted business use, and two family uses, multi family uses, and family home day care facilities are prohibited. Signs shall be regulated in accordance with subsection 4 below. There shall be no limit on the number of bee colonies or bee hives in the M-1 district in accordance with the A-3 district apiculture requirements.
2. Trades or industries of a restrictive character which are not detrimental to the district or to the adjoining residential areas by reason of appearance, lighting, noise, vibrations, dust, smoke, fumes, odor, pollution, fire, or explosion provided the location, building plan, and a Site Plan and Plan of Operation have been submitted to and approved by the plan commission, but not including any use enumerated under Section 32 (b) 3 or any of the following prohibited uses:
  - A. Public and Commercial Disposal Operations for Noncombustible Materials.
  - B. Drop forges, foundries, refineries, tanneries, or any similar use, the normal operation of which causes objectionable noise, odor, dust, or smoke.
3. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Town Plan Commission, except when accessory to a Self Service Storage (Mini-Warehouse) Conditional Use where it requires the approval of a Conditional Use.
4. Signs as permitted in the B-1 Restricted Business District.
5. Lumber and building supply yards.
6. Transportation terminals.
7. Animal Hospitals and Vet Clinics.
8. Car, truck, and trailer sales lots - new and used.

**(c) Accessory uses**

1. Dumpsters and other refuse type containers shall be secured from view from streets and adjacent properties.
2. Roof mounted equipment shall be located, screened and/or painted to minimize visibility from street and adjacent sites

**(d) Prohibited uses**

1. Bed and Breakfast
2. Limited Family Businesses
3. Adult-Oriented Establishments

**(e) Conditional Uses**

1. Public and Semi Public Buildings and Uses.
2. Single family residential Planned Unit Developments only, and mixed or commercial

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

planned unit developments.

3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Private clubs and resorts
5. Commercial fish or bait ponds or hatcheries
6. Communication Towers
7. Testing laboratories
8. Cemeteries and Mausoleums
9. Outdoor Commercial Recreation Facilities and Uses.
10. Commercial Kennel
11. Contractors Yards
12. Mobile home parks and trailer camps
13. Automobile, Gasoline, and Service Station and Convenience Stores associated with gasoline sales
14. Self Service Storage (Mini–Warehouses)

(f) **Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Ten (10) feet minimum.
  - A. **Exception**: where a lot abuts on a zoning district boundary line of a more restrictive zoning district permitting residential use, the following regulations shall apply:
    - i. Buildings or uses permitted in the more restrictive zoning district shall comply with the offset requirements of the more restrictive zoning district.
    - ii. Buildings or uses not permitted in the more restrictive zoning district shall provide a fifty (50) feet minimum offset and shall be screened from the more restrictive zoning district by a planting screen at least six (6) feet high and fifteen (15) feet in width.
3. Shore Setback: Seventy five (75) feet minimum.

(g) **Height regulations**

1. Principal building: Fifty (50) feet maximum.
2. Accessory building: Fifty (50) feet maximum.

(h) **Area regulations**

1. Floor area:
  - A. Minimum required for residence purposes: Nine hundred (900) square feet total.
  - B. Maximum F.A.R. permitted: Seventy (70) percent.
2. Lot size:
  - A. Minimum area: One (1) acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.
3. Open space: No requirement.

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

**SECTION 32 M-2 GENERAL INDUSTRIAL DISTRICT**

(a) **Purpose and Intent**

This District is intended to provide for trades or industries of a general character.

(b) **Permitted Uses**

1. Any use as permitted in the M-1 Limited Industrial District.
2. Quarrying, subject to a conditional use and the regulations of Section 4 (h) 25.
3. Any other commercial or industrial use not otherwise prohibited by law, provided their location, building plan, and a Site Plan and Plan of Operation have been submitted to and approved by the plan commission, except the following uses are prohibited:
  - A. Cement, lime, gypsum, or plaster of paris manufacture.
  - B. Acid manufacture.
  - C. Manufacture of explosives, but not including the making of small arms ammunition.
  - D. Storage of explosives, except as incidental to a permitted use.
  - E. Fertilizer manufacture.
  - F. Offal or dead animal reduction.
  - G. Glue manufacture, fat rendering, or distillation of bones.
  - H. Stockyards, or commercial slaughter of animals.
4. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Town Plan Commission, except when accessory to a Self Service Storage (Mini-Warehouse) Conditional Use where it requires the approval of a Conditional Use.
5. Signs as permitted in the B-1 Restricted Business District.
6. Animal Hospitals and Vet Clinics

(c) **Accessory uses**

1. Dumpsters and other refuse type containers shall be secured from view from streets and adjacent properties.
2. Roof mounted equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.

(d) **Prohibited uses**

1. Bed and Breakfast
2. Limited Family Businesses
3. Adult-Oriented Establishments

(e) **Conditional Uses**

1. Public and Semi Public Buildings and Uses.
2. Single family residential Planned Unit Developments only, and mixed or commercial planned unit developments.
3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Private clubs and resorts
5. Commercial fish or bait ponds or hatcheries
6. Communication Towers
7. Testing laboratories
8. Cemeteries and Mausoleums

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

9. Outdoor Commercial Recreation Facilities and Uses.
10. Quarrying.
11. Public and Commercial Disposal Operations for Noncombustible Materials.
12. Commercial Kennels
13. Contractors Yards
14. Mobile home parks and trailer camps
15. Automobile, Gasoline, and Service Station and Convenience Stores associated with gasoline sales
16. Self Service Storage (Mini-Warehouses)

(f) **Building location**

1. Setback:  
Fifty (50) feet minimum, except that where the opposite frontage is in a residential or agricultural zoning district, then a one hundred (100) foot minimum setback shall be required.
2. Offset:  
Ten (10) feet minimum, except that where a lot abuts on a zoning district boundary line of a more restrictive zoning district permitting residential use, the following regulations shall apply:
  - A. Buildings or uses permitted in the more restrictive zoning district shall comply with the offset requirements of the more restrictive zoning district.
  - B. Buildings or uses not permitted in the more restrictive zoning district shall provide a one hundred (100) foot minimum offset from a restricted or local business zoning district, and a two hundred (200) foot minimum offset from a residential or agricultural zoning district, and shall be screened from the more restrictive zoning district by a planting screen at least six (6) feet high and fifteen (15) feet in width.
3. Shore Setback:                Seventy five (75) feet minimum.

(g) **Height regulations**

1. Principal building: Fifty (50) feet maximum.
2. Accessory buildings: Fifty (50) feet maximum.

(h) **Area regulations**

1. Floor area:
  - A. Minimum required for residential purposes: Nine hundred (900) square feet total.
  - B. Maximum F.A.R. permitted: Seventy (70) Percent.
2. Lot size:
  - A. Minimum area: One (1) acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.
3. Open space: No requirement.

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

**SECTION 33 (Reserved)**

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

**SECTION 34 BOARD OF APPEALS**

(a) **Establishment**

1. Authority: This ordinance incorporates Section 62.23(7)(e) of the Wisconsin Statutes as it presently exists, or any amendments or revisions thereto. Pursuant to the statutes as it presently exists as of the date of the adoption of this ordinance, the board of appeals shall consist of 3 members to be appointed by the Town Chairperson, subject to confirmation by the Town Board. Not more than one town board supervisor may be a member of the board of appeals. The initial terms of the members of the board of appeals are one, 2 and 3 years, respectively, starting from the first day of the month next following the appointment. The first appointed shall be for a term of one (1) year, the next for two (2) years, and the next for three (3) years. Successors shall be appointed or elected at the expiration of each term and their term of office shall be 3 years and until their successors are appointed or elected. Members of the board of appeals shall reside within the town and outside the limits of incorporated areas. The board of appeals shall choose a chairperson and vice-chairperson, and may also designate a secretary or other positions as needed. The Town Chairperson shall appoint 2 alternate members of the board of appeals, subject to confirmation by the Town Board, for staggered 3-year terms. The chairperson of the Town Board shall designate one of the alternate members as the first alternate and the other as 2nd alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of appeals refuses to vote because of a conflict of interest or is absent. Vacancies shall be filled for the unexpired terms of any members whose positions become vacant by an alternate or by appointment of the Town Chairperson, subject to confirmation by the Town Board. The members of the Board of Appeals shall be removable by the Town Chairman for cause upon written charges and after a public hearing is held. The members of the Board of Appeals shall receive such compensation for performance of its duties as determined by the Town Board.

(b) **Rules**

1. General: The chairperson will hold office for one (1) year and until his or her successor is appointed. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.  
  
The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, of failing to vote indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall be immediately filed in the office of the board of appeals and shall be a public record.
2. Meetings: Meetings of the board of appeals shall be held at the call of the chairperson and at such other times as the board of appeals may determine, and said meetings shall be open to the public. Meetings where the board of appeals may go into closed session shall be noticed as such, including the reason for closed session.
3. Procedural: The board of appeals shall adopt bylaws or other rules governing its procedure as are deemed necessary, consistent with this ordinance.
4. Cooperation with the Town of Lisbon Building Inspector: The board of appeals shall keep the Town Building Inspector informed as to any matters brought before it and shall call upon the Building Inspector for such information as is pertinent to the matters under consideration.

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

5. Notification: The Wisconsin Department of Natural Resources shall be notified of any decision of the Board of Appeals in the shoreland and floodland areas of the Town of Lisbon within ten (10) days from the date of the decision.

(c) **Powers**

1. Defined: The Board of Appeals shall have the following powers as defined by statute:
  - A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 59.69 Wisconsin Statutes, or of this Ordinance.
  - B. To hear and decide variances to the terms of this ordinance upon which such board of appeals is required to pass under this ordinance.
  - C. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.
  - D. To grant variances for renewable energy resource systems if said system cannot meet normal locational requirements of this ordinance for accessory structures. If the board of appeals denies an application for a variance for a renewable energy resource system, the board of appeals shall provide a written statement of its reasons for denying the application. In this paragraph, "renewable energy resource systems" means a solar energy system, a waste conversion energy system, a wind energy system or any other energy system that relies on a renewable energy resource.
2. Additional requirements: In making its determination, the Board of Appeals shall consider whether the proposed variance would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of physical, social, or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this ordinance, as the board of appeals may deem necessary for the protection of adjacent properties and the public interest and welfare.
3. Performance standards: In order to reach a fair and objective decision, the Board of Appeals may utilize and give recognition to appropriate performance standards which are available in model codes or ordinances, or which have been developed by planning, manufacturing, health, architectural, and engineering research organizations.
4. Enforcement of decision: In exercising the above-mentioned powers, such board of appeals may in conformance with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; and may issue or direct the issuance of a permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district; of rezoning; of allowing a variance which would have the effect of intensifying a use in a manner contrary to what a similarly situated property would be allowed; of permitting, without the approval of the Town Board, any building within the base setback area as established by Section 3 (g) 1 of this Ordinance; or of granting exceptions to Chapters COMM 83, NR115 or NR116 of the Wisconsin

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

Administrative Code, the Waukesha County Sanitary Ordinance and any other state or local ordinance. All variances shall be utilized and the building permit issued, where required, within two (2) years of the date of filing of the decision of the Board of Appeals or the variance decision shall expire, and the entire process shall recommence in the event a variance is sought in the future. The date of filing shall be the day following the date of the original decision of the Board of Appeals regarding the subject matter.

5. Required vote: A majority vote of the members of the board of appeals present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated. A quorum shall consist of a simple majority of the entire Board. If a quorum is present, the board of appeals may take action by a majority vote of the members present. On all votes where the Board is equally divided, the question shall be deemed lost.
6. Further appeal: Any person or persons, jointly or severally, aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board, or bureau of the municipality, may appeal from a decision of the board of appeals within thirty (30) days after the filing of a decision in the office of the Board of Appeals in the manner provided in the Wisconsin Statutes.

(d) **Appeals**

1. How filed: Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any such decision of the Building Inspector or other administrative officer. Such appeal shall be taken within twenty (20) days from the date of the decision of the Building Inspector or other administrative officer appealed from by filing with the officer from whom the appeal is taken, and with the board of appeals, a notice of appeal specifying the grounds thereof and together with the proper fee as established under Section 37 (b) 5 of this Ordinance. The officer from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.
2. Stay: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whose decision the appeal is taken certifies to the board of appeals, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
3. Hearing: Each appeal shall be heard within a reasonable time and not to exceed ninety (90) days from the time the appeal was filed with the board of appeals. Notice of hearing shall be given by publishing in a newspaper of general circulation in the vicinity of the appeal at least once each week for two (2) consecutive weeks and not less than seven (7) days from the date of hearing which includes the date of publication, but not the date of the hearing. Written notice shall be given to the state department of natural resources not less than ten (10) days prior to the hearing if the appeal is in a shoreland and floodland area. Written notice shall also be given to the administrative officer appealed from and by regular mail to the petitioner, the clerk of the town, the owners of each parcel of land within three hundred (300) feet of the land in question, and any other specifically interested parties. At the hearing, any party may appear in person, by agent, or by attorney.

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

4. Decision: The decision on any appeal variance or interpretation shall be made within fifteen (15) days after completion of the hearing thereon unless such time is extended with the mutual consent of the board of appeals and the petitioner. At such time as a decision is made, the petitioner and the department of natural resources (when in a shoreland and floodland area) shall be notified in writing within ten (10) days of the date of the decision.

(e)

**Filing requirements**

1. Fee: A variance petition submitted by other than a governmental body or agency shall be accompanied by the proper fee as established under Section 37 (b) 5 of this Ordinance, payable to the Town of Lisbon to help defray administrative and professional costs of such petition.
2. Data required: In addition to all information required on the application form, the petitioner shall supply the following to the Town Clerk:
  - A. A minimum of fourteen (14) copies, or the number required by the Deputy Town Clerk, of a map accurately drawn to scale of not less than one hundred (100) feet to the inch showing all lands within 500 feet of the subject property, the land in question, its location, the length and direction of each boundary thereof, and the location and existing use of all buildings on such land.
  - B. The names and complete mailing addresses, including zip codes, of the owners of all properties within three hundred (300) feet of any part of the land included in the request.
  - C. Any further information that may be required by the zoning administrator or Board of Appeals to facilitate the making of a comprehensive report to the Board of Appeals.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 35 ZONING TEXT AND MAP AMENDMENTS**

(a) **Authority**

Pursuant to the provisions of the Wisconsin Statutes, the Town Board may, after the submittal of a proposal to the Plan Commission for review after notice and public hearing as hereinafter provided, amend, supplement, or change the boundaries of the zoning districts or the regulations as established in this ordinance, or which may subsequently be established. Such proposal may be initiated by the Town Board on its own motion, by recommendation of the Plan Commission, by the County Zoning Agency in the case of shoreland and floodland amendments, or by petition of one or more property owners or their agents.

(b) **Procedure**

1. Comprehensive Map Amendments and Text Amendments: In the case of a comprehensive map amendment to a large area of lands affected by this ordinance (more than 6 properties) and which does not set forth a specific amendment to a particular property owner's land and where such petition is initiated by the town board, the requirements for individual notice, as set forth in Section 36 (b) 1 B to individual property owners, shall not be required. All other requirements of posting and publication and hearing notice shall be provided in accordance with this Ordinance. With respect to any change in the text of this ordinance, no specific notice to property owners is required. All other notice requirements shall be followed.
2. Filing of petition and referral: One (1) original and a minimum of fourteen (14) copies, or the number required by the Deputy Town Clerk, of the amendment packet shall be submitted directly to the zoning administrator in order that notice of public hearings and other processing may be initiated without unnecessary delay. One (1) copy of the packet and the notice of public hearing shall be forwarded to the Town Plan Commission, the Waukesha County Department of Parks and Land Use, and to the SE District Office of the Wisconsin Department of Natural Resources (if shoreland) not less than ten (10) days prior to the hearing. When the amendment involves a change in zoning of a floodland area, said notice and petition shall also be sent to the Federal Emergency Management Agency. When the petition involves a change in shoreland wetlands, the additional requirements set forth in Section 35 (e) shall be followed.
3. Fee: A petition submitted by other than a governmental body or agency shall be accompanied by the proper fee as established under Section 37 (b) 5 of this Ordinance, payable to the Town of Lisbon to help defray administrative and professional costs of such petition.
4. Data required: In addition to all information required on the petition form, the petitioner shall supply the following:
  - A. A minimum of fourteen (14) copies, or the number required by the Deputy Town Clerk, of a map accurately drawn to scale of not less than one hundred (100) feet to the inch showing all lands within 500 feet of the subject property, the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on such land, and the principal use of all properties within three hundred (300) feet of such land.
  - B. The names and complete mailing addresses, including zip codes, of the owners of all properties within three hundred (300) feet of any part of the land included in the proposed change.

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

- C. Any further information that may be required by the zoning administrator or Plan Commission to facilitate the making of a comprehensive report to the town board including a detailed description of the intended new use.
5. Hearing: As soon as practical after receipt of each petition, the Plan Commission shall conduct a public hearing and report its recommendation to the Town Board within 60 days of the receipt of the petition. A joint public hearing could also be held with the Town Plan Commission and Town Board. Notice of the time and place of such hearing shall be given in the manner prescribed under Section 36 of this Ordinance. Upon receipt of the Plan Commission recommendation, the Town Board shall hold a public hearing thereon unless a joint hearing was held previously with the Town Plan Commission.
6. Action and report: As soon as possible after such public hearing, the town board shall act on such petition either approving, modifying and approving, or disapproving of the same. If its action is favorable to granting the requested amendment, or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance with the minutes of the public hearings directly to the County Department of Parks and Land Use for consideration by the County. If the town, after its public hearing, recommends denial of the petition, the town shall report its recommendation directly to the County with its reasons for such action. Proof of publication of the notice of the public hearing held by the town shall be attached to either such report.
7. County action: Upon receipt of the town board's report by the county zoning agency, the county zoning agency shall report its recommendation to the Park and Planning Commission, Land Use, Parks and Environment Committee, and the County Board. The county board may adopt the ordinance as drafted by such zoning agency (either for approval or denial of the proposed amendment), or with amendments, or it may refuse to deny the petition for amendment as recommended by the county zoning agency, in which case it shall refer the petition back to the town, with direction to draft an ordinance to effectuate the petition, and report the same back to the county board which may then adopt or reject such ordinance, or it may refer the petition back to the town for reconsideration including possible further public hearing.
8. Protest: Protests shall be filed in the manner prescribed in Section 62.23 (7) of the Wisconsin State Statutes and any subsequent amendments made thereto.
9. Effectuation: Any such amended ordinance when so adopted by the county board, shall become effective after passage by the county board and publication pursuant to Section 59.69, Wisconsin Statutes except as may be modified in Section 35 (e) herein. In the case of floodplain amendments and adjustments, the amendment shall not become effective until the Wisconsin Department of Natural Resources approves the amendment after certification that the area has been removed from the floodplain and until a letter of map amendment is issued by the Federal Insurance Administration of the Federal Emergency Management Administration. Upon receipt of the above cited approvals, the county clerk shall record in the clerk's office the date on which such ordinance is passed by the county board and approved by the other agencies required to approve and shall notify the town clerk of such date that the ordinance will take effect and also make such report to the county zoning administrator and the county board which report shall be printed in the proceedings of the county board.

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

(c) **Zoning of county owned lands**

1. The county board may by ordinance zone and rezone any lands owned by the county without necessity of securing the approval of the town boards of the towns wherein such lands are situated, and without following the procedure outlined in Section 59.69 of the Wisconsin Statutes, provided that the county board shall give written notice to the town board of the town wherein such lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning Ordinance and give notice of such hearing by posting in five (5) public places in the town.
2. This subsection does not apply to land subject to a town zoning ordinance which is purchased by the County for use as a solid or hazardous waste disposal facility or hazardous waste storage or treatment facility, as these terms are defined under Chapter 282 of the Wisconsin Statutes.

