

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.

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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

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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.