

## ZONING ORDINANCE

### ARTICLE 1: INTRODUCTION AND DEFINITIONS

#### 100 TITLE

This Chapter shall be known, cited and referred to as the TOWN OF LISBON ZONING ORDINANCE except as referred to herein, where it shall be known as “this Chapter”.

#### 101 AUTHORITY

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. (See *generally*, Sections 60.62, 61.35, 62.23, 87.30 and 289.22, Wis. Stats.) Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed to limit the application or interpretation of this Chapter.

#### 102 LEGISLATIVE INTENT

In enacting this Chapter, special attention has been given to ensuring a direct relationship between these regulations and the Town’s Master Plan. The general intent of this Chapter is to implement those goals and objectives of the Master Plan which are best addressed through zoning approaches, as enabled by the Wisconsin Statutes.

#### 103 PURPOSE

(1) The overall purpose of this Chapter is to implement the Town’s Master Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes. By implementing the goals and objectives of the Master Plan, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare of Town residents and visitors. Additional purposes of this Chapter are specified throughout this Chapter.

#### 104 RATIONALE AND THE APPEARANCE OF ORDINANCE TEXT

- (1) **RATIONALE:** Throughout this Chapter, paragraphs labeled “Rationale” are included to ensure a complete understanding of the purpose and reasoning of the Town in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall be treated in the same manner as other aspects of legislative history, and shall serve to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section are not intended to be exhaustive; other nonexplicit rationale may also be applicable.
- (2) **APPEARANCE OF ORDINANCE TEXT:** The underlined or boldfaced headings used in this Chapter are inserted primarily for convenience, and are in no way to be construed as a limitation on the scope of the particular sections or subsections which they head.
- (3) **OMITTED SECTIONS:** Throughout this Chapter, sections may be omitted from the outline of numbers and letters found herein. These omitted items are intended to be reserved for future use, and should not reflect the existence of a defect or typographical error. In some cases, the phrase “Reserved for Future Use” may be inserted for purposes of clarification.

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**105 SEPARABILITY AND NON-LIABILITY**

It is hereby declared to be the intention of the Town Board that the several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation which is attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (4) The Town does not guarantee, warrant or represent that only those areas designated as floodlands, wetlands, or shorelands will be subject to periodic inundation. The Town, its officers, employees, agents or representatives, shall not be liable for any flood damages, sanitation problems, or structural damages caused by any such inundation.

**106 GENERAL STANDARDS**

All development of land shall comply with all the regulations and requirements of this ordinance, the Town Master Plan, Subdivision Ordinance, Road Ordinances and all other ordinances of the Town of Lisbon which are applicable, all of which are a critical component of the protection of the health, safety and general welfare of the residents of the Town of Lisbon.

**107 CLASSIFICATION OF USES**

In each zoning district there are uses which are permitted uses and uses which are conditional uses.

- (1) **PERMITTED USES:** Permitted uses of land or buildings shall be restricted to the districts indicated and under the conditions specified. No building or tract of land shall be devoted to any uses other than uses permitted in the zoning district in which such building or tract of land is located, with the exception of uses lawfully established on the effective date of this ordinance and approved conditional uses. Uses lawfully established on the effective date of this ordinance and rendered non-conforming by the provisions hereof shall be subject to those regulations of section 403, 205 and 541.
- (2) **CONDITIONAL USES:** Conditional uses may be allowed in the districts indicated, subject to the issuance of conditional use permits in accordance with section 905.

**108 JURISDICTION**

This Chapter is applicable to all territory located within the Town of Lisbon.

**109 COMPLIANCE**

The use, or change of use to a different use, of any lands; the size, shape and placement of lots; the use, occupancy, size, location or alteration of structures; and all other matters dealt with in this ordinance shall be in full compliance with the terms of this ordinance and other applicable regulations, including the securing of necessary permits. It shall be unlawful for a use, a change to a new or different use, structure or occupancy to occur in non-compliance with the terms of this

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ordinance and other applicable regulations. Any change to a distinctly different use or enlargement of an existing use requires compliance with this ordinance. (See also section 940)

- (1) **Exemptions:** No application or permit is required for:
- (a) cultivation or husbandry in an ag/open district;
  - (b) remodeling, repair or alteration of single family or ag buildings that do not increase or change the exterior dimensions or increase the square footage of the building;
  - (c) storage in pre-existing accessory buildings that does not involve a substantial improvement to or a change in the exterior dimensions of the building.