(d) **Zoning in annexed areas**

1. Removal from map: When any lands previously under the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance have been finally removed from such jurisdiction by reason of annexation to an incorporated municipality, and after the regulations imposed by the county zoning Ordinance have ceased to be effective as provided in Section 59.69 of the Wisconsin Statutes, the county board may, on the recommendation of its zoning agency, adopt such amendatory Ordinances and shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided in Section 59.69 Wisconsin Statutes, and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the county clerk to the clerk in which the lands affected were previously located. Nothing in this paragraph shall be construed to nullify or supersede the provisions of Section 80.64 of the Wisconsin Statutes.
2. Continued effect of ordinance: Whenever any area which has been subject to a county zoning ordinance petitions to become part of a village or city, the regulations imposed by such county zoning ordinance shall continue in effect, without change, and shall be enforced by such village or city, until such regulations have been changed to be at least as restrictive as the county zoning ordinance, by official action of the governing body of such village or city, except that in the event an ordinance or annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

(e) **Shoreland/wetland rezoning procedure**

1. For all proposed text and map amendments to the shoreland/wetland provisions of this ordinance, the appropriate district office of the DNR shall be provided with the following:
  - A. A copy of every petition for a text or map amendment to the shoreland/wetland provisions of this ordinance, within five (5) days of the filing of such petition with the zoning administrator. Such petition shall include a copy of the Final Wisconsin Wetland Inventory Map adopted as part of this ordinance describing any proposed rezoning of a shoreland/wetland.
  - B. Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing.

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

- C. A copy of the county zoning agency's findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the county board; and
  - D. Written notice of the county board's decision on the proposed amendment within ten (10) days after it is issued.
2. A wetland, or a portion thereof, in the shoreland/wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
- A. Storm and flood water storage capacity,
  - B. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland,
  - C. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters,
  - D. Shoreline protection against soil erosion,
  - E. Fish spawning, breeding, nursery, or feeding grounds,
  - F. Wildlife habitat, or
  - G. Areas of special recreational, scenic, or scientific interest, including scarce wetland types.
3. If the Department of Natural Resources notifies the county zoning agency that a proposed text or map amendment to the shoreland/wetlands governed by this ordinance may have a significant adverse impact upon any of the criteria listed in subsection 2 above, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that thirty-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland and floodland ordinance for the county under Section 59.692 (6) Wisconsin Statutes. If the DNR does so notify the county board, the effect of this amendment shall be stayed until the Section 59.692 (6) adoption procedure is completed or otherwise terminated".
4. Joint hearing: When the hearing involves a property in the town that is in the County shoreland/floodland zoning jurisdiction, the hearing shall be held jointly by the County Zoning Agency, or its designee, and the Town Plan Commission. Within thirty (30) days after the hearing, the town plan commission shall transmit its recommendation on the proposed request to the county zoning administrator. Approval by the town board is generally only required for zoning amendments.
- (f) **Floodplain rezoning procedure**  
In accordance with the procedures contained in the Waukesha County Shoreland and Floodland Protection Ordinance.

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

**SECTION 36                    GENERAL PUBLIC HEARING PROCEDURES**

(a)     **Notice**

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this ordinance stating the time and place of such hearing and the purpose for which the hearing is being held.

(b)     **Procedure**

1.       Posting and publishing

- A.       Except as may be otherwise herein specifically provided, or required by the enabling statutes of the State of Wisconsin, notice of public hearing shall be given by publication of a Class 2 notice under Chapter 985, Wisconsin Statutes, and by posting such notice in at least three (3) public places in the Town of Lisbon.
- B.       When the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, or the granting of a variance, notice of the public hearing shall be posted in the vicinity of such proposed change, use, or variance where practical, and the Town shall mail notices by regular mail to the owners of all lands within five hundred (500) feet of any part of the land included in such conditional use, or three (300) hundred feet of any part of the land included in such proposed change or variance, at least ten (10) days before such public hearing. The failure of such notice to reach any property owner, provided such failure be not intentional, shall not invalidate any ordinance amendment, conditional use, or variance decision.
- C.       For all zoning changes, and any other hearing involving shoreland property, a copy of the public hearing notice, along with pertinent information relative to the specific nature of the matter to be considered, shall also be transmitted without delay to the Waukesha County Department of Parks and Land Use, by regular mail, and in no case less than seven (7) days prior to the date of such hearing.
- D.       The town clerk shall notify the plan commission without delay of all public hearings. A notice of public hearing shall also be sent to each town board member and posted at the town hall, as well as the appropriate district office of the state department of natural resources, the federal insurance administration (FEMA), and the U. S. Army Corps of Engineers, where appropriate (shoreland/wetland areas).

- 2.       Joint hearing: When the hearing involves a proposed zoning district classification change in a shoreland/floodland area of a property in the town, the hearing shall be held jointly by the County Zoning Agency, or its designee, and the town plan commission. Within thirty (30) days after the hearing, the town plan commission shall transmit its recommendation on the proposed change to the county zoning administrator. Approval by the town board in such zoning amendments is not required and disapproval by such town board is advisory only.

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

**SECTION 37 GENERAL ADMINISTRATION AND ENFORCEMENT OF THE ZONING ORDINANCE, VIOLATION/CITATION PROCEDURES AND PENALTIES**

(a) **Enforcement officer**

1. Town Plan Commission designated: The Town Plan Commission, or its designee (e.g., the Town Building Inspector, etc.), is hereby designated as the enforcement officer for the provisions of this Ordinance under the direction of the Town Board of Supervisors.
2. Responsibilities: The Town Plan Commission, or its designee (e.g., the Town Building Inspector, Town Clerk, town engineer, town planner, etc.), shall oversee the administration of this ordinance, hold the necessary public hearings, and make recommendations to the town plan commission and/or the town board relative to zoning matters, where required in this ordinance.
3. Approvals required: Where, in the interest of preserving the maximum degree of local administration, the determination of the town plan commission or town board is required by the provisions of this ordinance for conditional uses and other special approvals, such determination shall be subject to, in the cases involving shoreland and floodland areas, final approval by the county zoning agency before it shall be effective. It shall be the responsibility of the local determining body to notify the county zoning agency of any petitions or requests in such cases, and of any hearings to be held, and to transmit the final determination to the county zoning agency within ten (10) days in order that they may act promptly upon its ratification.
4. Appeal: Any person or persons jointly or severally aggrieved by any decision of the zoning agency, or any taxpayer, or any officer, department, board, or bureau of the town, may appeal from a decision of the zoning agency within thirty (30) days after the filing of the decision in the office of the zoning agency by seeking the remedy available by certiorari. No appeal shall be taken from a decision of the zoning agency to the town board of appeals.

(b) **Zoning administrator**

1. Designation: The Town Plan Commission is designated as "zoning administrator" for the administration and enforcement of the provisions of this Ordinance and the zoning administrator has the authority to designate staff under its direction to perform delegated tasks and duties (for example, the Town clerk, deputy clerk, building inspector, engineer, planner, etc.).
2. Duties: In the administration and enforcement of this ordinance the zoning administrator shall perform the following duties:
  - A. Issue the necessary building and occupancy and use permits provided in the provisions of the ordinance, and ensure any applicable building codes have been complied with, and make, or cause to be made, the necessary inspections.
  - B. Keep an accurate record of all building and occupancy and use permits issued.
  - C. Keep accurate records and maps of the zoning ordinance and any amendments or changes thereto. Unless the Town determines otherwise at a future date, the zoning maps will be updated and master files kept in the office of the County Planning and Zoning Division.

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

- D. Inspect and process any reported violation of this Ordinance and keep accurate records of the same.
3. Authority: In the enforcement of this ordinance, the zoning administrator shall have the power and authority for the following:
- A. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
- B. Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy and use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this ordinance, such revocation to be in effect until reinstated by the zoning administrator or the zoning board of appeals.
- C. In the name of the town and with authorization of the Town Board, refer to the Town Attorney for commencement of any legal proceedings necessary to enforce the provisions of this ordinance or the building codes. The collection of forfeitures provided for herein shall occur through the established procedures of the Town of Lisbon and/or the Waukesha County Clerk of Courts and Waukesha County Department of Administration, Collection Division. The issuance of citations provided for under this ordinance shall not require such authorization or referral as noted above, and may be issued by the Zoning Administrator directly.
4. Deputies: To expedite local administration of this ordinance, the zoning administrator may designate one or more deputies for the purpose of field inspection and verification of the conditions shown on the application for building and occupancy and use permits. The deputies shall be authorized to accept application for building and occupancy and use permits and shall promptly make any necessary inspection to verify the correctness of the application and file the application with the Town Clerk. The deputies shall also make the necessary inspection as provided in Section 3.03 (3) (B) of this ordinance before an occupancy and use permit shall be issued.
5. Fee schedule: The fees referred to in other sections of this Ordinance shall be established by the annual Town Budget adopted by the Town Board and as may from time to time be modified. The processing fees are related to costs involved in handling and processing building permit applications and other approval processes including but not limited to site plan and plan of operation reviews, conditional use petitions, appeals to the board of appeals, zoning amendments, public notices, and agendas, even if the project or use is not approved. The owner of the subject property shall also submit payment, upon receipt of a statement from the Town, for any professional services, fees, charges, expenses, and costs associated with permit and approval reviews, inspections, preparation of required documents, attendance at meetings, enforcement in the event of violation, etc. at the rate charged to the Town for such fees and costs by the professional staff, even if the project is not approved. Nonpayment of the professional fees, charges, expenses, and costs within 30 (thirty) days may cause the expenses to be placed on the tax roll for the subject property, and may also be cause for termination of the project or use.

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

(c) **Violations**

1. Penalties: Any person, firm, company, or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be subject to a fine as listed in the Fee Schedule Appendix included herein for each offense, together with the costs of the (legal) action, and in default of the payment thereof, shall be imprisoned in the County Jail of Waukesha County, for a period of not to exceed six (6) months, or until such fine and the subsequent costs have been paid. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such. Abatement and remediation of the violation, and restoration of environmental damage shall also be required in addition to any forfeitures levied. Failure to abate a violation may result in the Town Attorney filing a summons and complaint against the property owner in circuit court, and/or other legal action may be taken to bring the property into compliance, including the issuance of citations.
2. Enforcement by injunction: Compliance with the provisions of this ordinance may also be enforced by injunctive order at the suit of the town or one (1) or more owners of real estate situated within an area affected by regulations of this ordinance. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctive proceedings.
3. Declared nuisances: Any building erected, structurally altered, or placed on a lot, or any use carried on in violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the town may apply to any court of competent jurisdiction to restrain or abate such nuisance.
4. Enforcement by Citation: When the town elects to use the citation method of enforcement of the Wisconsin Statutes for violations of this Zoning Ordinance, including those for which a statutory counterpart exists, the following applies:
  - A. In addition to all law enforcement officers, the issuance of citations is expressly limited to the zoning administrator or his/her designee. The authority delegated to such official or employees to issue citations may only be granted or revoked by the Town Board.
  - B. The citation shall contain the following information:
    - i. The name and address of the alleged violator.
    - ii. The factual allegations describing the alleged violation.
    - iii. The time and place of the offense.
    - iv. The section of the ordinance violated.
    - v. A designation of the offense in such a manner as can be reasonably understood by a person making a reasonable effort to do so.
    - vi. The time at which the alleged violator may appear in court.
    - vii. A statement that, in essence, informs the alleged violator:
      - a. That a cash deposit based on the schedule established by the Town Board, from time to time, be made to, deposited with, and filed in the office of the Town Clerk, prior to the time of the scheduled (circuit) court appearance.
      - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned or the citation requests a court appearance.

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

- c. That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment crime lab assessment and drug/law enforcement assessment, and any applicable domestic abuse or consumer information assessments of, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.
  - d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment or an action may be commenced to collect the forfeiture, penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment, and any applicable domestic abuse or consumer information assessments.
  - e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered.
- viii. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subparagraph vii above has been read. Such statement shall be sent or brought with the cash deposit.
- ix. Such other information as the Town deems necessary.
- C. The schedule of cash deposits including penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment, and any applicable domestic abuse or consumer information assessments for use with citations issued under this section shall be as adopted by the Town Board from time to time and such schedule shall be on file in the office of the Zoning Administrator and Town Clerk. Receipts shall be given for cash deposits.
- D. Procedures relating to the options of an alleged violator and default are contained in the Wisconsin Statutes.
- E. This section does not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance regulation or order.

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 38 VALIDITY**

(a) **Abrogation and greater restrictions**

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. Where a town ordinance is more restrictive than the County's Shoreland and Floodland Protection Ordinance in relation to floodlands and shorelands, only its greater restrictions are effective. The shoreland and floodplain protection provisions of this Ordinance required by NR115 and NR116 Wisconsin Administrative Code supersede all less restrictive provisions of any other part of this or any other zoning ordinance.

(b) **Interpretation**

In this interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Lisbon, and shall not be construed to be a limitation or repeal of any other power now possessed by the Town of Lisbon, or granted by the Wisconsin State Statutes.

(c) **Severability and non-liability**

The sections, subsections, paragraphs, and subparagraphs of this ordinance are hereby declared to be severable. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby. If an application of this ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

The Town does not guarantee, warrant, or represent that only those areas designated as floodlands on the zoning map will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town of Lisbon Town Board, its officers, officials, agencies, or employees for any flood damages that may occur as a result of reliance upon and conformance with this Ordinance.

(d) **Repeal**

All ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency and that necessary to give this ordinance full force and effect only, are hereby repealed. All other ordinances or parts of ordinances enacted by the Town that are in conflict with the provisions of this ordinance are hereby superseded.

(e) **Title**

This ordinance shall be known as, referred to, and cited as the "Town of Lisbon Zoning Ordinance" and is herein referred to as the "Ordinance".

(f) **Effective date**

This ordinance shall be effective after a public hearing and recommendation by the town plan commission, adoption by the town board, approval of the County Board of Supervisors, and publication or posting as required by law. An official copy of this ordinance shall be kept on file in the offices of the Town Hall.

Regulations contained herein require approval or be subject to the disapproval of the Town in accordance with Section 59.692 (2) (a) of the Wisconsin Statutes.

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

(g) **Adoption**

Passed and adopted by the Town Board of Supervisors of the Town of Lisbon, Waukesha County, Wisconsin, this 23rd day of March, 2010 (refer to ordinance attached).

(h) **Official Revisor and Editor**

The Town Clerk, or his or her designee, shall be the official revisor and editor of this Ordinance and is authorized to revise this Ordinance in accordance with any enrolled ordinance. The Town Clerk is hereby authorized to correct any typographic or punctuation errors, make changes to the numbering sequence, lettering, organization, or formatting or capitalization of words of an enrolled ordinance or these Ordinance sections, as needed, to create a consecutive sequence and orderly format of the Ordinance, and change cross references that affected by amendments to the Ordinance. The Town Clerk is further authorized to change statutory references when said references are affected by subsequent legislation.

**Editor's Notes:**

July 14, 1958 Town of Lisbon Zoning Ordinance and Subdivision Control Ordinance

List of subsequent amendments to the Zoning Ordinance (enrolled town ordinance number) and their effective date:

<u>Enrolled Town Ordinance Number</u>	<u>Effective Date/Date Ordinance signed</u>
02-10	March 23, 2010
Editor's revisions	August 17, 2011
07-12	_____, 2012
03-15	December 14, 2015
03-17	May 23, 2017

Unless otherwise stated in the text, the Wisconsin State Statute references are current as of 2003-2004.

The Zoning Map is not attached to the Zoning Ordinance, but an official copy is on file at the Town Hall and is current as of the date of the most recent revision noted on the Zoning Map.

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

**ORDINANCE**

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

**INDEX**

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**ADDENDUM A SIGN ORDINANCE (CHAPTER 13 GENERAL CODE OF ORDINANCES)**

**ADDENDUM B NUISANCE ORDINANCE (CHAPTER 5 GENERAL CODE OF ORDINANCES)**

**ADDENDUM C MOBILE HOMES AND MOBILE HOME PARKS ORDINANCE (CHAPTER 14 GENERAL CODE OF ORDINANCES)**

**ADDENDUM D DEED RESTRICTION - BASEMENT HIGH GROUNDWATER**

**ADDENDUM E TOWN OF LISBON DESIGN STANDARDS FOR THE B-4 AND B-P SPECIAL USE ZONING DISTRICTS, ETAL**  
**EXHIBIT MAP A**  
**EXHIBIT MAP B**  
**EXHIBIT MAP C**  
**EXHIBIT MAP D**  
**EXHIBIT MAP E**  
**EXHIBIT MAP F**

**ADDENDUM F TOWN OF LISBON STORM WATER MANAGEMENT AND EROSION CONTROL ORDINANCE**

**ADDENDUM G PRIVATE SWIMMING POOL ORDINANCE (CHAPTER 15 GENERAL CODE OF ORDINANCES)**

**APPENDIX 1 FEE SCHEDULE**

**FIGURE 1 TYPES OF SUBDIVISION DESIGNS**

**NOTE:** The Zoning Map is not attached to the Zoning Ordinance, but an official copy is on file at the Town Hall and is current as of the date of the most recent revision noted on the Zoning Map.

# **ADDENDUM A**

## **CHAPTER 13**

### **SIGNS**

#### **13.01 PURPOSE**

(a) To regulate the size, type, construction standard, maintenance and placement of signs situated within the boundaries of the Town of Lisbon, Wisconsin.

(b) To promote the public health, safety, welfare and comfort of the general public by:

(1) Reducing distractions and obstructions from signs which would adversely affect traffic safety, and alleviate hazards caused by signs projecting over or encroaching upon the public right-of-way;

(2) Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses and activities to the public; and

(3) Preserving or enhancing the natural beauty and unique physical characteristics of the Town of Lisbon as a community in which to live and work by requiring new and replacement signage which is:

(A) Harmonious with the building and surrounding neighborhood aesthetics, and other signs in the area;

(B) Appropriate to the type of activity to which it pertains;

(C) Expressive of the Town's identity in a manner which will not diminish property values; and

(D) Complementary to the Town's architectural character and unobtrusive commercial developments.

#### **13.02 SCOPE OF REGULATIONS**

Except as otherwise noted herein, the regulations of this ordinance shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction standard, erection, attachment, support, lighting, anchorage, maintenance, appearance, and aesthetics.

#### **13.03 DEFINITIONS**

When used in this chapter, the following words and phrases shall have the specific meaning as hereinafter defined and any words or phrases not listed shall have the meaning defined by the zoning code of the Town of Lisbon. If there is a conflict between the two ordinances, the more restrictive ordinance shall apply.

**Abandoned sign:** A sign which no longer correctly advertises a bonafide business, lesser, owner, product or activity conducted, or product available on the

premises where the sign is displayed, or a sign for which the applicable fees have not been paid or which has not been maintained which is hazardous.

**Advertising Vehicles – (Prohibited):** Any vehicle or trailer on a public right-of-way property or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.

**Approved Combustible Materials:** Wood, combustible plastics, or other rigid material impervious to water.

**Approved Combustible Plastics:** Only those combustible plastic materials which when tested in accordance with the Standard Method of Testing for Flammability of Plastics (A.S.T.M.) over 0.050 inch in thickness, D635 (Latest Revision), burn no faster than 2.5 inches per minute in sheets of 0.060 inch thickness.

**Area:** Measurement of sign area shall be calculated as the sum of the area within the smallest regular polygon that will encompass all elements of the actual sign face including any writing, representation, emblem or any figure or similar character together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed.

