

**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.