**110 EFFECTIVE DATE**

This ordinance shall take effect on the date following publication in accordance with state statutes.

**111-121 reserved for future use****122 WORD USAGE**

The interpretation of this Chapter shall abide by the provisions, definitions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the manifest intent of this Chapter:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall", "must" and "will" are mandatory.
- (5) The words "may", "can" and "might" are permissive.
- (6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) The word "Town" shall mean the Town of Lisbon, Wisconsin.
- (8) The word "County" shall mean the County of Juneau, Wisconsin.
- (9) The word "State" shall mean the State of Wisconsin.
- (10) The word "Commission" shall mean the Town of Lisbon Plan Commission.
- (11) The words "Board" and "Town Board" shall refer to the Town Board of the Town of Lisbon.
- (12) The word "Zoning Board" shall mean the Town of Lisbon Board of Zoning Appeals.
- (13) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

**123-124 reserved for future use****125 DEFINITIONS**

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section.

**Abutting:** Having a common border with, or being separated from such common border only by an alley or easement.

**Access:** A means of vehicular or non-vehicular approach, i.e. entry to or exit from a property, street or highway.

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**Access, direct:** A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

**Accessory use or structure:** A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto. Land uses permitted as an accessory use are permitted subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district (Article 3) in which the use is located, plus any additional requirements applicable to that particular land use (Article 4).

**Active Outdoor Public Recreation:** All recreational land uses located on public property, such as play courts for tennis or basketball, play fields for baseball, football or soccer, swimming areas, public golf courses and similar land uses.

**Agriculture:** Bee keeping; commercial feed lot; dairying; egg production; floriculture; forest and game management; grazing; livestock raising; orchards, greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; sod farming; placing land in federal programs in return for payments in kind; land in the conservation reserve program; participation in the milk production termination program; and vegetable raising.

**Alteration, structural:** Any change in the supporting members of a building such as bearings, wall columns, beams or girders, or any substantial change in the roof or exterior wall.

**Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices, external to or attached to the exterior of any building, and used for the transmission or reception of electromagnetic waves (e.g. television, radio, microwave, telephone, internet access or shortwave signals).

**Basement:** A portion of a building located partly underground, but having one-half (½) or less of its floor to ceiling height below the average grade of the adjoining ground.

**Building:** Any structure which has a supported roof built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is exclusive of portions of the structure not intended for shelter such as decks, balconies, pools, carports, etc. Where independent units with separate entrances are divided by shared walls, each unit is a building.

**Building, accessory:** A building which:

- (a) Is subordinate to and serves a principal structure or a principal use;
- (b) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
- (d) Is customarily incidental to the principal structure or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

**Building line:** An imaginary line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Chapter. The building lines on a lot determine the area in which buildings may be placed, subject to all other applicable provisions of this Chapter. This is also referred to as a "setback" line.

**Building, principal:** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**Cellar:** That portion of the building having more than one-half (½) of the floor-to-ceiling height below the average grade of the adjoining ground.

**Condominium:** Property subject to Condominium Declaration including but not limited to land, buildings or a part of the building, or group of buildings including all the land, co-owned and operated within the law of the State of Wisconsin for the mutual protection and benefit of an association of all the members of the ownership agreement pursuant to state statute 703 and its successors.

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**Crawl space:** An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

**Day Care:** See family day care home, intermediate day care home, or group day care center.

**Deck:** A structure that has no roof or walls. Can be attached or detached to the principal structure. If attached, it must comply with the principal setback requirements. If detached, shall be an accessory structure.

**Density:** A term used to describe the maximum number of dwelling units and the minimum amount of landscaping required for residential projects. Each zoning district contains density standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) under which the site is developed; and 5) the use(s) considered for development. (Cf. "Intensity" which is the term used to describe the same standards for nonresidential sites.)

**Developer:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

**Development:** The division of a parcel of land into two or more parcels, or any man made change to real estate including the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building; or any use or change in use of any buildings or land; or any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

**Development option(s):** The type of residential or nonresidential land uses which may develop on a lot as determined by the requirements of this Chapter.

**Development pad:** The area of a lot where site disruption will occur, including building areas, paved areas, yards and other areas of non-native vegetation, and areas devoted to septic systems.