(a) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material, of the building.

(b) The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area calculation if such framework is incidental to the display, is unobtrusive, and is an integral part of the sign.

(c) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In such case, the sign area shall be taken as the area of the largest face of a two (2) face sign, or the sum of the two (2) largest faces of a four (4) face sign. This exception shall not apply to any sign with more than four (4) faces.

**Banner:** A sign intended to be hung either with or without a frame, and which possesses characters, letters, illustrations, or ornamentation's applied to paper, plastic, or fabric of any kind.

**Base Setback Line:** The edge of the established ultimate street right-of-way.

**Beacon:** A stationary or revolving single or multi-colored light which flashes or projects illumination in any manner, which is intended to attract or divert attention.

**Bulletin Board:** A sign not to exceed fifteen (15) square feet in area located on the premises of a charitable, religious, educational, institutional, or public body, for purposes of announcing events held on the premises. The Town of Lisbon Official bulletin boards may be located off-site.

**Canopy Sign:** A sign that is attached to, or made of, an awning, canopy or other fabric, plastic or structural protective cover located over a door, entrance, window or outdoor service or recreation area.

**Changeable Message Sign (Prohibited):** A sign such as a manual, electronic or electric controlled sign, message center or reader board, whether electronic, electric or manual, where copy changes. No sign may be, or include as part of it, a changeable message sign except that a time and temperature sign and manually changed marquee are permissible.

**Construction Sign:** A sign identifying individuals, companies, or agencies involved in the design, construction, wrecking, financing, or development of a building/lot, and/or identifying the future use of a building/lot.

**Directional Sign:** A sign for the purpose of directing the public to a commercial establishment off the main traveled way, or to service clubs, churches, schools or other non-profit organizations. Also, signs used solely to indicate ingress and egress at driveway locations, which contain no advertising material, and which do not exceed three (3) square feet in area, or extend higher than four feet above the mean centerline street grade, or adjacent site grade.

**Directory Sign:** A sign that indicates the name of the occupant(s) or tenant(s) located on the premises, and which is less than twenty (20) square feet in area.

**Display Surface:** The surface made available on the sign, either for the direct mounting of letters and decorations, or for the mounting of facing material intended to carry the entire advertising message.

**Double Faced Sign:** A sign with copy on two parallel faces that are back-to-back, facing opposite directions.

**External Illumination:** Illumination of a sign by an exterior light source.

**Facing:** The surface of the sign or billboard upon, against, or through which the message of the sign or billboard is displayed, or transferred.

**Flashing Sign:** A sign whose illumination is not kept at a constant intensity when in use, and/or which exhibits changes in light, color, direction, animation, wording or text. Illuminated signs that indicate the date, time, and temperature will not be considered flashing signs if the remainder of the sign is kept at a constant intensity.

**Freestanding Sign:** A sign that is attached to, or made part of, a completely self-supporting structure other than a building. The supporting structure shall be set firmly in, upon, or below the ground surface and shall not be attached to any building.

**Grade:** The existing, preconstruction elevation at the base of a freestanding sign, or bottom edge of a building nearest a sign in the case of a wall or projecting sign.

**Ground Sign:** A sign erected on one or more freestanding supports or uprights and not attached to any building. The area of a ground sign is the total area of sign.

**Height:** The height of all freestanding signs shall be the distance between the existing preconstruction grade at the base of the sign and the highest point on the sign or supporting structure.

**Illuminated Sign:** A sign, which is illuminated by an artificial light source; whether internal, or external a light source whose primary purpose is to display or draw attention to said sign.

**Internal Illumination:** Illumination of a sign in which the source of light is contained within the sign itself.

**Legal Non-Conforming Sign:** A sign that did meet code regulations when it was originally installed prior to the adoption of this ordinance.

**Letters and Decorations:** The letters, illustrations, symbols, figures, insignia, logo and other media employed to express and/or illustrate the message or a sign.

**Lot:** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law.

**Lot Line:** A line of record bounding a lot which divides one lot from another lot, or from a public or private street, or any other public space.

**Marquee:** A permanent, roof-like structure, extending from part of the wall of a building but not individually supported by the ground, which is constructed of durable material such as metal or glass.

**Marquee Sign:** A sign attached to, painted on, or supported by a marquee, that has its copy manually changed to reflect changes in venue on the premises.

**Neon or Other Gas Tube Illumination:** Illumination from a light source consisting of a neon or other gas tube that forms letters, symbols or other shapes.

**Nonconforming Sign:** A sign that existed prior to the effective date of the adoption of this chapter that does not conform to the terms of this chapter.

**Offset:** The regulated minimum horizontal distance a structure must be from a side or rear lot line.

**Off-premises Sign:** A sign that advertises goods, products, facilities or services that are not located on the premises where the sign is located, or a sign that directs persons to a location other than where the sign is located.

**On-premises Sign:** A sign that advertises, calls attention to, or identifies an occupant, business or property situated on the same lot as the sign.

**Portable Sign:** A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.

**Projecting Sign:** A sign, that is normally double-faced, which is affixed or attached directly to the exterior wall of a building or structure that extends more than ten (10) inches from the exterior wall of the building or structure.

**Real Estate Sign:** A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

**Right-of-Way (street):** The area dedicated for public access and use, including the street or alley, parkway and sidewalk areas between property lines.

**Roof Sign:** A sign or billboard which is located on, or projects above, the lowest point of the eaves or the top of the parapet wall of a building, or which is painted on or fastened to a roof.

**Setback:** The regulated minimum horizontal distance a structure must be from the base setback line.

**Shopping Center:** A planned/coordinated grouping of architecturally unified commercial establishments, built on the same site and managed as one operating unit, offering for sale goods such as food, drugs, hardware and personal services.

**Sign:** A display of lettering, logos, colors, lights, illuminated neon tubes, and supporting structure visible to the public from outside of a building or from a traveled way, which either conveys a message to public, or intends to advertise, direct, invite, announce or draw attention to goods, products, services, facilities, persons, property, interest or business either on the lot or on any other premises.

**Sign Code Administrator (SCA):** The Town of Lisbon Plan Commission.

**Sign Structure:** Any device or material that supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.

**Street:** A public or private right-of-way that is used to carry pedestrian or vehicular traffic.

**Temporary Sign:** A sign intended to be used for a period of no more than thirty (30) days unless otherwise specified herein.

**Trim:** The moldings, battens, capping, nailing strips, latticing and platforms attached to any sign or billboard structure.

**Wall Sign:** A sign or billboard affixed to the exterior wall of a building that extends ten (10) or less inches from the exterior wall of the building, including signs that are painted directly on the wall itself.

**Warning Sign:** A sign that is devoid of advertising material, whose purpose is to warn the public of the existence of, or potential for, danger.

**Window Sign:** A sign attached to, placed upon, or painted on a window or door of a building that is intended for viewing from the exterior of such building.

## **13.04 PERMITS**

### **(a) AUTHORITY**

It shall be unlawful for any person to erect, repair, alter, relocate or possess any sign or other advertising structure as defined in this chapter without first obtaining a sign permit from the Town of Lisbon and paying the fees required by this chapter. In addition, all illuminated signs are subject to the provisions of the Electrical and Building Codes, and the permit fees required there under.

(b) APPLICATION FOR PERMIT

Application for a sign permit shall be made to the Town of Lisbon, and shall contain, or have attached thereto, the following information:

- (1) Name, address, and telephone number of the applicant.
- (2) Name, address, and telephone number of the person, firm, corporation, or association proposing to erect the sign.
- (3) Written consent of the owner of the building, structure, or land to which, or upon which, the sign is to be affixed, or erected.
- (4) A scale drawing of the proposed sign indicating the dimensions, materials to be used, color scheme, type of illumination, if any, and the methods of construction and attachment.
- (5) A scale drawing indicating the location, position and orientation of the proposed sign in relation to nearby buildings, structures, and lot lines, and said drawing shall clearly indicate the setback and offset to the sign foundation.

Sign Permit Applications shall be filed with the Sign Code Administrator (SCA which is the Town Plan Commission), who shall review the application for its completeness and accuracy, and approve or deny, in writing, the application within thirty (30) days of receipt unless the time is extended by written agreement between the applicant and the SCA. A sign permit shall become null and void if work authorized under the permit has not been completed within twelve (12) months of the date of issuance.

(c) ISSUANCE OF PERMITS

- (1) It shall be the duty of the SCA, upon the filing of an application for a sign permit, to examine such plans, specifications, and other data needed to determine compliance with the requirements of this ordinance.
- (2) After examining the Sign Permit Application, the SCA shall take one of the following actions:
  - (A) Deny the application, stating the reasons therewith, if the proposed sign is not in compliance with the requirements of this ordinance.
  - (B) Put the permit on hold, pending receipt of additional information or clarification from the applicant.
  - (C) Issue a permit, stating any conditions or stipulations upon which the approval is based.

### **13.05 FEES**

(a) ONE-TIME FEES

(1) An application for a sign permit shall be filed with the SCA along with a non-refundable application review fee of thirty (\$30) dollars for each individual sign permit application.

(2) In addition to the application review fee, a separate sign permit fee shall be submitted with the application in accordance with the following schedule:

(A) Wall and Window Signs

(1) Non-illuminated \$0.55/sq. ft.

(2) Illuminated \$1.00/sq. ft.

(B) Projecting Signs

(1) Non-illuminated \$2.00/sq. ft.

(2) Illuminated \$2.50/sq. ft.

(C) Ground and Pole Signs

(1) Non-illuminated \$2.50/sq. ft.

(2) Illuminated \$5.50/sq. ft.

(b) ANNUAL FEES

(1) An annual inspection fee of thirty (\$30) dollars shall be paid to the SCA for performing yearly inspections of an approved illuminated sign.

(2) Annual inspection fees shall be payable on the first day of April following erection of a sign.

(c) REFUNDABLE FEES

(1) If a sign permit application is denied by the SCA, the sign permit fee shall be refunded to the applicant, and included with the denial letter therewith.

(2) Payment and acceptance of the application review fee does not guarantee that a sign permit will be approved/issued by the SCA.

### **13.06 REVOCATION OF PERMITS**

The SCA is hereby authorized and empowered to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this chapter.

### **13.07 PROHIBITED SIGNS**

The following types of signs are prohibited in the Town of Lisbon:

(a) PROHIBITED SIGNS

(1) Roof signs.

(2) Signs placed on, or affixed to, vehicles and/or trailers, which are parked on public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity. This does not apply to signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

(3) Signs that are attached or otherwise affixed to rocks, trees or other living vegetation.

(4) Signs that imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

(5) Flashing or rotating signs, signs containing moving parts, and signs containing reflective elements that sparkle or twinkle in the sunlight. Signs indicating the current time and/or temperature may be permitted provided they meet all other provisions of this ordinance, subject to approval of the SCA.

(6) A-frame, sandwich board, sidewalk, or curb signs, except as a temporary sign, as may be provided for in Section 13.08 (Exemptions) of this ordinance.

(7) Banners, pennants, streamers, balloons, and other gas-filled figures, except as a temporary sign, as may be provided for in Section 13.08 (Exemptions) of this ordinance.

(8) Billboards and off-premises signs, except Town-approved temporary off-premises signs used to identify local businesses during road construction.

(9) Any sign advertising or identifying a business or organization which is either defunct, or no longer located on the premises, shall be removed upon close of the business or within thirty (30) days of receiving written notice to do so from the SCA.

(10) Portable and wheeled signs.

(11) Signs or other advertising painted directly on walls, unless specifically approved by the SCA.

(12) Inflatable signs and tethered balloons.

(13) Signs, erected at or near the intersection of streets, that obstruct free and clear vision; that, by reason of the position, shape, or color, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "DANGER" or any other work, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse the public.

### **13.08 EXEMPTIONS**

The following outdoor signs, advertising structures or devices shall be exempted from the permit process outlined in Section 13.04 (Permits) of this ordinance:

(a) EXEMPTIONS

(1) One wall sign, not to exceed six (6) square feet in size, maintained by the owner or occupant of a residential building for the purpose of displaying the name of the owner, resident, or legal home occupation contained therein. Home occupation signs shall not be illuminated.

(2) Bulletin boards not over fifteen (15) square feet in size for public, charitable or religious organizations when the same are located on the premises of said institution. Such signs shall be subject to the location, lighting and landscaping standards set forth in Sections 13.09 – 13.11 of this ordinance, and shall not exceed seven (7) feet in height. Town bulletin boards shall be allowed off premise.

(3) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.

(4) Traffic signs, legal notices, railroad-crossing signs, danger and such temporary emergency or non-advertising signs, as may be erected for the public safety.

(5) Non-illuminated signs painted on canopies, awnings and marquees indicating only the name, street number, and/or tenant name. Such signs shall not exceed an aggregate gross surface area of four (4) square feet per display with individual letters not exceeding six (6) inches in height.

(6) One sign not to exceed fifteen (15) square feet in area, identifying farm operations on parcels of land containing not less than twenty (20) acres.

(7) United States and/or State of Wisconsin flags that do not pose a safety hazard.

(8) Special, decorative, Town-owned displays or signs that are located in the public right-of-way on a temporary basis.

(9) Up to four (4) Town-authorized and constructed directional signs for any single business, organization or event, provided such signs do not exceed three (3) square feet in area, or four (4) feet in height, and are temporary in nature.

(10) Signs which are located within the interior of any building, and which are not readily visible from the exterior of the building.

(11) Yard sale signs, provided that they are not attached to utility poles, meter posts, trees, or other public utility in or along any street right-of-way within the Town, and that they are not attached to any building, wall, fence, or other property of another person without having first obtained the prior written consent of the owner of such property. The maximum time limit for all yard sale or estate sale signs is three (3) consecutive days, and nine (9) cumulative days in a one-year period. Such signs shall not exceed ten (10) square feet in area.

(12) Grand opening and special event signs/banners may be allowed subject to the SCA's approval of the sign or display size, location, length of use, and appearance.

The following temporary signs shall also be exempted from Section 13.04 (Permits) of this ordinance, subject to the associated conditions:

(b) REAL ESTATE SIGNS

(1) Number: There shall not be more than one (1) temporary real estate sign for each lot being advertised for sale or rent, except where a lot abuts two (2) or more streets, in which case one (1) "for sale" sign may be allowed for each abutting street frontage.

(2) Residential Areas: In residential areas, temporary "for sale" or "for rent" real estate signs shall not exceed 12 square feet in gross surface area.

Non-Residential Areas: In non-residential and multi-family (four-plex and greater) residential areas, temporary "for sale" real estate signs shall not exceed 25 square feet in gross surface area and temporary "for lease" or "or rent" real estate signs shall not exceed 12 square feet in gross surface area.

(3) Location: Temporary "for sale" real estate signs shall be located only upon the premises for sale, and shall be setback a minimum of 10 feet from an abutting property line, road right-of-way, or driveway. Temporary "for lease" or "for rent" real estate signs shall be attractively designed and located on the existing business's freestanding sign unless approval to do otherwise has been granted by the SCA.

(4) Height: Temporary "for sale" real estate signs shall not project higher than seven (7) feet as measured from preconstruction grade at the base of the sign. Temporary "for lease" or "for rent" real estate signs shall not project higher than the existing business's freestanding sign.

(5) Special Conditions: Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.

(c) CONSTRUCTION SIGNS

(1) Number: There shall not be more than one (1) temporary construction sign for each project or development, except that where a project or development abuts two (2) or more streets, one (1) sign may be allowed for each abutting street frontage.

(2) Residential Areas: In residential areas, temporary construction signs shall not exceed twenty-five (25) square feet in gross surface area.

Nonresidential Areas: In nonresidential areas, temporary construction signs shall not exceed fifty (50) square feet in gross surface area.

(3) Locations: Temporary construction signs shall be located only upon the premises upon which construction is about to occur or is occurring. Such signs shall be setback/offset a minimum of ten (10) feet from an abutting property line, road right-of-way, or driveway.

(4) Height: Temporary construction signs shall not project higher than seven (7) feet, as measured from pre-construction grade at the base of the sign.

(5) Special Conditions: Temporary construction signs shall be permitted only as accessory to an approved building permit for the purpose of identifying a proposed

construction project and the names of contractors, engineers, architects, and financial institutions involved in the project's development. Temporary construction signs may be erected and maintained for a period not to exceed thirty (30) days prior to the commencement of construction, and shall be removed within thirty (30) days of the termination of construction or as determined by the SCA.

(d) **POLITICAL CAMPAIGN SIGNS**

The Town Board of the Town of Lisbon declares the following legislative intent regarding the subject of political campaign signs:

(1) The display of political signs shall be limited to a period of thirty (30) days immediately preceding the primary, general or special election to which they pertain.

(2) The sign area of a political campaign sign displayed in other than residential or agricultural zoning districts shall not exceed thirty-two (32) square feet. The sign area of such signs displayed in residential or agricultural zoning districts shall not exceed six (6) square feet. In any zoning district, such signs may be freestanding and shall not exceed six (6) feet in height.

(3) Political campaign signs shall not be displayed on any building or structure that is owned, operated or maintained by any public agency, or on any Town owned post or traffic control device, or on any pole, post or appurtenance owned or operated by a utility. Such signs shall be located only on private property with the landowner's consent.

(4) The candidate, entity or property owner responsible for the erection or distribution of any such signs shall be jointly and severally liable for the removal of them within ten (10) days after the primary, general, or special election to which they pertain. Noncompliance will subject such responsible candidate, entity or property owner to a forfeiture of \$25.00 per sign. If such signs are not removed within the prescribed period, the SCA reserves the right to remove them.

**13.09 ILLUMINATION STANDARDS**

(a) **STANDARDS**

(1) In addition to complying with the provisions of this ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the Town Electrical Code. No person may erect a sign with exposed electrical cords and wires.

(2) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited.

(3) No sign shall be illuminated, either internally or externally, between the hours of 11 p.m. and sunrise unless the premises on which it is located is open for business during that time. Signs located in residential districts shall not be illuminated between the hours of 9 p.m. and sunrise.

(4) All sign lighting shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.

### **13.10 LANDSCAPING STANDARDS**

#### **(a) STANDARDS**

(1) In the case of pole or ground-mounted freestanding signs, a landscape area shall extend a minimum of five (5) feet from the base of the sign in all directions.

(2) Where any sign is proposed to be externally illuminated using ground mounted fixtures (i.e. floodlight), landscape plantings shall be installed in such a manner as to entirely shield the light source from the surrounding view. Landscape plantings shall be of the type as will ensure effective yearlong screening.

### **13.11 LOCATION STANDARDS**

#### **(a) STANDARDS**

(1) No sign or sign supporting structure shall be setback/offset less than 10 feet from an abutting lot line, right-of-way line or driveway edge.

(2) Placement of all signs shall be subject to the vision setback regulations as put forth in the Town of Lisbon Zoning Code.

(3) No nonresidential sign shall be located closer than 50 feet to an abutting residential zone unless specifically approved by the Planning Commission.

### **13.12 PERMITTED SIGNS**

#### **(a) MULTIPLE-FAMILY RESIDENTIAL USES**

(1) Name and address signs of buildings containing four (4) or more residential units shall be allowed subject to the following:

(A) Type: Development/project identification and building address signs.

(B) Number: There shall not be more than one (1) freestanding identification sign for each development/project and one (1) wall mounted building address sign for each building.

(C) Area: Building address signs shall not exceed six (6) square feet in gross surface area. Development/project signs shall not exceed thirty-two (32) square feet in size.

(D) Location: Development/project identification signs shall not be located closer than ten (10) feet to a property line, right-of-way line, or driveway edge.

(E) Height: Freestanding signs shall not exceed seven (7) feet in height as measured from pre-construction grade at the base of the sign.

(b) SUBDIVISION IDENTIFICATION SIGNS

(1) A permanent sign used to designate a residential subdivision entrance may be permitted subject to the following criteria:

(A) Type: Subdivision identification signs shall be ground/monument signs.

(B) Number: There shall not be more than two (2) subdivision identification signs for each point of vehicular access to the subdivision.

(C) Area: Subdivision identification signs shall not exceed thirty-two (32) square feet in area, per sign.

(D) Location: Subdivision identification signs shall not be located closer than ten (10) feet to a property line, right-of-way line or driveway edge.

(E) Height: Subdivision identification signs shall not exceed seven (7) feet in height as measured from the sign pre-construction grade at the base of the sign.

(c) BUSINESS AND INSTITUTIONAL USES

(1) Business and institutional uses shall be permitted one (1) wall sign per building tenant, and one (1) freestanding ground sign per principal building or one (1) projecting sign per building tenant, or one (1) freestanding pole sign per property, subject to the following:

(2) Wall Signs.

(A) Number: There shall be no more than one (1) wall sign per building tenant.

(B) Area: The gross surface area of a wall sign shall not exceed fifty (50) square feet or 75% of the tenant's lineal façade frontage, whichever is less.

(C) Location: A wall sign may be located on the outermost wall of the principal building, but shall not project more than ten (10) inches from the wall to which the sign is to be affixed.

(D) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.

(3) Freestanding Ground Signs.

(A) Number: There shall be no more than one (1) freestanding ground/monument sign for each principal building.

(B) Area: The gross surface area of a ground sign shall not exceed sixty (60) square feet of area.

(C) Location: A ground sign may not be located closer than ten (10) feet to a property line, right-of-way line, or driveway edge.

(D) Height: A ground sign shall not project higher than ten (10) feet, as measured from pre-construction grade at the base of the sign.

(4) Projecting Signs.

(A) Number: There shall be no more than one (1) projecting sign per building tenant.

(B) Area: The gross surface area of a projecting sign shall not exceed fifteen (15) square feet.

(C) Height: The minimum clearance to grade shall be eight (8) feet as measured from the lowest part of the sign. The maximum height shall not be fifteen (15) feet.

(5) Freestanding Pole Signs.

(A) Number: There shall be no more than one (1) freestanding pole sign per property.

(B) Area: The gross surface area of a pole sign shall not exceed two hundred fifty (250) square feet on one side nor five hundred (500) square feet in total.

(C) Location: A pole sign may not be located closer than twenty (20) feet to a property line, right-of-way line, or driveway edge; and shall be located at least one hundred fifty feet (150) from another pole sign.

(E) Height: A pole sign shall not project higher than twenty (20) feet, as measured from the sign pre-construction grade at the base of the pole, nor lower than ten (10) feet.

(6) Awning Signs.

Awning signs that are four (4) square feet or less in gross surface area are exempt from the provisions of this ordinance.

(7) Window Signs.

Each business tenant shall be allowed to display a window sign that does not exceed 30% of the window area. Blinking, flashing, strobe or other light animation shall not be allowed.

(8) Changeable Letter Signs.

Changeable letter signs may be allowed with SCA approval.

(9) Special Conditions.

All signs on a lot shall exhibit uniformity in design, color(s), size, material(s), lighting, etc., and shall be so located as to prevent visual distraction and competition among signs.

### 13.13 EXISTING SIGNS

(a) EXISTING SIGNS

(1) Existing signs which become nonconforming upon adoption of this ordinance shall not be reconstructed, remodeled, relocated or altered in any way unless such action will make the sign conforming in all respects with this ordinance (Note:

normal maintenance and/or simple change of sign face or lettering is excepted. However, no expansion of the sign size is allowed).

(2) A nonconforming sign or sign structure which is damaged may be restored only after the owner has shown that the damage did not exceed fifty (50) percent of the appraised value of the sign. If such sign or sign structure is destroyed, or damaged to an extent exceeding fifty (50) percent of the appraised sign value, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming, in all respects, to the sign code. If approved restoration of a damaged sign less than 50% of its appraised value is not completed within three (3) months of the date damage occurred, such sign shall be removed or replaced in a manner so as to conform with all specifications of this sign ordinance.

(3) At such time as the owner of a building or lot, on which a nonconforming sign(s) is located, requests Town Plan Commission approval for any change to the use, building, or lot, the Plan Commission may require that such nonconforming sign(s) be removed and/or made to conform with the sign ordinance as a condition of building or site approval.

### **13.14 DESIGN, CONSTRUCTION AND ERECTION STANDARDS**

#### **(a) STRUCTURE DESIGN**

(1) Wind pressure. All signs shall be designed, constructed, erected and maintained to safely withstand wind pressure as specified by Wisconsin State Statute and the applicable administrative code.

(2) The design, construction and erection of all signs shall be by a competent professional in the sign design and construction industry.

(3) Wall signs attached to the exterior of a building shall be anchored or attached in such a manner as to ensure its stability and safety.

#### **(b) AESTHETIC DESIGN**

The sign's design shall fulfill the purpose cited in Section 13.01 (Purpose) and reflect the quality and character of signs exemplified in the Town's Sign Code supplement entitled "Town of Lisbon Sign Code Portfolio".

### **13.15 MAINTENANCE AND REMOVAL OF SIGNS**

(a) The Town may cause any sign or other advertising structure that is, in their opinion, an immediate peril to persons or property, to be removed summarily and without notice. The owner of a sign shall keep it in good repair which includes restoring, repainting or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary and inoffensive condition, free and clear of obnoxious substances, rubbish, weeds and grass.

#### **(b) APPEARANCE REQUIREMENTS**

(1) The owner of a sign as defined and regulated by this ordinance shall be required to properly maintain the appearance of all parts and supports of their sign as directed by the Town.

(2) In the event that a sign owner does not provide proper sign maintenance within ten (10) days of receiving written notice to do so from the Town, the sign may be removed as provided in Section 13.15(c) below of this ordinance.

(c) **REMOVAL OF CERTAIN SIGNS AND BILLBOARDS**

(1) Any sign or billboard now or hereafter existing which no longer advertises a bonafide business or product, or which is dilapidated, in disrepair, unsafe, insecure, or has been constructed, erected or maintained in violation of the provisions of this ordinance, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which said sign may be found. If, within ten (10) days of receiving written notification from the Town, the sign owner fails to comply with such notice, the Town may remove such sign. Any expense incurred thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within thirty (30) days from the date of billing, then the costs and expenses incurred for such removal may be assessed against the real estate upon which said sign is located and collected as other taxes are collected on said real estate.

(2) Any sign that is constructed without a valid permit shall be removed promptly, unless a proper permit is obtained within five (5) days of receiving written notice of the illegal sign. In the event that the owner of such sign is not issued a permit, or fails to remove said sign in a prompt manner, the Town may remove such sign. Any expense incurred thereto shall be paid by the owner of the building or land to which said sign is attached. In the event such cost and expenses are not paid within ten (10) days from the date of billing, then the costs and expenses incurred for such removal may be assessed against the real estate upon which said sign is located, and collected as other taxes are collected on said real estate.

(3) In the event that the owner of an illegal sign cannot be ascertained by the Town, then notice as indicated in Section 13.15 shall be given to the owner of the real estate upon which the sign is located. In the event that the owner of the real estate is not issued a proper permit, or does not remove the sign within ten (10) days of receiving written notice to do so, the Town of Lisbon may remove said sign. Any expense incurred thereto shall be paid by the owner of the building or land to which said sign is attached. In the event such cost and expenses are not paid within thirty (30) days from the date of billing, then the costs and expenses incurred for such removal may be assessed against the real estate upon which such sign is located, and collected as other taxes are collected on said real estate.

(4) The cost of removing or relocating signs located in the road right-of-way at a time when the road is proposed to be, or is being, widened, shall be removed or relocated at sign owner's expense.

**13.16 APPEALS**

The Town Plan Commission may, in its judgment, waive or modify the provisions of this chapter where it would further the public interest and uphold the purpose of this ordinance as put forth in Section 13.01 (Purpose). Such waiver or modification may be based on, among other things, site specific hardships such as topographic aberrations, traffic safety, and visual

encumbrances [Note: The Board of Zoning Appeals shall not have authority or jurisdiction over the provisions of the Sign Code]. Individual waivers that are based on a certain set of circumstances, at a particular point in time, shall not be misconstrued as setting precedence for allowing a similar, or nearly similar, sign waiver at a future date, even if identical circumstances exist.

### **13.17 PENALTY AND ENFORCEMENT**

Any person, firm, company or corporation that knowingly violates, disobeys, omits, neglects or refuses to comply with, or who resists, the enforcement of any of the provisions of this chapter shall be subject to a forfeiture of not less than ten (\$10) dollars but no more than two hundred (\$200) dollars for each offense, together with the costs of the action. Default of the forfeiture payment may result in imprisonment. Each day that a violation exists shall constitute a separate violation/offense, and shall be punishable as such.

### **13.18 SEVERABILITY**

If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If an application of this chapter to a particular sign or structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign or structure not specifically included in said judgment.

## **ADDENDUM B**

### **CHAPTER 5**

### **NUISANCES**

#### **5.01 NUISANCES PROHIBITED.**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance with the Town of Lisbon.

#### **5.02 NUISANCES DEFINED.**

(a) General.

(1) A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(2) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(3) In any way render the public insecure in life or in the use of property.

(4) Greatly offend the public morals or decency.

(5) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(b) Public Nuisances Affecting Health.

The following acts, omissions, place, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection (a) of this section:

(1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) Carcasses of animals, birds, or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) Accumulations of decayed animal or vegetable matter, trash, paper boxes, rubbish, rotting lumber, bedding, packing material, or scrap metal.

(4) All stagnant water in which mosquitoes, flies, or other insects can multiply.

(5) Privy vaults and garbage cans which are not fly-tight.

(6) All noxious weeds and other rank growth of vegetation.

(7) All animals running at large.

(8) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the town in such quantities as to endanger the

health of persons of ordinary sensibilities or threaten or cause substantial injury to property.

Nuisances 5.02 (b)(9)

(9) The pollution of any stream or body of water by sewage, creamery or industrial wastes or other substances.

(10) Any use of property, substances or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.

(11) All abandoned wells not securely covered or secured from public use.

(12) Any obstruction in or across any watercourse, culvert, drainage ditch, swale, or ravine.

(13) The deposit of garbage, rubbish or any offensive substance on any street, highway or public place, or on any private property except as may be permitted by ordinance.

(c) Public Nuisances Offending Morals and Decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (a) of this section.

(1) Any place or premises within the Town of Lisbon where town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(2) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or any ordinances of the Town of Lisbon.

(d) Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) of this section.

(1) All signs and billboards and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

(2) All buildings, erected, repaired, or altered within the Town of Lisbon in violation of the Town of Lisbon building codes.

(3) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.

Nuisances 5.02 (d)(4)

(4) All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of the traffic when approaching an intersection or pedestrian crosswalk.

(5) All limbs of trees which project over a public street, less than 10 feet above the surface thereof.

(6) All use or display of fireworks except as provided by the laws of the State of Wisconsin or Town of Lisbon.

(7) All building or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(8) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.

(9) All loud, discordant and unnecessary noises or vibrations of any kind.

(10) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town of Lisbon.

(11) All obstructions of streets, alleys, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town of Lisbon or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.

(12) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street.

(13) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

(14) Any unauthorized or unlawful use of property abutting on a public street or alley or of a public street or alley which causes large crowds of people to gather, obstructing traffic, and free use of such street or alley.

(15) Repeated or continuous violations of the ordinances of the Town of Lisbon or laws of the State of Wisconsin relating to the storage of flammable liquids.

(16) Any condition or practice constituting a fire hazard.

(17) Any advertisements or signs affixed to any building or wall, fence, street or other private or public property without permission of the owner thereof.

(18) Any nuisance so defined by the Wisconsin Statutes

Nuisances 5.02(d)(19)

(19) Vehicular Noise

(A). Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Terminology.* All terminology used in this article, not defined in this section, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

*Light motor vehicle* means, without limitation for lack of enumeration, such devices commonly known as automobiles, vans, motorcycles, motor-driven cycles, motor scooters, mini-bikes, go-carts, snowmobiles, motor bicycles or light trucks with gross vehicular weight of less than 8,000 pounds.

*Modified exhaust system* means an exhaust system in which:

- (1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noise;
- (2) The original abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices; or
- (3) Devices have been added to the original noise abatement devices, such that noise levels are increased.

*Noise* means any sound which annoys or disturbs humans or which causes or tends to cause any adverse psychological or physiological effect on humans.

*Noise level* means the A-weighted sound level produced by a light motor vehicle.

*Person* means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

*Residential area* means any platted Subdivision or five or more lots created by Certified Survey Map along a street or driveway.

*Sound level meter* means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for type 1 or type 2 sound level meters as specified in American National Standard ANSI S1.4-1971 or its successor.

Nuisances 5.02(d)(19)(B)

*Sound pressure level* means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.

(B) Scope of article.

This article shall apply to the control of all noise caused by motor vehicles and origination within the limits of the town.

(C) dBA Noise Limit.

It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA at any location within a residential area of the town. Measurement can be made at any distance greater than or equal to 15 feet from the closest approach to the vehicle.

(D) Excessive noise.

It shall be unlawful for any person to operate a light motor vehicle within the corporate limits of the town, such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as, but not limited to, radios, phonographs and tape players.

**State law references:** Mufflers, Wis. Stats. § 347.39.

(E) Signaling devices.

It shall be unlawful for any person to operate any horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.

(F) Compression brakes prohibited.

(1) *Definition.* A compression brake, commonly referred to as a "Jacobs" brake, "Jake" brake, engine brake or

dynamic braking device, means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of, or in addition to, wheel brakes.

(2) *Use prohibited.* No person shall use a motor vehicle within the Town limits where the compression brake is in any way

engaged or activated on such motor vehicle or any unit a part thereof, except for the aversion of imminent danger.

Nuisances 5.03

### **5.03 ABATEMENT OF PUBLIC NUISANCES.**

(a) Inspection of Premises.

Whenever a complaint is made to the Town Board or any member thereof that a public nuisance exists within the Town of Lisbon, he shall promptly notify the Health Officer or Building Inspector or other town official who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the Town Board.

(b) Summary Abatement; Notice to Owner

If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Board may direct the Town Health Officer or Building Inspector or other town official to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of such notice on the premises. Such notice shall direct the owner, occupant, or person causing, permitting or maintaining such nuisance to abate or remove the nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town Board will cause the same to be abated and will charge the costs thereof to the owner, occupant, or person causing, permitting or maintaining the nuisance, as the case may be.

(c) Abatement by the Town.

If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the Health Officer, in case of health nuisances, and the Building Inspector in other cases, or other designated official shall cause the abatement or removal of such public nuisance.

(d) Abatement by Court Action.

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings to the Town Board, who shall cause an action to abate such nuisance to be commenced in the name of the town in the Circuit Court of Waukesha County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes.

(e) Other Methods not Excluded.

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town of Lisbon in accordance with the laws of the State of Wisconsin.

#### **5.04 COST OF ABATEMENT.**

In addition to the penalty imposed by chapter 1 of this code for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating the public nuisance by the Town of Lisbon shall be collected as a debt from the owner, occupant, or person causing, permitting or maintaining the nuisance, and if

Nuisances 5.05

notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

#### **5.05 WEEDS**

(a) Public Policy.

It is hereby declared necessary in the interest of public safety and welfare that the cutting of grass and noxious weeds be regulated in the Town of Lisbon between May 1 and November 1 because of the fire hazards that are involved and the danger to persons and property that result therefrom.

(b) Definition.

The term "Noxious Weeds" as used in this section includes the following: All types of thistles; ragweed, marijuana that is not grown or cultivated for lawful commercial purposes; English charlock or wild mustard; Field Bind weed, commonly known as creeping Jenny; goat's beard; harmful barberry; field dodder; Indian mustard; Oxeye daisy; snapdragon or butter and eggs; poison ivy; leafy spurge; burdock; yellow rocker; quack or quitch grass; goldenrod and pigweed.

(c) Cutting of Grass and Noxious Weeds.

No person owning land in the Town of Lisbon shall:

(1) Allow any grass to grow to a height in excess of one foot, nor within 100 feet of any one-family, two-family or multiple dwelling, as those terms are defined in the Zoning Code of the Town of Lisbon;

(2) Allow any noxious weeds to grow on any property located in the Town of Lisbon.

It shall be the duty of any owner to cut grass and to cut and destroy noxious weeds within the area described herein.

In the event such grass and noxious weeds are not cut as required by this section, the Weed Commissioner shall, after first giving 5 days written notice by mail to the owner or occupant of the property, destroy or cause all such weeds to be destroyed, in the manner deemed to be the most economic method. For each day devoted to doing so, the Weed Commissioner shall receive compensation as determined by the Town Board from time to time. The Weed Commissioner shall present to the Town Treasurer an account of his activities, verified by oath and approved by the Town Board. Such account shall specify by

separate items the amount chargeable to each piece of land, describing the same, and shall after being paid by the Town Treasurer, be filed with the Town Clerk who shall enter the amount chargeable to each tract of land in the text tax roll in a column headed "for the destruction of weeds," as a tax on the lands upon which such weeds are destroyed, which tax shall be collected as other taxes are, or as taxes are collected on personal property pursuant to Section 74.11, Wisconsin Statutes, except in case of lands which are exempt from taxation in the usual way. In the case of railroad or other lands not taxed in the

Nuisances 5.05(d)

usual way, the amount chargeable against the same shall be certified by the Town Clerk to the State Treasurer.

(d) Services by Fire Department.

In the event a fire occurs in an area where the grass and noxious weeds have not been cut as required by this section which requires the service of the Town Fire Department to control the same, the owner shall be liable to the town for all costs and expenses incurred by such fire and shall be liable to the town for all costs and expenses incurred by such fire and shall pay the cost upon written notice from the Town Clerk as to the amount thereof. In the event such payment is not made within 30 days from notice of the Town Clerk, the amount thereof shall be placed upon the tax roll and assessed against the real estate upon which the fire occurred and collected by the town at the next succeeding tax collection.

**5.06 ABANDONED VEHICLES.**

(a) Definitions.

Terms used in this section mean as follows:

Motor vehicle: A vehicle which is designed for operation on land, which is self-propelled and can be used for transporting people or materials, and including but not limited to automobiles, trucks, buses, motorized campers, motor vehicles, motorcycles, motor scooters and tractions

Junked motor vehicles: Any motor vehicle which has been wrecked or damaged in such a manner that it cannot safely or legally be operated.

Non-operable motor vehicle: A motor vehicle, parts of which have been removed from the said motor vehicle rendering the same incapable of being safely or legally operated.

Abandoned motor vehicle: A motor vehicle which through disuse and failure to be used remains in one location for a period of 15 consecutive days, or more, or a motor vehicle which has been reported as stolen to any law enforcement agency. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of the ordinary public view.

Dismantled motor vehicles: Any motor vehicle which has parts, accessories or equipment removed therefrom so that the same cannot be operated legally upon any highway.

Wrecked motor vehicle: Any motor vehicle which has been damaged by collision either with a motor vehicle or a stationary object and parts of which are bent, broken or unattached so that it is rendered incapable of being safely or legally operated.

Equipment: Any part of a motor vehicle or any accessories for use thereon which affects the safety or operation of such motor vehicle, or the safety of the occupants herein.

Private property: Any real property not owned by the federal government, state government, Town of Lisbon or other political subdivision.

Nuisances 5.06(b)

Removal: The physical relocation of a motor vehicle and accessories or equipment.