**Drainage:** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

**Drainageway:** Drainageways are non-navigable, aboveground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following: (a) All areas within 75 feet of the ordinary high water mark of a "perennial stream" as shown on USGS 7.5 minute topographic maps for the Town of Lisbon and its environs; (b) All areas within 50 feet of the ordinary high water mark of an "intermittent stream" or "open channel drainageway" as shown on USGS 7.5 minute topographic maps for the Town of Lisbon and its environs.

**Dryland access:** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

**Dwelling:** A residential building or one or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

**Dwelling, attached:** A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.

**Dwelling, detached:** A dwelling which is entirely surrounded by open space on the same lot.

**Dwelling unit:** A room or group of rooms, providing or intended to provide permanent living quarters for not more than one (1) family.

**Dwelling unit separation:** The narrowest distance between two dwelling units. See Minimum dwelling unit separation.

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**Easement:** Written authorization by a property owner for another party to use for a specified purpose any designated part of his property which has been recorded in the Register of Deeds' office.

**Elevated Building:** A non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.

**Encroachment:** Any unauthorized and/or unpermitted fill, structure, building, use, or development in or on a floodway, easement, right-of-way or property.

**Environmental Control Facility:** Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

**Family:** An individual or two (2) or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household.

**Fence:** An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials, erected to enclose, screen or separate areas.

**Floor area:** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the outside of the exterior walls.

**Foundation:** The structural system supporting a structure serving the function of transferring building load to the ground; anchoring it against the winds; isolating it from frost heaving; isolating it from expansive soil; and holding it above ground moisture. The foundation designs are basement, crawlspace or slab of poured concrete, masonry or wood.

**Freeboard:** Represents a factor of safety usually 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. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.

**Garage (residential):** A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers, or trucks.

**General floor plans:** A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

**Green space:** (A/k/a Permanently Protected Green Space) The area of a site upon which site disruption and site development are strictly limited. Green space consists of the following: (i) Resource Protection Areas (RPA), and (ii) areas devoted to land uses which incorporate natural resources, such as Passive Outdoor Public Recreational Land Use, and (iii) portions of a site which are prevented from development by deed restrictions or agreement.

**Gross density:** The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

**Gross floor area (GFA):** The total habitable floor area on all levels of a building.

**Gross site area (GSA):** The total area of a site or parcel, minus all of the following:

1. Existing and proposed rights-of-way of roads and public facilities;

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2. Land which, although part of the same site, parcel or lot, is not contiguous to, or is not accessible from, the existing or proposed road network serving the site;
3. Land which is proposed for a different development option or a different zoning district; and
4. Areas of navigable waters (lakes and streams).

GSA is calculated whenever a person wishes to develop a parcel or site, e.g. campgrounds or mobile home parks. The determination of GSA is designed to help the developer calculate how much land is available for development after subtracting the undevelopable land from the proposed site.

**Hearing Notice:** Publication or posting which meets the requirements of Chapter 985, Stats. Class 1 notice is the minimum required for appeals: published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for enactment of all new zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing.

**High flood damage potential:** Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

**Intensity:** A term used to describe the maximum amount of gross floor area and the minimum amount of landscaping required for nonresidential projects. Each zoning district contains intensity standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) (1) the area of the site; (2) the proportion of the site not containing sensitive natural resources; (3) the zoning district(s) in which the site is located; (4) the development option(s) under which the site is developed; and (5) the use(s) considered for development. (Cf. "Density" which is the term used to describe the same standards for residential sites.)

**Intensive agricultural (land use):** See Section 406(3).

**Junkyard (land use):** See Section 409(4).

**Land use:** The type of development and/or activity occurring on a piece of property.

**Livable Space (Residential):** The sum of the gross horizontal areas of the several floors of a dwelling. Measurements shall be made from the outside of the exterior walls. This does not include attached garages, unenclosed porches, etc.

**Local residential street:** A road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

**Lot:** A parcel of land that: (a) is undivided by any street or private road; (b) is occupied by, or designated to be developed for, one principal building or principal use; and (c) is designated as a lot on a Plat or Certified Survey map.

**Lot area:** The area contained within the property boundaries of a recorded lot. Lot area has the affect of limiting the density and intensity of development on a lot.

**Lot, corner:** A lot abutting 2 or more streets at their intersection.

**Lot depth:** The average distance between the front lot line and the rear lot line of a lot, as measured at each side lot line.