Discarded motor vehicle: A motor vehicle placed upon public or private property without the permission or knowledge of the owner of such property and a motor vehicle the ownership of which the real estate owner is unaware.

Junk: Old iron, chain, brass, copper, tin, lead, other base metals, trailers, farm machinery and equipment or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials, paper, waste paper, used lumber or building material, paper clippings, rags, rubber, glass or bottles, and all articles and things discarded as manufactured articles composed of or consisting of any one or more of the articles mentioned, including industrial metal or scrap or other material commonly included within the term junk.

Trash: Any rubbish, ashes, paper, discarded bricks or building material, tin cans, boxes, barrels, discarded wood and lumber, brush and any form of discarded vegetation, foundry sand, and industrial, commercial or residential waste of any kind or description.

(b) Accumulation or Storage of Junk and Trash.

No person shall accumulate or store, or permit the accumulation or storage of, any junk or trash upon any property in the Town of Lisbon except where a permit has been granted by the Town Board pursuant to ordinances of the Town of Lisbon.

(c) Storage of Dismantled or Partially Dismantled or Abandoned, Junked, Wrecked, Non-Operable or Discarded Motor Vehicle, or Motor Vehicle Accessories or Equipment Regulated.

No person owning or having possession of any dismantled or partially dismantled or abandoned, junked, wrecked, no-operable or discarded motor vehicle, or motor vehicle accessories or equipment, shall store or permit to be stored any such dismantled, partially dismantled, abandoned, junked wrecked, non-operable or discarded motor vehicle or any such accessories or equipment on any private property in the Town of Lisbon for a period of more than 15 consecutive days and no person owning any private property in the town, as determined from the tax assessment records of the town shall store or permit to be stored or to remain any such vehicle or accessories on such private property for more than 15 consecutive days. Such storage is hereby

declared to be a public nuisance and may be abated or removed and penalties imposed as provide by this code.

(d) Exemptions.

This section shall not apply to the following.

(1) Automobile sales or repair enterprises operated in a properly zoned area for such enterprises and provided that inside storage is provided for such motor vehicles.

(2) Vehicles kept or stored on private property in a garage or other accessory building which conforms to the town zoning ordinances.

Nuisances 5.06(e)

(e) Enforcement

Any person shall be deemed to have violated this section at the expiration of 10 days after having been provided with notice of violation by the Police Department. Notice of violation shall state that the violation of this section has occurred and shall be directed to the owner or occupant of the real estate upon which the motor vehicle and accessories or equipment are located. This notice shall indicate that the motor vehicle or motor vehicle accessories or equipment will be violation if permitted to remain on the property for more than 10 consecutive days from the date of the notice, and shall be served upon or sent by certified mail to the owner of the real estate upon which such motor vehicle or motor vehicle accessories or equipment if located as shown on the tax assessment records of the Town of Lisbon. The notice shall give the owner of the real estate upon which the motor vehicle or motor vehicle accessories or equipment is located, notice that such motor vehicle or motor vehicle accessories or equipment must be removed within 10 days after service of the notice.

(f) Removal Controlled.

No person, after notification has been given pursuant to this section to remove any dismantled, partially dismantled, abandoned, junked, wrecked, non-operable or discarded motor vehicle, or motor vehicle accessories and equipment from any private property, shall move the same to any other private property upon which such storage is not permitted or on to any public highway, municipal property or public property.

If any dismantled, partially dismantled, abandoned, junked, wrecked, non-operable or discarded motor vehicle, or motor vehicle accessories and equipment is removed for compliance with this action after receiving a proper notice and is subsequently returned to the same location, such action will constitute an immediate violation and the Police Department shall cause the immediate removal of such items, with the costs incurred to be charged against the owner of the property on which the violation occurs.

(g) Removal Enforced.

If the dismantled, partially dismantled, abandoned, junked, wrecked, non-operable or discarded motor vehicle or motor vehicle accessories or equipment are not removed with in the period fixed for such removal, the Police Department is hereby

authorized to provide for the removal thereof by town equipment, or they may requisition at town expense, a private towing company to remove the motor vehicle, or motor vehicle accessories or equipment. In the event the Police Department determines that such motor vehicle or motor vehicle accessories or equipment have a value in excess of \$100, they shall retain such motor vehicle or motor vehicle accessories or equipment in storage for a period of 7 days after certified mail notice has been sent to the owner and lien holders of record to permit reclamation of the motor vehicle or motor vehicle accessories or equipment after payment of the accumulated charges. Thereafter the Police Department may dispose of the same in any manner they see fit including the direct sale thereof to a licensed salvage dealer upon determination that the vehicle is not reported stolen. In the event that the Police Department determines the motor or motor vehicle accessories or equipment have a value of less than \$100 the same may be

Nuisances 5.06(h)

summarily disposed of by the Police Department by direct sale upon determination that the vehicle is not reported stolen and that storage such vehicle prior to sale shall not be required. In the event that the Police Department determines that the cost of towing and storage charges for the impoundment of any motor vehicle or motor vehicle accessories or equipment would exceed the value of the motor vehicle or motor vehicle accessories or equipment may be junked by the Police Department prior to expiration of any impoundment period upon determination by the Sheriff of Waukesha County that the vehicle is not wanted for evidence or other reasons.

The costs incurred by the town in the removal of the storage of any such dismantled, partially dismantled, abandoned, junked, wrecked, non-operable or discarded motor vehicle, or motor vehicle accessories or equipment, less the amount received by the town in the sale or disposition of the motor vehicle or motor vehicle accessories or equipment, shall be charged to the owner of the real estate upon which the motor vehicle or motor vehicle accessories or equipment is located; and in the event such costs and expenses are not paid within 30 days from the date of billing by the town, the same shall be levied and assessed against the real estate upon which the motor vehicle or motor vehicle accessories or equipment is located, and collected by the town in the same manner as other real estate taxes are assessed and collected.

(h) Removal from Public Highway and Public Property.

No person shall leave any dismantled, partially dismantled, abandoned, junked, wrecked, non-operable or discarded motor vehicle, or motor vehicle accessories or equipment on any public street, highway or upon any public property in the Town of Lisbon.

No person shall leave unattended any motor vehicle or motor vehicle accessories or equipment on any public street, highway or upon any public property in the Town of Lisbon for such time or under such circumstances as to cause the vehicle or accessories or equipment to appear to be abandoned. When any motor vehicle or motor vehicle accessories or equipment has been left unattended upon a public street, highway or upon any public property for more than 48 hours, the vehicle or such accessories or equipment is deemed abandoned and considered a public nuisance.

Any such vehicle and accessories or equipment shall be summarily removed by town equipment or a private towing company under the direction of the Police Department to a lawful place of storage. Notice shall be given by certified mail to the owner or record of such vehicle and accessories or equipment, if such owner can be ascertained by the exercise of reasonable diligence, of the removal of such motor vehicle and accessories or equipment, and the place where the same is stored and such notice and pay the costs and expenses for the removal and storage charges, the same

will be summarily disposed of in any manner deemed desirable by the town. In the event that the owner of record cannot be ascertained, notice as provided herein shall be given as a Class 1 notice in the official town newspaper.

#### Nuisances 5.07

In the event the Police department determines that the motor vehicle or motor vehicle accessories or equipment have a value of less than \$100, the same may be summarily disposed of by the Police Department by direct sale upon determination that the vehicle is not reported stolen and that storage of such vehicle prior to sale shall not be required.

The Police Department shall notify the Wisconsin Department of Transportation within 5 days after the sale or disposal of any dismantled, partially dismantled, abandoned, junked, wrecked, non-operable or discarded motor vehicle.

### **5.07 SEWERAGE SLUDGE DISPOSAL.**

#### (a) Scope and Intent

The intent of this section 5.07 is to safeguard the public against the creation or perpetration of a public nuisance. It is the intent of the Town Board that the application of sludge on property sites located in the town be undertaken in accordance with the regulations and laws of the State of Wisconsin, but not in such a manner as might be offensive to the ordinary sensibilities of the town residents.

#### (b) Definitions.

As used in this section:

(1) The term "sludge" shall mean the accumulated residual solids (usually in aqueous solution) resulting from the treatment of municipal waste waters.

(2) The term "site" or "property site" shall mean the property on which the applicant intends to apply sludge. Each real estate tax parcel as found on the tax rolls of the Town of Lisbon shall constitute a separate "site" or "property site."

(3) The term "applicant" shall be the owner of the treatment facility generating the sludge.

#### (c) Permit Required.

No person, firm or corporation shall apply or allow to be applied to lands under their ownership, lease or control, sludge to any land located within the corporate limits of the Town of Lisbon without first having obtained a permit from the Town Board. This shall apply to both existing and proposed sludge disposal operation.

(d) Application.

Written application for a permit to apply sludge on any lands located within the town shall be made to the Town Clerk. The application shall state:

(1) The name and address of the applicants, and if the applicant is a corporation, the name, address and registered agent of the corporation.

(2) The post office and legal description of the site to be used.

(3) The name of the landowners and haulers involved with the disposal of the sludge. A copy of any contract related to the disposal shall be appended to the application.

Nuisances 5.07(d)(4)

(4) The length of time the applicant intends to apply sludge on the site or sites described in the application.

(5) The name or names and address of the owners of any other site or sites upon which the applicant is presently applying sludge, whether or not such site or sites are within or without the corporate limits of the town.

(6) The name and post office address of any property owner whose property is located within 300 feet of the site described in the application.

(e) Term of Permit.

A permit issued hereunder shall be for a period not exceeding one year from date of issuance. The permit shall specify the days of the week and hours of each day during which sludge may be applied to the site.

(f) Permit Fee.

The applicant shall file with his application a non-refundable annual permit fee of \$500; provided, however, that the Town Board may waive this requirement.

(g) Granting of Permit.

The Town Board shall issue a permit hereunder if, upon consideration of all information presented to the Board, it finds the following:

(1) The sludge will be incorporated with the soil on the property site so as to prevent the creation of noxious or offensive odors.

(2) That the sludge will be applied in accordance with the appropriate regulations of the Department of Natural Resources.

(3) That the applicant has received approval from the Department of Natural Resources to apply such sludge to the property site described in the application.

(4) That no sludge will be applied at a distance less than 200 feet from the nearest residence, or at such other distance, if greater, as is required by the Department of Natural Resources.

(5) That the sludge will not be applied at a distance less than 200 feet from the nearest private water supply well, or at such other distance, if greater, as is required by the Department of Natural Resources. And that the application of the sludge is not likely to result in the contamination of a source for water supply, irrespective of the location of the water supply.

(6) That the sludge will not be applied at a distance less than 100 feet from any stream, pond or other channelized waterway, or such other distance, if greater, as is required by the Department of Natural Resources.

(7) That the sludge will not be applied to any soil which, because of its composition, would tend to create a health hazard.

(8) That the applicant has applied for and received all appropriate licenses from county or state licensing authorities.

Nuisances 5.07(g)(9)

(9) That a copy of all reports required by the county or state be sent to the Town Clerk at the same time as sent to the state.

(10) That the application of sludge will not constitute a nuisance as that term is defined in Section 5.02(b)10 of the Lisbon Town Code.

(gg) Renewal of Permit.

The Town Board may, at its discretion, waive the requirement of a public hearing and the notification of property owners within 1,000 of any boundary of the site described in the permit when renewal of an existing permit is requested. (h) Bond

Upon approval of application for issuance of a permit hereunder, but prior to the issuance of the permit, the applicant shall file with the Town Clerk a surety bond in the amount of \$10,000, and proof of liability insurance conditioned upon and as a guarantee that the applicant will fully abide by the terms and conditions of this chapter, the ordinances of the Town of Lisbon, and any rule and regulations imposed by the Town Board as a condition for the granting of such permit, and as a further guarantee that the applicant will be fully able to compensate any resident of the town who might be injured or damaged by application of the sludge to the property site described in the application.

Notwithstanding anything contained herein to the contrary, the Town Board may waive the provisions of subparagraph (h) where the applicant is a Wisconsin municipality.

(h) Bond.

Upon approval of application for issuance of a permit hereunder, but prior to the issuance of the permit, the applicant shall file with the Town Clerk a surety bond in the amount of \$10,000, and proof of liability insurance conditioned upon and as a guarantee that the applicant will fully abide by the terms and conditions of this chapter, the ordinances of the Town of Lisbon, and any rules and regulations imposed by the Town

Board as a condition for the granting of such permit, and as a further guarantee that the applicant will be fully able to compensate any resident of the town who might be injured or damaged by application of the sludge to the property site described in the application

Notwithstanding anything contained herein to the contrary, the Town Board may waive the provisions of subparagraph (h) where the applicant is a Wisconsin municipality.

(i) Penalty.

Any person, firm or corporation who violates this section shall be subject, upon conviction, to a forfeiture of not less than \$100 or more than \$5,000, together with the cost of prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs are paid, for a period not exceeding 90 days.

(j) Separate Violations.

Each violation and each day a violation continues or occurs, shall constitute a separate offense

Nuisances 5.08

## **5.08 HAZARDOUS WASTE MANAGEMENT**

(a) Purpose and Findings.

(1) The purposes of this section are:

- A. To insure safe and effective hazardous waste management
- B. To establish a program of regulation over the storage, transportation, treatment, and the disposal of hazardous wastes in the Town of Lisbon.

(2) The Town of Lisbon find that:

- A. Increasing production and consumption rates, continuing technological development and energy requirements have led to the generation of greater quantities of hazardous waste;
- B. The problems of disposing of hazardous wastes are increasing as a result of air and water pollution controls and a shortage of available landfill sites;
- C. While it is technologically and financially feasible for hazardous waste generators to dispose of their waste in a manner which has a less adverse impact on the environment than current practices, such knowledge is not being utilized to the extent possible;
- D. Even though the Town of Lisbon is not heavily industrialized, there is a significant daily hazardous waste disposal problem; and
- E. The public health and safety, and the environment are threatened where hazardous wastes are not managed in an environmentally sound manner.

(b) Definitions.

(1) The term "disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that hazardous waste or any constituent thereof may enter the environment, be emitted into the air, or discharged into any waters, including ground waters.

(2) The term "hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics, as established by the Town Chairperson, may (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Such wastes include, but are not limited to those which are toxic, carcinogenic, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means, as well as

Nuisances 5.08(b)(2)

containers and receptacles previously used in the transportation, storage, use or application of the substances described as a hazardous waste.

(3) The term "generation" means the act or process of producing hazardous waste.

(4) The term "Town Chairperson" means the Town Chairperson of the Town of Lisbon or his or her designated agent.

(5) The term "person" means any individual, partnership, corporation (including a government corporation), trust, association, firm, joint stock company, organization, commission, the village of federal government, or other entity.

(6) The term "storage" means containment in such a manner as not a constitute disposal.

(7) The term "transport" means the movement from the point of generation to any intermediate site and finally to the point of ultimate storage or disposal.

(8) The term "treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character of composition of a hazardous waste so as to neutralize or as to render it nonhazardous, safer for transport, amenable for recover or storage, or reduced in volume.

(9) The term "treatment facility" means a location for treatment, including an incinerator or a facility where generation has occurred.

(c) Permits.

(1) Thirty days after the effective date of this section it shall be unlawful to construct, substantially alter, or operate any hazardous waste treatment or disposal facility or site, or to store, transport, treat, or dispose of any hazardous waste without first obtaining a permit from the Town Board of the Town of Lisbon for such facility, site or activity after review and recommendation by the Plan Commission for the Town of Lisbon.

(2) The Town Board is authorized to issue, vary, or modify the terms of any permit, or to suspend, revoke or deny a permit to achieve the purposes of this section, except that the Town Board may not issue a permit for a period exceeding one year. The Town Board may establish the appropriate permit fee to cover the costs associated with its issuance.

(d) Variance.

The Town Board may grant a variance not to exceed 90 days upon a showing that compliance with the requirements of this section or the rules and regulations promulgated pursuant thereto would result in an unreasonable financial hardship, and that the public health and welfare would not be endangered.

Nuisances 5.08(3)(e)

(e) Inspection, Right of Entry.

(1) For the purpose of enforcing this section or any rule or regulation promulgated pursuant to this section, the Town Chairperson may at any reasonable time, within reasonable limits, and in a reasonable manner, upon presenting appropriate credentials to the owner operator or agent in charge:

A. Enter without delay any place where hazardous wastes are generated, stored, treated, or disposed.

B. Inspect and obtain samples of any waste of substance used in the treatment of waste.

C. Inspect and copy any records, reports, information, or tests results relating to the purposes of this section.

Each such inspection shall be commenced and completed with reasonable promptness.

(2) If the officer or employee obtains any samples prior to leaving the premises, he or she shall give to the owner, operator, or agent in charge, a receipt describing the sample obtained, and if requested, a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent. in charge.

(f) Appeal Procedures.

Any person adversely affected by an action taken pursuant to the provisions of this section or the rules and regulations filing with the Town Clerk within 15 days of the date of such action, a written request for a hearing. Such hearing

shall be conducted in such a fashion that the person adversely affected may be represented by counsel and may present evidence and call and examine witnesses and cross examine other witnesses called. The Town Board may call witnesses and may issue subpoenas. All witnesses shall be sworn by the Town Board. The Town Board shall cause notes to be taken of the testimony and shall mark and preserve all exhibits. Within 20 days of such hearing, the Town Board shall mail or deliver to the person adversely affected a written determination stating the reason therefore. The determination shall be final determination.

(g) Suspension and Revocation of a Permit.

(1) The Town Chairperson may suspend a permit issued in accordance with Section 5.08 (c) for a period not to exceed 3 months if the holder of the permit is in violation of this section or the rules and regulations promulgated pursuant thereto. Written notice of the suspension shall be served upon the affected party or his or her designated agent. If no appeal is filed within 10 days of a receipt of this notice, the suspension shall become final.

(2) Where there is a history of repeated violations and/or a permit has been previously suspended, the Town Chairperson may revoke a permit, upon a showing of subsequent violation, and upon providing the affected party, or his or her designated agent, with written notice of the intent to revoke the

Nuisances 5.08(g)(3)

permit, with an opportunity for a hearing prior to revocation. The revocation shall take effect 15 days after the notice has been given, unless a written request for a hearing is received by the Town Chairperson within that period.

(3) Where a permit has been revoked, the person affected has the right to reapply for a permit. If this person is able to demonstrate an ability and willingness to comply with the permit and with the provisions of this section, and the rules and regulations promulgated pursuant thereto, the Town Board may consider granting this new permit.

(h) Injunction.

Notwithstanding any other provision of this section, if the Town Chairperson finds that any person is operating a storage, treatment, or disposal facility or site, or is transporting hazardous wastes in an illegal, unsafe or otherwise improper manner as to endanger the public health or welfare, the Town Chairperson may order such person to immediately discontinue the act. Upon failure to comply with this order, the Town Chairperson may request the Town Attorney or his designee to commence appropriate civil action in the Circuit Court for Waukesha County or other court of competent jurisdiction to secure a restraining order a preliminary injunction, a permanent injunction, or other appropriate relief.

(i) Penalties.

(1) Whenever the Town Chairperson has reason to believe that there has been a violation of this section or of the rules and regulations promulgated pursuant thereof, the Town Chairperson may, in lieu of, or in addition to any other enforcement procedure, give written notice of such alleged violation to the person or persons responsible therefore, and order these persons to take such

corrective measures as are deemed reasonable and necessary. This notice shall state the nature of the violation and shall reasonable time for the performance of necessary corrective measures. If a person fails to comply with this notice within the time period stated in the notice, the Town Chairperson shall institute such action as may be necessary to terminate the violation.

(2) Notwithstanding any provision of this section, any person who violates any provision of this section of any rules and regulations promulgated pursuant thereto, shall be punished by a fine not to exceed \$1,000. In the event of any violation, each and every day of such violation shall constitute a separate offense, and the penalties prescribed herein shall be applicable to each such separate offense.

(j) Severability.

Each separate provision of this section shall be deemed independent of any other provision of this section, and if any provision, sentence, clause, section or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this section or their application to other parts or circumstances. It is hereby declared to be the legislative intent that this

Nuisances 5.09

section would have been enacted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included therein, and if the person or circumstances to which this section or any part thereof is inapplicable had been specifically exempted therefrom.

## **5.09 USE OF RECYCLING FACILITY**

(a) Hours of Operation.

The Town Board shall, from time to time, establish hours for operation of the Town Recycling Center, and shall cause notice of the hours and days of operation to be posted at the site.

(b) Site Restrictions.

No person shall cause any article or item of property, irrespective of whether the same has any monetary value, to be transported to and abandoned at the recycling site except on the days of operation posted at the site, and then only within the specific hours of operation posted. Any person who leaves any item or article of personal property at the site except on the days of operation and during the hours of operation posted, shall be deemed to have abandoned the personal property at the site contrary to the prohibition of this provision.

(c) Penalty.

Any person violating the terms of this provision shall be subject to a fine of not less than \$50 or more than \$100, together with costs and penalties as may be assessed by the Court, for the first such occurrence, and a sum of not less than \$100 and not more than \$200, together with costs and penalties as may be assessed by the Court, or

any second or subsequent violation of this section within a period of six months from the first violation. (2/22/88)

#### **5.10 SMOKING PROHIBITED.**

(a) Possession, smoking and/or use of tobacco products is prohibited in all education facilities, as that term is defined in Section 101.123(1)(a), Wisconsin Statutes, as well as all ground on which any educational facility is located. As used herein the term smoking shall mean possession of a lighted cigarette, cigar, pipe or any other lighted smoking equipment. As used herein the term possession of tobacco products shall mean that a person has dominion or control over any tobacco product.

(b) Any person violating this provision shall be subject to a fine of not less than \$25 nor more than \$100, together with all taxable costs and assessments.

#### **5.11 ADULT-ORIENTED ESTABLISHMENTS**

(a) Definitions.

(1) "Adult-oriented establishment" shall include, but is not limited to "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises which public patrons or members are invited or admitted and which are so physically

Nuisances 5.11(a)(1)

arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein as entertainer provides adult entertainment to a member of the public, a patron or member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(2) "Adult bookstore" means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, including adult oriented films, movies or live performances, for observation by patrons therein.

(3) "Adult motion picture theater" means an enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons herein.

(4) "Adult min-motion picture theater" means an enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below.

(5) "Adult cabaret" means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board" means the Town Board for the Town of Lisbon, Wisconsin.

(7) "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas," as defined below, or the removal of articles of clothing or appearing partially or totally nude.

(8) "Operators" means any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

(9) "Specified sexual activities" means simulated or actual:

(A) Showing of human genitals in a state of sexual stimulation or arousal;

(B) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;

Nuisances 5.11(a)(9)(C)

(C) Fondling or erotic touching of human genitals, public region, buttock or female breasts.

(10) "Specified anatomical areas" means:

(A) Less than completely and opaquely covered human genitals, public region, buttocks, and female breast below a point immediately above the top of the areola;

(B) Human male genitals in a discernible turgid state, even if opaquely covered.

(b) License.

(1) Except as provided in paragraph 4 below, from and after the effective date of this section, no adult-oriented establishment shall be operated or maintained in the Town of Lisbon without first obtaining a license to operate issued by the Town of Lisbon.

(2) A license may be issued only for one adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult-oriented establishment must have a license for each.

(3) No license or interest in a license may be transferred to any person, partnership or corporation.

(4) All adult-oriented establishments existing at the time of the passage of this ordinance (Section 5.11) must submit an application for a license within 90 days of the passage of this ordinance.\* If an application is not received

within said 90 day period, then such existing adult-oriented establishment shall cease operations. (\*ordinance passed 12/11/89, publ. 12/12/89)

(c) Application for License.

(1) Any person, partnership or corporation desiring to secure a license shall make application to the Town Clerk. The application shall be filed in triplicate with and dated by the Town Clerk.

(2) The application of a License shall be upon a form provided by the Town Clerk. An applicant for a license, who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

(A) Name and address.

(B) Written proof that the individual is at least 18 years of age.

(C) The address of the adult-oriented establishment to be operated by the applicant.

(D) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent of the stock in said corporation and all officers and directors of the corporation.

Nuisances 5.11(c)(3)

(3) Within 21 days of receiving an application for a license the Town Clerk shall notify the applicant whether the application is granted or denied.

(4) Whenever an application is denied, the Town Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held within 10 days thereafter before the Board, as hereinafter provided.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or co-operate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Town Clerk.

(d) Standards for issuance of License.

(1) To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

(A) If the applicant is an individual:

(1) The applicant shall be at least 18 years of age.

(2) The applicant shall not have been found to have previously violated this ordinance within 5 years immediately preceding the date of the application.

(B) If the applicant is a corporation:

(1) All officers, directors and stockholders required to be named under subsection (c)(2) shall be at least 18 years of age.

(2) No officer, director, or stockholder required to be named under subsection (c)(2) shall have been found to have previously violated this section within 5 years immediately preceding the date of the application.

(C) If the applicant is a partnership, joint venture, or any other type of organization where two or more persons have a financial interest:

(1) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

(2) No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this section within 5 years immediately preceding the date of the application.

Nuisances 5.11(e)

(e) Fees.

A license fee of \$250 shall be submitted with the application for a license. If the Application is denied, one-half of the fee shall be returned.

(f) Display of License or Permit.

The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(g) Renewal of License of Permit.

(1) Every license issued pursuant to this section will terminate at the expiration of one year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(2) A license renewal fee of \$250 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of \$100 shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one-half of the total fees collected shall be returned.

(h) Revocation of License.

(1) The Board shall revoke a license or permit for any of the following reasons:

(A) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(B) The operator or any employee of the operator violates any provision of this section or any rule or regulation adopted by the Board pursuant to this section; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(C) The operator becomes ineligible to obtain a license or permit.

(D) The cost or fee required to be paid by this section is not paid.

(E) Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult-oriented establishment.

Nuisances 5.11(h)(2)

(2) The Board, before revoking or suspending any license or permit, shall give the operator at least 10 days' written notice of the charges against him, and the opportunity for a public hearing before the Board, as hereinafter provided.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(4) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six months from the date of revocation of the license.

(i) Physical Layout of Adult-Oriented Establishment.

Any adult-oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(1) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment, and shall be unobstructed by any door, lock or other control-type devices.

(2) Construction. Every booth, room or cubicle shall meet the following construction requirements:

(A) Each booth, room or cubicle shall be separated from the adjacent booths, rooms and cubicles and any non-public areas by a wall.

(B) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

(C) All walls shall be solid and without any openings, extended from the floor to a height of not less than 6 feet and be light colored, non-absorbent, smooth textured and easily cleanable.

(D) The floor must be light colored, non-absorbent, smooth textured and easily cleanable.

(E) The lighting level for each booth, room or cubicle, when not in use, shall be a minimum of 10 foot candles at all times, as measured from the floor.

(3) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(j) Responsibilities of the Operator.

(1) Every act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to

Nuisances 5.11(i)(2)

supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(2) Any act or omission of any employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(3) No employee of an adult-oriented establishment shall allow any minor to loiter around or frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(4) The operator shall maintain the premises in a clean and sanitary manner at all time.

(5) The operator shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all time. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles; provided, however, at no time shall there be less than one foot candle of illumination in said aisles, as measured from the floor.

(6) The operator shall insure compliance of the establishment and its patrons with the provisions of this section.

(k) Administrative Procedure and Review.

Chapter 68, Wisconsin Statutes, concerning contested cases shall govern the administrative procedure and review regarding the granting, denial, renewal, non-renewal, revocation or suspension of a license.

(m) Penalties and Prosecution.

(1) Any person, partnership, or corporation who is found to have violated this section shall be fined a definite sum not exceeding \$250 and shall result in the revocation of any license.

(2) Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

**5.12 FIREWORKS**

(a) Sale of Fireworks Prohibited.

The sale of fireworks within the Town of Lisbon, as that term is defined in Wis. Stat. § 167.10, is prohibited.

(b) Penalty.

Any person violating the terms of this provision shall be subject to a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00), together with costs and penalties as may be assessed by the court, for the first such occurrence,

Nuisances 5.12

and a sum of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00), together with costs and penalties as may be assessed by the court, for any second or subsequent violation of this ordinance with a period of six (6) months from the date of the first violation.

## **ADDEMDUM C**

### **CHAPTER 14**

#### **MOBILE HOMES AND MOBILE HOME PARKS**

**14.01 DEFINITIONS.** Whenever used in this ordinance unless a different meaning appears from the context:

(a) Mobile Home

A unit designed to be towed or transported and used as a residential dwelling, but does not include such units used primarily for camping, touring, or recreational purposes. Refer to HSS 177.03(5). For purposes of this ordinance, mobile home shall mean nondependent mobile home.

(b) Mobile Home Park

Any plot or plots of ground upon which 2 or more units, occupies for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

(c) Nondependent mobile home

A mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.

(d) Park

Mobile home park.

(e) Person

Any natural individual, firm trust, partnership association or corporation.

(f) Space

A plot of ground within a mobile home park, designed for the accommodation of one mobile home unit with a minimum of 5,000 square feet in area with a width of not less than 50 feet except as hereafter further restricted.

(g) Unit

A mobile home unit.

#### **14.02 LOCATION OUTSIDE PARKS**

(a) Except as provide in this section, it shall be unlawful for any person to park any mobile home on any street, alley, highway or town road or other public place, or on any tract of land owned by any person, within the Town of Lisbon

(b) Emergency or temporary stopping or parking is permitted on any street, alley, highway or town road for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or town road.

(c) No person shall park or occupy any mobile home on any premises which is situated outside an approved mobile home park, without first obtaining a special

permit as provided in sub. (3) below. The parking of only one unoccupied mobile home in an accessory private garage building or in a rear yard is permitted providing no living

Mobile Home 14.03

quarters shall be maintained or any business conducted in said mobile home while such mobile home is so parked or stored.

(d) This ordinance shall not apply to any mobile home occupied by person within the Town of Lisbon but outside a mobile home park prior to January 1, 2000. However, if the ownership of said mobile home changed after January 1, 2000, all of the provisions of this chapter shall apply.

#### **14.03 PERMIT FOR LOCATION OUTSIDE OF MOBILE HOME PARK.**

(a) The Building Inspector may issue special written permits allowing the location and occupancy of a mobile home outside of a mobile home park for a period

not to exceed 6 months. The permit shall be granted only upon written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is granted. Not more than one mobile home shall be permitted to locate on any one premises outside of a mobile home park.

(b) Application for the permit shall be made to the town and shall state the name and permanent addresses of the occupants of the mobile home, the license number of their mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether the occupants are nonresident tourists, whether any occupant is employed in this state; the exact location of the premises, the name of the owner and the occupant of any dwelling on the premises and permission to locate; a statement of the nature and location of sanitary facilities and the permissions of the occupant of the dwelling house for their use; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or a parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and a toilet within 200 feet of the proposed location of the mobile home; and a statement of permission from the owner for their use.

(c) All occupants of any mobile home located outside of a mobile home park shall register with the Town Clerk as provided by state regulation. All provisions of this chapter and of state regulations governing the location, use and sanitation of mobile home located in a licensed mobile home park shall so far as they are applicable, apply to any mobile home located outside of such mobile home park.

#### **14.04 LIMITATIONS ON NUMBERS OF PARKS AND MOBILE HOME SPACES WITHIN PARKS; PROCEDURE FOR ESTABLISHING.**

(a) Any person may apply to the Town for a license to establish a new park, or to expand an existing park. The Town may grant the license or request for expansion if said application is in conformity with the provisions of this chapter and that the applicant can demonstrate that the new or expanded park will not adversely impact current school costs and traffic patterns

(B) Review: A decision of the Town made pursuant to sub. (1)(a) above, shall be subject to review pursuant to the procedures set forth in Chapter 68, Wis. Stats.

Mobile Home 14.05

#### **14.05 LICENSE FOR MOBILE HOME PARK; APPLICATION AND RENEWAL:**

(a) It shall be unlawful for any person to establish, operate or expand a mobile home park upon any property owned, leased, or controlled by him within the Town of Lisbon, without having first obtained a license for each such park from the Town Board.

(b) A license shall expire one year from the date of issuance, but may be renewed under the provisions of this chapter for additional one-year periods upon affirmative showing of the applicant that they are in compliance with provisions of this chapter.

(c) The license is not transferable without prior approval of the Town Board and a transfer fee of ten dollars (\$10).

(d) The application for such license or the renewal thereof shall include a surety bond in the sum of Five Thousand Dollars (\$5,000). Said bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in this chapter, and the payment of such fees to the Town Treasurer. The bond shall also guarantee payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of this chapter. All payments for violations of this chapter must be paid before a license is granted or renewed.

(e) The application for such license or the renewal thereof shall be filed with the Town Clerk and shall be accompanied by a fee of Two Dollars (\$2) for each space in the existing or proposed park and shall further include the name and address of the applicant, the name and address of the owner in fee of the parcel upon which the park is located (if the fee is vested in some person other than the applicant, a verified statement by that person the applicant is authorized by him to construct or maintain a mobile home park thereon and to apply for the license is required) and the location and legal description of the premises upon which the mobile home park is to be or is located. The application or renewal shall be accompanied by two copies of a park plan, with the following:

(1) For new applications, a scale drawing showing the areas of the mobile home park used for park, playground and/or recreational purposes; roadways and driveways; location of spaces for units; location of all storm sewers, sanitary sewers, water supply lines, laterals and connections, fire hydrants (if any), electric lines, telephone lines, TV antenna lines and cable TV lines, all of which shall be underground;

(2) A method for warning residents of tornadoes or other severe weather emergencies and advising residents of appropriate tornado or severe weather emergency procedures. Said procedures shall be posted in a prominent place in the park's office or administrative building and a copy shall be provided

to each unit existing in the park and thereafter to any resident entering into a lease or a renewal of a lease with the park owners;

Mobile Home14.05(e)(3)

(3) A method of sewerage disposal to insure all wastewater from units and other buildings within the park shall be discharged into a sewerage system approved by the Town Building Inspector in accordance with the Town Building code and any rules and regulations of the Department of Natural Resources and the Department of Commerce. Every space designed to service a mobile home shall be provided with sewer connections, which shall comply with the State Plumbing Code. In existing parks, a letter shall be required from the DNR that the wastewater treatment plant serving the park has adequate capacity for the number of spaces and population of the park and that it is operating in compliance with its permit, or if overloaded or not in compliance, that the park wastewater treatment plant will comply with the provisions of its permit within a reasonable time. No disposal from any other source other than the mobile home park units and other buildings located within the mobile home park shall be allowed;

(4) Method for water supply to insure a minimum of 125 gallons per day of pure water for drinking and domestic purposes for each space. The water supply system shall be adequate to maintain 20 pounds per square inch of pressure throughout the system at all times except when the system is used for fire fighting or during times of maintenance;

(5) Lighting of units and public areas, including walkways and roads;

(6) Provision of electric service of at least 100 amperes capacity to each unit. Such service shall be equipped with an externally operated switch, fuse box or circuit breaker. Each unit shall have both 110 and 220 volt service available;

(7) Two off-street parking spaces per unit for all spaces, (excepting three spaces located in Willow Springs Mobile Home Court);

(8) Screening in the form of shrubs or trees along public roadways or boundary lines where necessary for the protection of aesthetic values;

(9) For any space created after 1980, a minimum setback of any unit or structure of at least 40 feet from any exterior boundary line;

(10) For new applications, proof of financing in the form of a letter from a lender or proof of financial responsibility, if financing is not required, in the form of a letter from an adequate credit reference;

(11) Detailed rules and regulations;

(12) Proposed rules and standard form of lease agreements, which shall comply with Wisconsin statutes and the Wisconsin Administrative Code.

f) Inspection: No mobile home park license or renewal thereof, or permit for location outside of a licensed mobile home park, shall be issued until the Town Board, or its authorized agents, have inspected the premises on which the park or expansion hereof will be or is located to insure compliance with this chapter. For the purpose of making inspections and securing enforcement, the Town Board or its authorized agents

Mobile Home 14.05(g)

shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

g) Upon receipt of application and supporting data as required by this chapter, the Town Board may consider whether said application conforms with the following factors:

(1) The zoning district in which proposed mobile home park will be located.

(2) Suitability of the land for the proposed use.

(3) Density and setback requirements as defined herein.

(4) Whether the location will cause or create any problems to surrounding landowners or to the Township as far as general health, pollution, noise, depletion of underground water sources, aesthetic values, and adequacy of public roads to carry the increased load of traffic.

(5) Whether the proper state and local health, sanitation, fire, building, and education agencies have been consulted or should be consulted before a decision by the Board.

(6) Whether the application, plans, rules and supporting materials as submitted are in complete compliance with this chapter and the intent of the Township in adopting the same.

(7) Whether the plans contain suitable and sufficient open areas within the park for the common, recreational use by the residents of the park.

(8) Whether the application, plans, rules and supporting materials as submitted indicate that the park complies with the requirements of applicable county ordinances and state statutes, rules, orders or administrative codes.

(9) Whether the mobile home park is located on a well-drained area, is properly graded, and prevents the accumulation of storm or other waters.

#### **14.06 DENSITY, OFFSET AND ROAD REQUIREMENTS**

(a) There shall be no more than 8 spaces per acre of land. The area occupied by service buildings, recreation areas and roads shall be deleted from the gross total area before computing the number of spaces.

(b) Side lot requirements of the Waukesha County Zoning Ordinance shall apply to individual mobile home spaces, except that where the width of mobile home exceeds 12 feet, side yard shall increase two feet for each foot over 12 foot width.

(c) The mobile home park shall be so arranged that all spaces shall face or abut on a park road. The right-of-way of all park roads shall be not less than 33 feet in width. The traveled portion on a one way park road shall be not less than 16 feet. The traveled portion shall be no less than 24 feet of a two way park road. Such park roads shall give easy access from all units to a public street or highway and shall be paved and

Mobile Home 14.07

maintained in good condition, having natural drainage, be well lighted at night and shall not become town roads. If deemed necessary by the Town to provide for adequate fire protection and emergency medical services and to promote orderly traffic flow and prevent traffic congestion and hazards, the Town may require that a park provide two (2) or more separate entrances/exits to public streets or highways with two way park roads.

#### **14.07 MANAGEMENT**

(a) In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this chapter shall be posted therein and the register of all park residents shall at all times be kept in said office.

(b) It is hereby made the duty of the attendant or person in charge together with the licensee, to:

(1) Keep a register of all park tenants or residents, to be open at all times to inspection by state and federal officers and by the Town, which shall include for all tenants or residents:

- (A) Names and addresses
- (B) State of legal residence
- (C) Dates of entrance and departure of each mobile home.
- (D) Make model, year and serial number of each mobile home.

(2) Maintain the park in a clean, orderly and sanitary condition at all times.

(3) Insure that the provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violations of law, which may come to their attention.

(4) Maintain a protection system as may be required by the Town and State.

(5) Prohibit the lighting of open fire on designated spaces.

(6) Contact the Building, Electrical and Plumbing Inspectors and Town Assessor at least one week prior to the installation of a new mobile home, replacement of a mobile home with another unit or when an addition to a mobile home is constructed.

(7) Supervise the placement of each mobile home on its stand, which includes securing its stability and installing all utility connections and tie downs. Insure that wheels and axles shall remain with the mobile home.