**Lot frontage:** Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.

**Lot, interior:** A lot other than a corner lot.

**Lot line:** The property line bounding a lot, except that where any portion of a lot extends into an existing or proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

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- Lot line, front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.
- Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be the lot line opposite the front lot line as defined above.
- Lot line, side:** Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.
- Lot line, street side:** Any lot line which abuts a public or private street right-of-way which is not the front lot line.
- Lot of record:** A platted lot; or lot described in a certified survey map which has been approved by the Town or by Juneau County and has been recorded in the office of the Register of Deeds; or a lot described by a metes and bounds description which has been approved by the Town or by Juneau County and has been recorded in the office of the Register of Deeds.
- Lot, through:** A lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.
- Lot width:** The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line and at the rear of the required front yard. See Minimum lot width.
- Lowest floor:** The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.
- Master Plan:** The Master Plan of the Town of Lisbon, Wisconsin, adopted May 17, 2001, and as subsequently amended.
- Maximum accessory building coverage:** The largest permitted area of all accessory buildings on a lot.
- Maximum gross density (MGD):** The maximum number of dwelling units permitted on one acre (or 43,560 sq. ft.) of lot area in a specific zoning district and land use.
- Minimum lot area (MLA):** The minimum size lot permitted within the specified zoning district and land use. MLA has the effect of limiting the "density" of a residential site, and the "intensity" of a nonresidential site.
- Minimum lot width:** The smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.
- Minimum setback:** The narrowest distance permitted from a street, side, or rear property line to a structure.
- Minimum site area (MSA):** The minimum gross site area in which the specified development option may occur. See gross site area (GSA).
- Minimum Zoning District Area (MZA):** The minimum area of a zoning district. This is intended to prevent "spot zoning" of small areas.
- Navigable water:** All rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and



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DeGaynor & Co., Inc. v. DNR, 70 Wis.2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the US Geological Survey quadrangle maps until such time that the DNR has made a determination that the waterway is not, in fact, navigable.

**Net Developable Area (NDA):** The area of a parcel or site which may be disturbed by development activity. Net Developable Area is the result of subtracting Resource Protection Areas (RPA) from the Gross Site Area (GSA). The purpose for calculating NDA is to assist a developer in determining what percentage of a site is available for development (See, Site Evaluation Worksheet, Appendix 4 for calculation of NDA)

**Nonconforming building or structure:** Any building, or other structure, which is lawfully existing under provisions preceding this Chapter, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this Chapter. (See Section 541 for regulations).

**Nonconforming development:** A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter. See Section 403.

**Nonconforming use:** An active and actual use of land, buildings or structures lawfully existing prior to this Chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this Chapter. (See Section 403 for regulations).

**Noxious matter or materials:** Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

**Official map:** The map adopted by the Town Board which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities and other public facilities as authorized by State Statutes.

**Onsite:** Located on the lot in question, except in the context of onsite detention, when the term means within the boundaries of the development site as a whole.

**Opacity:** The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

**Open sales lot:** An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

**Open Space, useable:** That part of the ground level of a lot which is unoccupied by driveways, off street parking spaces, principal buildings and accessory buildings. This space of minimum described dimension shall be available for greenery, recreational space, gardening and other leisure activities normally carried on outdoors. Ground level for this purpose may include open terraces above the average level of the adjoining ground, but may not include a permanently roofed-over terrace or porch.

**Ordinary high water mark:** The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**Outdoor Institutional Uses:** These land uses include cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses, and similar land uses.

**Overlay zoning district:** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in Article 2, as well as the general restrictions of this Chapter. See Article 3, if any.

**Owner:** The person or entity which holds legal title to a lot or parcel of land.

**Pad, Development:** See Development pad.

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**Parcel:** (a/k/a Site) A tract of land designated for development or redevelopment. Typically, a parcel is either (i) a tract of land under single ownership, has not been designated for a principal use, and has not been divided into recorded lots, or (ii) in the case of redevelopment, a tract of multiple lots with multiple principal uses which the developer intends to acquire or has acquired for combination into a single redevelopment. A parcel is to be differentiated from a lot, which is ready for development without combination with other property or without subdivision into smaller lots.