(8) Provide for the sanitary and safe removal and disposal of all refuse and garbage. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the ordinances and regulations of the Town.

#### Mobile Home 14.07(b)(9)

(9) Maintain in good condition all pavements, outdoor lighting, electrical wiring and all other utility connections with the park.

(10) Maintain in good condition trees, bushes, and other landscaping within the park and trim if interfering with wires, utilities or impinging upon access to mobile homes by emergency vehicles.

(11) Insure that sheds are not placed within ten feet of the mobile home, or within five feet if constructed with a firewall.

(12) Notify park occupants of their duties and responsibilities under this ordinance.

(13) Provide each unit with an address number to be affixed to the mobile home. Said numbers shall be 2 ¼ " wide by 3 ½ " high. The assigned address numbers shall be black on white or a reflective background and be installed at a place clearly visible from a traveled roadway.

### **14.08 APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.**

All plumbing, electrical, building and other work done on or at any park licensed under this section shall be in accordance with the ordinances of the Town of Lisbon and the requirements of the State Plumbing, Electrical and Building codes promulgated by the Department of Industry, Labor and Human Relations, and the regulations of the Department of Natural Resources. Licenses and permits granted no right to erect or repair any structure, to do any plumbing work or to do any electrical work.

### **14.09 PARKING FEE**

There is hereby imposed on each owner or operator of a mobile home park licensed herein for each occupied space a monthly parking permit fee as set forth in sec. 66.058, Wis. Stats. (1997-98) which is part of rent. Any future amendments, revisions, or modifications of sec. 66.058 Wis. Stats. as incorporated herein are intended to be made part of this chapter.

### **14.10 PERMISSION TO OCCUPY**

No individual site may be occupied by a tenant until construction on that site has been completed in accordance with the plans and specifications as approved by the Town Board and the required sewer, water, and utility service connections are available

to that site so that a mobile home located thereon may and shall function as an independent mobile home unit.

#### **14.11 REVOCATION OR SUSPENSION OF LICENSES**

The Town Board may suspend or revoke any license or permit issued pursuant to the terms of this ordinance in accordance with the provisions of sec. 66.058(2), Wis. Stats. Any future amendments, revisions, or modifications of sec. 66.058(2) Wis. Stats. as incorporated herein are intended to be made part of this chapter.

Mobile Home 14.12

#### **14.12 OCCUPANTS**

Responsibilities and duties of mobile home park mobile home park occupants shall comply with all applicable requirements of this chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.

(a) Mobile home park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management. The wheels and axles must remain with the home.

(b) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.

(c) Each owner or occupant of a mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee required by this chapter.

(d) It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with this chapter or any law or ordinance of the state or town of lawful regulation or order adopted thereunder.

(e) Mobile homes shall be parked only on the mobile home stand provided and shall be placed thereon in accordance with all requirements of this chapter.

(f) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity, which would not be permitted in single-family residential districts in the town.

(g) No person shall discharge any wastewater on the surface of the ground within any mobile home park.

(h) Storage of flammable materials, such as wood, cloth, or plastics under mobile homes is prohibited.

(i) No person shall erect upon any mobile home space, any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this chapter.

#### **14.13 DILAPIDATED MOBILE HOMES**

Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the town. The Building Inspector shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance.

Mobile Home 14.14

Whenever the Town so determines it shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by the licensee, giving the findings upon which the determination is based and shall order such home removed from the mobile home park or site, or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time.

#### **14.14 ATTACHMENTS TO MOBILE HOMES**

(a) All mobile homes in mobile home parks shall be skirted unless the unit is placed within one foot vertically of the stand with soil or other material complete closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

(b) No person shall construct, alter, or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the town. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This subsection shall not apply to addition of awnings, antennae or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.

#### **14.15 PENALTIES**

(a) The penalty for violation of any provision of this chapter shall be a forfeiture of between \$50 and \$500 together with any appropriate court costs and fees.

(b) Continuing violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the Town of Lisbon from maintaining any appropriate action to prevent or remove violation of any provision of this code.

(c) Other remedies. The Town of Lisbon shall have any and all the remedies afforded by the Wisconsin Statutes or common law in addition to the forfeiture and costs of prosecution of the above.



ADDENDUM E

# Design Standards

FOR  
TOWN OF LISBON

Industrial/Business Park Special Use and Commercial Special Use Zoning Districts  
(herein referred to as the Special Use Districts)

Adopted \_\_\_\_\_

## DESIGN STANDARDS

### **Design Goals:**

The Town of Lisbon (Town) has adopted a Land Use Plan to guide future development and redevelopment in the Town. The Plan's goals seek to maintain a small town atmosphere, and the use of green-space in such developments. These design standards are intended to define and enforce criteria for quality development that meets the goals stated above. The following design standards are established to apply to all new structures and uses, and to changes or additions to existing structures and uses in the Special Use Districts.

### **Design Objectives:**

In order to assure that development projects conform to the goals in the Land Use Plan, the Town hereby adopts these design review standards to guide planning decisions by the Town Plan Commission, Town Board and Joint Planning Committee (JPC) for areas within the Special Use Districts.

### **Design Policy:**

All proposed development projects shall be initially reviewed by the Town Plan Commission for recommendations and acceptance or rejection. The project shall materially adhere to the standards outlined in this document. Any variances from these standards must be approved by JPC, Town Plan Commission and Town Board, as applicable, based upon findings by the Town Engineer, and Town Administrator or his/her designee. All of the sections listed in the Design Contents must be satisfactorily met before approval will be given to the project.

Some design standards may be more stringent based on standards found in other duly adopted plans or other Plans the Town Board may pass from time to time.

<b>Design Contents:</b>	<b>Pages</b>
SECTION 1 SITE PLANNING	3-4
SECTION 2 LANDSCAPING	5-8
SECTION 3 PARKING	9-10
SECTION 4 BUILDINGS AND STRUCTURES	11-12
SECTION 5 SIGNAGE	13-14
SECTION 6 PEDESTRIAN ORIENTATION	15-16
SECTION 7 LIGHTING	17
SECTION 8 ENVIRONMENTAL PROTECTION	18
SECTION 9 DESIGN STANDARDS AMENDMENT	19
SECTION 10 DEFINITIONS	20-21
SECTION 11 ADDITIONAL DESIGN STANDARDS AREAS OUTSIDE OF THE JPC JURISDICTION	22

## SECTION 1 SITE PLANNING

**Purpose:** The intent of this section is to develop quality site plans that promote green space, pedestrian access, and quality of life enhancements. The standards apply for all areas of the Special Use Districts, but the reader should be aware that specific plans may require more specific standards.

### 1.1 Development Concepts

- (A) Developments shall be designed as visible commercial, business or industrial sites, with defined public use activity centers, perimeters composed of roadways or common open spaces, and a strategy for transitioning vehicle, bicycle, and pedestrian circulation. Differing uses shall be clearly defined by attractive measures of transitioning traffic flow from the perimeters to the center. The developer shall provide convenient and attractive pedestrian and vehicular connections between all areas including retail/business, and recreation uses and the transition strategy shall include the use of landscape buffers, pedestrian walkways, and/or architecturally similar building designs.

### 1.2 (Intentionally Blank)

### 1.3 Traffic and Utilities

- (A) Entry points shall be consolidated to minimize traffic conflicts, congestion, and to create an easily identifiable circulation system. A traffic study may be required to determine the proper circulation pattern.

The Town Engineer shall determine the need for a Traffic Study based on site specific conditions.

- (B) Appropriate distances shall be maintained, as determined by the government agency with jurisdiction for the road, between intersections along arterial streets for safety and ease of traffic flow.
- (C) Intersections on local roads shall be no less than 250 feet apart for safety and ease of traffic flow unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (D) Snow storage areas shall be delineated on the site plan to ensure snow can safely be removed from parking and driving areas without damaging landscaping or illegally placing snow in the public right of way.
- (E) Development shall incorporate opportunities for future public transit services.
- (F) All Utilities shall be placed underground unless such placement is found to be unrealistic as determined by the Town Plan Commission and JPC based on studies conducted by, and recommendations submitted by the Town Engineer.

(G) When designing storm water facilities the designer of the facilities shall think about the impact of water coming onto the site from other areas, how the sites design will impact water quality after flowing across the site, and how water will leave the site. Attention to how the facilities can positively affect the quality of the site design should also be taken into consideration.

(H) Lighting shall be incorporated into developments so that it does not impose on adjacent land uses. The lighting used shall be consistent with the architectural theme of the building and of the neighboring buildings. The lighting structure shall be as minimal in height as possible. The lighting shall follow the Land Use Plan or other Plans as may be approved from time to time by the Town. See Lighting Section 8 for more information.

#### 1.4 Open Space and Recreation

(A) Sidewalks, walkways, pathways and or bike paths shall be installed by the Developer in any areas designated in the Comprehensive Land Use Plan or other plans as may be approved from time to time by the Town.

## SECTION 2 LANDSCAPING

**Purpose:** The intent of this section is to develop quality landscaping that promote green space, protect established trees, and create other quality of life enhancements. The standards apply for all areas of the Special Use Districts, but the reader should be aware that specific plans may require more specific standards.

### 2.1 Landscaping and Buffering Standards

- (A) Berms shall be used to screen high traffic areas from residential homes, break up the visibility from the roadway of large areas of parking, and create separation from dissimilar uses that are adjacent to each other. Berms shall be built with side slopes not exceeding one foot vertical by three feet horizontal unless otherwise approved by the Town Plan Commission and shall be maintained with grasses or alternative landscaping satisfactory to the Town Plan Commission and JPC. The buffering shall be in harmony with terrain adjacent to the development site. The developer shall have provisions for ongoing maintenance such as mowing and weed management of the berms.
- (B) Extensive landscaped areas and open spaces shall be in place to reduce the visual intensity of developments in a manner that is consistent with the low intensity countryside character desired in the Town's Land Use Plan. Use buffers and screens, either with landscape, structural, or earthen features to separate vehicular and pedestrian areas, and to beautify/screen parking lots and buildings from the view of the street or other neighboring parcels.
- (C) Determining Required Land Use Buffer and Landscape Design: An appropriate land use buffer and landscaping shall be provided between uses based on the intensity of the uses. The greater variance of intensity between adjacent land uses, the higher level of buffering and landscaping shall be provided. Definitions of intensity factors used to determine buffering are defined in the tables shown below.

1. The first step in determining the buffer and landscaping required is to calculate the numerical difference between the land use intensity (LUI) factors of the two adjoining uses from Table 1.

*Example A: If a general commercial project is proposed on a site that borders existing lands zoned for residential density of four to eight units per acre, the calculated Land Uses Intensity difference would be (General Commercial LUI Factor = seven) minus (Res. four to eight units per acre LUI Factor = three) equals an LUI difference of four.*

2. The second step in determining a land use buffer and landscape requirement is to adjust the numerical difference between land use intensities for any intervening road, drainage or utility right of way or easements that separate the sites. The difference between LUI factors shall be reduced as noted on Table 2.

*Example B: If the general commercial project from Example A was separated by a local road from the residential density of four to eight units per acre, the adjusted*

*LUI Factor would be (LUI Difference = four) minus (Local Road deduction = one) equals adjusted LUI Difference of three.*

3. The resulting final land use intensity difference is then used to determine the buffer and landscape design type in Table 3.

*Example C: Using the adjusted LUI difference of three from Example B the required buffer width would be 20 feet between the proposed project and existing residential property.*

*Example LUI Calculation*

$$\begin{array}{rcccccc} \text{(General Commercial <.65 ISR)} & \text{minus} & \text{(Residential 4-8 units/acre)} & \text{minus} & \text{(Local Road)} & \text{=} & \text{(Adjusted LUI)} \\ 7 & - & 3 & - & 1 & = & 3 \end{array}$$

4. The following guidelines can be used to help determine the appropriate buffer and landscape design.
  - a. The buffer and landscape requirements are calculated per each side of a parcel (North, East, West, and South) and may often times be different for each side of a parcel depending upon the adjacent uses or roadways in any particular site.
  - b. The total landscaping requirements once determined for each side can be added together for the site and allocated on the site as deemed appropriate by the Town Plan Commission to accomplish the goals of beautifying/screening parking, accessory structures, and dock doors, and enhancing buildings. Buffer distances must be maintained in each side as required by Table 3 to protect the separation required in that side of the property.
  - c. The lineal feet measurement used in Table 3 is calculated by measuring the entire length of the property line on each side of a parcel. The lineal feet measurement of a side is reduced by the portion of the length of the primary building facing that side where no parking lot is found on a perpendicular tangent between the building and the property line on that side and when the building has no dock doors on that side of the building.
  - d. In no case shall a landscaping requirement be less than zero.
  - e. Parking lots may have special buffering and landscaping requirements as listed in Section 3 Parking.

## Land Use Intensity Charts and Diagrams

(The Chart is shaded to represent the example from page 5.)

### Table 1 – Land Use Intensity Factor

Land Use	LUI Factor	Land Use	LUI Factor
Office: Less than .60 ISR and 2 stories or less	5	General Commercial: Less than .65 ISR	7
Office: .60 - .65 ISR and 2 stories	6	General Commercial: .65 ISR or greater	8
Office: Over .65 ISR or over 2 stories	7	Heavy Commercial	9
Residential : Less than 4 units per acre	1	Warehouse/Light Manufacturing	8
Residential: 4-8 units per acre	3	Manufacturing	9
Residential: 9-20 units per acre	6		

Notes to Table 1.

1. Impervious surface ratio (ISR) is the amount of land covered by buildings, overhangs, porches, canopies and pavement to the amount of land covered by landscaping.
2. Office includes office and medical office uses, and the office fronts of office/warehousing buildings. Special uses in office zones shall require additional buffering, based on their intensity.
3. "General Commercial" is defined as uses that do not have outside activities such as night use drive-up windows, gasoline sales, significant late night parking lot activity or similar impacts adjacent to the lower intensity land use. (i.e. Hardware Store, Non-Drive Thru Restaurants, Drug Stores).
4. "Heavy Commercial" is defined as all other commercial uses not included in note three. (i.e. Department Stores, Movie Theatres, Grocery Stores).
5. For vacant land, the land use intensity shall be assumed to be based on current zoning or land use plan designation, whichever is the most intense.

**Table 2. Intervening Right Of Way Credit**

**Table 3. Land Use Buffer/Landscape Design**

Right-Of-Way or Easement Width	Reduction of LUI Difference	Buffer Type Planted/100 Lin. Ft. of Buffer				
		(LUI Diff.)	Width (ft.)	Shade Trees	Evergreen Trees	Shrubs
<b>Local Road</b>	<b>1</b>	<b>0-3</b>	<b>20</b>	<b>2</b>	<b>6</b>	<b>20</b>
<b>Collector Road</b>	<b>2</b>	<b>4</b>	<b>30</b>	<b>3</b>	<b>8</b>	<b>25</b>
<b>Arterial Road</b>	<b>4</b>	<b>5</b>	<b>40</b>	<b>3</b>	<b>10</b>	<b>35</b>
<b>Limited Access HWY</b>	<b>6</b>	<b>6-8</b>	<b>50</b>	<b>6</b>	<b>14</b>	<b>45</b>
<b>Utility or Drainage Easement (feet)</b>						
<b>20 to 50</b>	<b>1</b>					
<b>51 to 100</b>	<b>2</b>					
<b>101 to 150</b>	<b>3</b>					
<b>151 or more</b>	<b>4</b>					

## 2.2 Other General Landscaping Guidelines

- (A) Ample green space at least 30 feet in width along arterial roadways and 25 feet in width along other right-of-ways, except where smaller setbacks are required by other Plans as may be approved from time to time by the Town. Development bordering federal, state, and county highways shall also meet this requirement and include landscape plantings.
- (B) Improve roadway visual quality through the use of vegetation and streetscape amenities consistent with neighboring properties and within the Special Use Districts. There shall be streetscape amenities along arterial streets consistent with overall styles as documented in the Town Design Standards, Land Division Ordinance, or other duly adopted Town Ordinances or Plans. Some examples of streetscape amenities include benches, monuments, decorative lighting, etc.
- (C) All entranceways must have a landscaped area to include a monument sign of stone, marble, brick, or similar type materials including a landscaped plan approved by the Town Plan Commission. The monument sign may be placed in the landscape terrace area if deemed appropriate by the Town Plan Commission.
- (D) (Intentionally Blank)
- (E) Commercial, Business or Industrial developments shall include one or more planting areas that shall feature natural landscaping materials, such as vegetation (trees, bushes, etc.) stone, brick or wood, to soften the visual impact of principal buildings on the site and to enhance the desired small town feel of the development. Planting areas are to be placed near the main entrances to the principal structures on the site.

### SECTION 3 PARKING

**Purpose:** The intent of this section is to develop quality parking that promotes public safety, pedestrian friendliness, and quality of life enhancements. The standards apply for all areas of the Special Use Districts but the reader should be aware that specific plans may require more specific standards.

- (A) Parking facilities shall include a 30 feet setback from the right of way on arterials, other street yard setbacks are 25 feet from the right of way. Side and rear yard setbacks are a minimum of 5 feet to property line.
- (B) Parking facilities over 1 acre shall include public activity center features at major access points to key buildings and shall be designed for orderly egress and ingress.
- (C) Parking lot, street way, and walkway lighting shall not impact upon adjacent residential areas, but shall be well lit to provide safe transportation.
- (D) Promote shared parking facilities to minimize visual impacts of expansive lots. Shared parking facilities shall have a shared parking facility agreement.
- (E) Parking facilities shall include the use of strategically placed islands of natural landscaping material to break up expanses of paving. This will:
  - 1. Create multiple small parking lots in the place of a few large lots to increase the visual quality of public areas.
  - 2. Divide up the "seas" of parking by designing individualized parking precincts for the various uses in a mixed use neighborhood.
  - 3. Maintain and end island area next to the last parking stall in the row to provide adequate turning and maneuvering room.
- (F) Parking facilities shall maintain safety and pedestrian comfort within parking and circulation areas. To accomplish this:
  - 1. Parking lots shall not directly abut buildings on a site, but shall be transitioned by a pedestrian walkway at least five feet in width. The transition shall also include landscaping or amenities to present a safe and attractive border to the parking lot.
  - 2. Parking lots in all districts containing more than 20 spaces shall provide clearly defined pedestrian walkways between the parking area and buildings located on the site. Pedestrian walkways shall be provided at a minimum of one walkway for each six lanes of parking. More stringent requirements may be required if the Town determines it to be appropriate for pedestrian safety reasons.
- (G) Commercial parking lots shall not be located in the street yard. A variance may be granted by the Town Board if the public good would not be served by having only side or rear yard parking. The variance shall allow for no more than 10% of the total parking spaces to be

allowed in the street yard and those spaces must be blocked from the street view by a combination of landscaped berms, evergreen trees, and shrubs. Acceptable view blockage shall be based on site topography, views from adjacent sites, and locations of landscaping and structures on the site.

## SECTION 4 BUILDINGS AND STRUCTURES

**Purpose:** The intent of this section is to develop quality buildings that reflect the development patterns of the area while still promoting a modern appeal that meets the needs of citizens and quality of life enhancements that citizens have come to expect in the Town. The standards apply for all areas of the Special Use District, but the reader should be aware that specific plans for certain areas may require more specific standards.

### 4.1 General Building Materials and Architectural Details

- (A) Town standards will take precedence over any national or regional branding.
- (B) Building facades shall not be capped by long unbroken structural lines or repeating of monotonous design. Building facades that use varying setbacks are encouraged.
- (C) Building material and architectural details shall maintain continuity and rhythm with each other to develop an appropriate building character for each designated area. To accomplish this:
  - 1. The exterior of all buildings shall be made of natural materials, (wood, brick, stone, or decorative masonry block, etc.) and no metal exteriors are allowed.
  - 2. Facades of buildings shall maintain no more than 50% of each length of elevation without some type of window, door openings, or architectural articulation to prevent large expanses of unbroken wall. All four sides of a building shall be articulated for four sided architecture.
  - 3. Roof material that is visible should be dimensional shingles and color to be consistent with building color. Metal roofs shall only be considered in rare occasions for commercial buildings if the metal roof is deemed to be significantly tied to the style of architecture for the building and fits with the small town feel of the Town. Metal roofs shall be limited to entrance features such as canopies and gables visible from the street frontage.
  - 4. At street corners the buildings should have well designed entrances angled towards the center of the intersections with tall building features and unique signage visible in all directions.
- (D) Refuse structures, mechanical equipment, loading docks, etc. should be screened and designed to have very limited impact on neighboring properties. Refuse structures shall be constructed of material that matches the building exterior so as to blend with the overall architecture of the site and must have a gate.

### 4.2 Commercial, Business and Industrial Structures Building Materials and Architectural Details

- (A) Commercial, Business and Industrial Structures shall use the traditional architectural features found in the area, including but not limited to; use of natural stone products, gable roofs, parapets and etcetera. To accomplish this:

1. Commercial clusters shall provide a common small town theme emphasizing a sense of community. Any branding shall be minimized and adjusted so as to not distract from the architectural themes of the Town.
  2. Structures with side or rear public exposure shall include use of the same architectural features found on the front of the building.
  3. Structures shall provide a human scale along street corridors by encouraging store front windows, covered walkways, and highlighted entrances.
- (B) Commercial structures shall not be flat roofed rectangular commercial structures. They may have facades with articulated lines to delineate sections.
- (C) Refuse containers, mechanical equipment, loading docks, etc. should be screened and designed to have very limited impact on neighboring properties.

#### 4.3 (Intentionally Blank)

## SECTION 5 SIGNAGE

**Purpose:** The intent of this section is to develop quality signs that promote the development patterns of the area and assist with the architectural feel of the neighborhoods the signs will be located in. The standards apply in the Special Use Districts, but the reader should be aware that specific plans may require more specific standards.

### 5.1 General Signage Architectural and Design Standards

- (A) Town standards will take precedence over any national or regional branding.
- (B) Signs shall be coordinated with the architecture of the building and with each other if multiple signs exist on one site so as to present a consistent, planned image. Any specific branding must be interwoven into the architecture of the building so as to not detract from the architectural feel of the Town. Buildings with more than one tenant shall coordinate the "tenant" signs into one consistent image.
- (C) Maintain appropriate scale of signs consistent with their use, i.e. larger signs for vehicular traffic areas, and smaller signs for pedestrian use area.
- (D) Limit the number of lettering styles, colors and pieces of information that are permitted on signs to promote legibility.
- (E) All signs shall be properly maintained according to Town Ordinances.
- (F) Signs shall not cause a distraction or otherwise impair the safety of drivers of pedestrians. To accomplish this:
  - 1. Illuminated signs shall not produce glare that impacts neighboring buildings, or driver's ability to safely drive.
  - 2. Neon signs shall not be used for primary signage. Secondary signage may be granted if tastefully designed, minimal in size and not distracting to the overall architectural feel of the building.
  - 3. Signs shall not be flashing, rotating, contain exterior moving parts, contain reflective elements that distract motorist except time and temperature signs are allowed.

### 5.2 Ground and Monument Signage Architectural and Design Standards

- (A) Ground signs should be constructed and framed with natural materials such as brick or stone, and the address must appear on sign. Framing shall include a base and side pillars although in some cases only one side pillar may be required if the design of the sign fits with the architectural feel of the building it is representing. The sign face itself is not required to be of that natural material, but is encouraged. The Town Plan Commission may determine that other material is appropriately comparable or if the alternative material is specifically allowed within the Special Use District.

- (B) Monument Signage develops focal points in the community that create a sense of place and promote the Town's development patterns. Development projects shall highlight the entry points and boundaries of the related areas with monument signage.
- (C) Monuments shall be constructed and framed with natural materials such as stone or brick. Framing shall include a base and side pillars unless otherwise approved by the Town Plan Commission. For Commercial, Business and Industrial Monuments the address of the complex shall be listed on the sign.
- (D) Monument sign lettering and logos shall be constructed of cast metal or sandblasted natural material unless otherwise approved by the Town Plan Commission.
- (E) Lighting of monument signs shall use either ground mounted floods or overhead indirect lighting featuring a decorative shed roof.
- (F) Ground and Monument signage encourage a sense of place and roadside character through the placement and architectural link with landmark buildings, architectural facades, and public spaces.

## SECTION 6 PEDESTRIAN ORIENTATION

**Purpose:** The intent of this section is to provide for development that promotes "livability" through green space, pedestrian access, and quality of life enhancements. It is also the intent of the standards to enhance the pedestrian experience, encourage walking, and promote safety. The standards apply to Special Use Districts, but the reader should be aware that specific plans for certain areas may require more specific standards.

- (A) Developments shall provide for pedestrian connections between private buildings, the public sidewalk and trail systems. To accomplish this:
1. Where, upon recommendation from the Town of Lisbon Plan Commission and JPC, the developer shall provide a 6 feet wide pedestrian way along the frontage of development where said development abuts on a State Trunk Highway or County Trunk Highway. Said walkway shall be hard surfaced per the Town of Lisbon Paving Specifications.
  2. Pedestrian walkways within a development shall be linked to any existing or planned public walkway or sidewalk abutting the development.
  3. Parking lots shall have clearly defined and accented pedestrian ways to accommodate safe passage from parked vehicles and connections to offsite walkways or bike paths.
  4. Walkways paralleling driveways and parking lots in commercial areas shall be at least five feet wide to provide for easy passage of two pairs of walkers.
  5. Walkway designs should not force pedestrians to back track past stores in order to exit the area.
  6. Bicycle parking spaces shall be provided within business and office districts in convenient and secure locations.
  7. Installation of dedicated Town sidewalks must have a minimum width of 6 feet.
- (B) Developments shall provide for pedestrian-scale public spaces and amenities at the entrance to buildings. To accomplish this:
1. Information and directory signs shall be provided for pedestrians.
  2. Developments shall include special paving and vegetation to highlight commercial building entrances and vehicular/pedestrian intersection crosswalks. Crosswalks adjacent to building entrances that service over 50 parking spaces shall be of a contrasting pavement treatment.
  3. Businesses are encouraged to provide attractive store fronts and outdoor cafes along walkways. Pedestrian corridors shall avoid use of blank building walls, parking lot intrusion, and unattractive design features along the walkway.

4. Amenities such as drinking fountains, benches, and bike racks should be incorporated in walkways/pedestrian areas within parking lots.
- (C) Developments shall enhance pedestrian safety. To accomplish this:
1. Pedestrian walkways shall be separated from auto roadways.
  2. Pedestrian ways shall be visually open, and well lighted to promote a feeling of personal safety.
  3. Pedestrian crossings shall not require crossing more than two lanes. Where pedestrian crossings exceed two lanes, a safety island or other crossing device shall be used to minimize the traffic lanes needing to be crossed at one point.
  4. Vehicle speeds shall be reduced at pedestrian crossings by use of a combination of signage, curb extensions, rumble strips, or other traffic control devices.
  5. Attractive and safe pedestrian areas should be created by placing buildings close together and focused towards public areas. Walking distances between parking and popular destinations should be minimized.

## SECTION 7 LIGHTING

**Purpose:** The intent of this section is to provide quality lighting that promotes safety and aesthetics. The standards apply for all areas of the Special Use Districts, but the reader should be aware that specific plans for certain areas may require more specific standards.

- (A) Decorative lighting fixtures shall be used to illuminate and highlight all walkways and sidewalks in business, office, industrial districts, and areas adjacent to the development that are designated for walking paths, sidewalks, or other pedestrian pathways.
- (B) Exterior lighting shall be architecturally integrated with the building style, material and colors.
- (C) Exterior lighting of the building and site shall be designed so that light is not directed off the site and the light source is shielded for direct offsite viewing. Decorative light fixtures (i.e., visible light) 12' or less in height may be permitted upon approval of the JPC and Town Plan Commission.
- (D) Fixture mounting height shall be appropriate for the project and the setting. The mounting height for small parking lots and service areas shall not be higher than 18 feet.
- (E) Light poles shall be no higher than 18 feet and the bases shall be buried. Where bases must be exposed they shall be painted to blend in with the surroundings or have a decorative base.
- (F) Where commercial lighting standards are necessary for public safety the development shall also utilize accent lighting on the perimeter of the development.
- (G) The placement of light poles within raised curb planter areas is encouraged except where lighting will be obscured by vegetation.
- (H) The use of vandal resistant well lighting is encouraged for lighting of monument signs.

## **SECTION 8 ENVIRONMENTAL PROTECTION**

- (A) Isolated Natural Resource Areas, and Primary and Secondary Environmental Corridors designated by the SEWRPC, Waukesha County and/or the Town of Lisbon Land Use Plan shall not be utilized for density requirements. These designated areas shall not be disturbed.
  
- (B) Wetlands, Streams, and Areas designated as navigable streams by the State of Wisconsin Department of Natural Resources must be protected. Wetland restoration and protection plans must be submitted to Town Staff and other agencies as required for approval before any land division or development plat or certified survey map is approved. A Stream restoration plan addressing aesthetics, drainage, and erosion must be approved by the Town Engineer and other agencies as required prior to execution of any land division or building permit on a subject property.

## **SECTION 9 DESIGN STANDARDS AMENDMENT**

Any Design Standards modification shall follow the following procedures.

1. Written request from the Plan Commission of either the Village of Sussex or the Town of Lisbon subsequent to a majority vote by said Plan Commission shall be received by certified mail of the second community.
2. Within 45 days of receipt of request for Design Standards modification a meeting of the JPC shall be held.
3. Upon a favorable recommendation of the JPC and Plan Commission of each community the Design Standards modification shall be forwarded to the Village and Town Boards for consideration.
4. With a majority vote of each board of the request to modify a Design Standard, said design modification shall be deemed approved.

## **SECTION 10 DEFINITIONS**

Active and passive parks – Active parks have higher intensity uses like softball, playgrounds, soccer, etc. Passive parks have low intensity uses like walking, sitting, nature watching, etc.

Arterial streets – These roads are main thoroughfares that connect large parts of the community with each other. Traffic is often heavier and faster than on other roads and arterials generally connect to highways and other roads that lead out of the community.

Battlemented parapets – This architectural feature is a low wall with open spaces "windows" projecting from the edge of a platform, terrace, or roof.

Bartizans – This architectural feature is a turret which is projected at an angle from a tower, a parapet or near a gateway.

Cubic – An architectural style with 2 stories without or with dormers on the next story, a small, front porch and pyramidal roof.

Curb extensions – This is a design where the curb is extended into the road to provide a shorter distance for a pedestrian to cross the traffic way.

DBH – is the diameter measured about the trunk of the tree at 4.5 feet above the grade. If a trunk splits than the measure is measured just below the split.

Human Scale – Development structures that are designed to emphasize the quality and functionality of a place from a pedestrian perspective.

Impervious surface ratio (ISR) – the ratio of impervious surfaces like asphalt, or buildings to pervious surfaces like grass on a specific parcel.

Isolated Natural Areas/Primary and Secondary Environmental Corridors – are areas designated by the Town of Lisbon, County, or State as areas that have concentrated aesthetic, cultural, recreational, and ecological value and should be preserved as natural open spaces.

Landscape Island is an area of green space dividing two sections of road. Most often found at the entryway to a development or subdivision the landscape island is an important indication of changing uses.

Land Use Buffering Chart – The chart used to determine the size and style of landscaping needed to prevent intrusion of light, noise, odor, etc from affecting a neighboring lot.

Land Use Intensity (LUI) Factors – These factors correlate land uses with level of impact from light, noise, odor, etc. The factors can than be used to determine the appropriate amount of buffering needed to make the corresponding land uses from having too great an impact on each other.

Mitigation (trees) – Mitigation is the process of replanting trees to help offset the removal of existing trees.

Navigable Streams – streams, or bodies of water determined by the Wisconsin Department of Natural Resources to be at least occasionally navigable by a boat or canoe.

Parking Precincts – small areas of parking separated from each other to prevent large expanses of parking.

Pedestrian – Scale – See human scale.

Planting Areas – Areas that feature natural landscaping materials, such as vegetation (trees, bushes, etc.), stone, brick or wood.

Protected Tree – “Protected trees” are herein defined as trees, shrubs, and all other woody vegetation on land within the Town’s municipal boundary that have a DBH of 3 inches or greater and a height of 8 feet or greater.

Protected Tree Preservation Plan – A plan that outlines the preservation of protected trees on a site.

Safety Island – An island found in the middle of a road or parking lot used to provide refuge for pedestrians when crossing traffic. Safety islands are often landscaped to promote the aesthetics of the road and can be used to slow down traffic as well.

Sills – The members forming the lower side of an opening, as a door sill or window sill.

Streetscape Amenities – Structures or landscaping that beautifies and enhances the functionality of the areas along the roadway. Examples of streetscape amenities include benches, monuments, decorative lighting, etc.

Street yard – A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots and double frontage lots have two (2) such yards.

Lisbon Land Use Plan – The Town’s adopted plan for managing and improving aspects of the community as it grows. A large part of the plan relates to land uses. The plan also includes a focus on transportation, economic development, environmental protection, among other areas.

Water Tables – The water table is a projecting course of molded brick between the upper and ground floors. The walls above the water table step back several inches.

**SECTION 11**  
**ADDITIONAL DESIGN STANDARDS AREAS**  
**OUTSIDE OF THE JPC JURISDICTION**

The Town of Lisbon will also apply these same design standards to an area south of the JPC jurisdiction immediately on the southeast corner of STH 74 (Redford Blvd.) and CTH K (Lisbon Road) in the SE ¼ of Section 35, Town of Lisbon, and more specifically described on the attached Exhibit E (Quarry Corners - southern portion).

The Town of Lisbon will also apply these same design standards to an area west of the JPC jurisdiction immediately on the southwest corner of STH 74 (Main Street) and CTH V (Townline Road) in the NE ¼ of Section 25, Town of Lisbon, and more specifically described on the attached Exhibit F (Lieds - western portion).

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**ADDENDUM F**

**TOWN OF LISBON STORM WATER MANAGEMENT AND EROSION  
CONTROL ORDINANCE**

Note: The Town of Lisbon utilizes the Waukesha County Storm Water Management and Erosion Control Ordinance, which is Chapter 14, Article VIII of the Waukesha County Code of Ordinances.

## **ADDENDUM G**

### **CHAPTER 15**

### **PRIVATE SWIMMING POOLS**

#### **15.01 PRIVATE SWIMMING POOLS**

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the town except in accordance with the regulations of this chapter.

#### **15.02 DEFINITION**

The term "private swimming pool" is defined as a receptacle for water, or an artificial pool of water, having a depth at any point of more than 18 inches, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited friends, for bathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 200 cubic feet in area and less than 18 inches in water depth which are dismantled and removed for the winter are not included in this chapter.

#### **15.03 PERMIT**

No person shall construct, install, enlarge, or alter any private swimming pool unless permits have first been obtained from the Building and Electrical Inspectors. The pool building permit fee shall be \$35. which fee shall defer the cost of issuance of the permit and two inspections to be conducted during the course of construction. In the event additional inspections are required, a fee of \$15 per additional inspection shall be assessed the permit applicant. Electrical fee is based on pool specifications. Application shall be on forms provided by the Building Inspector and shall be accompanied by plans drawn on a survey to scale showing pool dimensions, location of pool on lot and distance from lot lines; fencing based on attached model survey work sheet. The Building Inspector shall refer the application for any pool which he considers to be unsafe to the Plan Commission. The Commission shall have the authority to approve, deny, or impose appropriate changes or safeguards. Its decision shall be based upon the avoidance of a substantial adverse effect upon property values in the neighborhood. Fencing to be approved prior to issuance of the permit.

#### **15.04 CONSTRUCTION OF POOL**

A private swimming pool shall be constructed in accordance with the following requirements.

(a) Distance required.

All private swimming pools shall be constructed at the minimum setback and offset requirement for buildings located within the district where such swimming pool is located.

(b) Area

The area of the pool shall not exceed 3 percent of the area of the lot.

(c) Location

The pool shall not be nearer than 10 feet to any residence.

Private Swimming Pools 15.04(d)

(d) Sewer Connections.

No direct connection shall be made to the sanitary sewer or septic system.

(e) Disinfection

Provisions shall be made for the disinfection of all pool water, No gaseous chlorination shall be permitted.

(f) Areaways

There shall be an unobstructed areaway at least three feet wide and four feet deep, as measured from the top of the pool, and as measured around the entire width of all above-ground pools. In addition, there shall be a four foot fence or similar restraining device around all above-ground pools. Railings secured to the top of above-ground pools may serve as a part of the four foot fence or similar restraining device.

(g) Mechanical Equipment

Heating units, pumps, and filter equipment shall in no case be less than 20 feet from any property line. Requirements for heating units shall be equal to those required for residential installation.

(h) Fill valves

Any exterior hose bibs to be used in conjunction with the filling of any swimming pools shall have an anti-siphoning type valve.

**15.05 FENCES**

(a) Every private swimming pool shall be completely surrounded by a fence or wall not less than 4 feet in height, but not to exceed 6 feet in height, which shall be so constructed as to have openings, holes or gaps which would allow ease of access by unauthorized persons, except for doors or gates. Opening size between vertical rails of fence, gates or doors shall prevent passage of a sphere with a diameter larger than 5 inches. All fences other than chain link fences to be constructed with vertical rails. No horizontal ladder type fences are allowed. All fences constructed on decks shall be built flush with outside of deck to prevent ledges to crawl, climb or walk on or over. Fence design and location shall be subject to approval by the Building Inspector prior to issuance of a permit. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosures shall be a minimum of 4 feet in height and shall be equipped with an inside self-closing and self-latching devise for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. The requirement of this paragraph shall be applicable to all private swimming pools, whether constructed before or with 6 months after the effective of this chapter, other than in door pools.

(b) A temporary fence not less than 4 feet in height (snow fence, etc.) adequately supported can be used which said pool is under construction. A permanent fence must be constructed within 30 days after water is in pool.

#### Private Swimming Pools 15.05(c)

(c) Above-ground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of minimum required height and design as heretofore specified in Section 15.04(f) and 15.05. Permanent access from grade to above-ground pools having stationary ladders, stairs, or ramps shall not have less than equal safeguard fencing and gates as are provided the pool proper.

#### **15.06 ELECTRICAL REGULATIONS.**

(a) All electrical installations provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with the national, state, and local codes regulating electric installations.

(b) No current carrying conductors shall cross private swimming pools, either overhead or underground, or within 10 feet of such pools as per **Article 680-8** of the National Electrical Code.

(c) All metal fences, enclosures or railings near or adjacent to swimming pools, which might become electrically alive as a result of broken overhead conductors or from any other cause, shall be effectively grounded, as per **Article 680-22** of the National Electrical Code.

#### **15.07 LIGHTS**

If overhead flood or other artificial lights are used to illuminate a pool at night, such light shall be shielded to direct only light on the pool.

#### **15.08 NUISANCES**

No pool shall be so operated or maintained as to create a nuisance, an eyesore or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to the public health, safety and welfare.

#### **15.09 SANITATION**

A swimming pool and its appurtenant facilities shall be kept clean and in a sanitary condition.