**Passive Outdoor Public Recreation:** All recreational land uses located on public property involving passive activities such as arboretums, natural areas, wildlife areas, hiking trails, nonmotorized bike trails, cross-country ski trails, horse trails, open grass areas, picnic areas, gardens and fishing areas.

**Performance guarantee:** A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.

**Performance standard:** Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Article 5.

**Peripheral setback:** The distance between a structure and the boundary of a zoning district or development option. Peripheral setbacks are used to provide a setback in addition to (not overlapping with) regularly required building setbacks. Bufferyards are distinct from peripheral setbacks, but may be located within the peripheral setback.

**Principal use:** Any and all of the primary uses of a property, as determined by the Zoning Administrator, which uses are allowable as uses permitted by right or by conditional use, and not allowable as an accessory use or a temporary use per Articles 2, 3 and 4.

**Private Residential Recreational Facility:** All active outdoor recreational facilities such as children's playhouses, basketball courts, tennis courts, swimming pools and recreation-type equipment.

**Private Sewage System a/k/a Individual Septic Disposal System:** Any sewage treatment and disposal system within the Town which is not owned and operated by the Town. This term includes alternative sewage systems approved by the Department of Industry, Labor, and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

**Protected natural resources:** Resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Chapter.

**Public improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, intended to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Recorded lot:** See, Lot of record.

**Recreational vehicle:** A vehicle designed and used principally for the transport of persons.

**Residentially zoned:** A property located in a residential district per Article 2.

**Resource Protection Area:** The area of a site which contains floodways, floodplain areas, floodfringes, wetlands, drainage ways, lakeshores, woodlands and steep slopes, and in which development activity is limited to protect these natural resources.

**Restrictive, more (less):** A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

**Restaurant:** See indoor commercial entertainment.

**Restaurant, fast food:** See in vehicle sales and service.

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**Scale (of development):** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

**Setback:** The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line. Various setback requirements are established in each zoning district (Articles 2 and 3). (See also, "minimum setback"). (NOTE: Front lot lines do not necessarily coincide with road edge or sidewalk lines. Therefore, in measuring front yard setbacks, care should be taken to measure from the correct point).

**Site:** See, Parcel.

**Site area:** See Gross site area.

**Site Evaluation Worksheet:** This worksheet is designed to assist persons interested in developing a site, parcel or lot in the Town (e.g., development of a parcel into a residential subdivision, or a multifamily development, or a commercial development). This worksheet helps calculate the amount of land which is actually available for development, after things like wetlands and rights-of-way have been subtracted from the total area of the parcel. For example, if a developer needs 1 acre of developable property, this worksheet will help the developer determine whether a proposed site will accommodate a 1-acre development after subtracting rights-of-way, lakes, streams, floodplains, drainageways, and other areas protected under this Chapter.

**Standard pavement width:** Required pavement width per the Town of Lisbon Subdivision Ordinance in residential subdivisions on a street that allows parking or as otherwise determined by the Town Board.

**Standard zoning districts:** Zoning districts which primarily regulate the use of land and intensity or density of such use. See Article 2.

**Start of Construction:** The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns, or setting the poles for pole buildings. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include, in the case of a principal building, the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**Steep Slope:** Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the Town of Lisbon and its environs.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Basements, cellars, crawl spaces and attics shall not be counted as a story.

**Street:** Unless specifically designated otherwise by the Town Board, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is twenty-two (22) feet or more in width if it exists at the time of enactment of this Chapter; and any such public right-of-way sixty (66) feet or more in width when established after the effective date of this Chapter.

**Street set back:** Any part of a lot or parcel which abuts a public or private street right-of-way, including lots which have two or more street frontages, will all be required to comply with the street set backs set forth herein.

**Strip development:** A pattern of land uses typified by nonresidential and/or multifamily development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

**Structure:** Anything constructed, placed or erected, the use of which requires a permanent location on the ground (including, but not limited to, being attached by the use of chains, anchoring, guide wires, concrete or posts) or attached to something having a permanent location on the ground, for

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**Article 1: Introduction and Definitions**

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use, occupancy or ornamentation whether installed on, above or below the surface. The following shall be construed as a structure, but the definition is not limited to these: billboards, or other advertising medium detached or projecting, buildings, docks, dwellings, garages, mobile homes N/K/A manufactured homes, sheds, tool houses and walls. All structures must adhere to setbacks in all zoning districts.

**Substandard lot:** A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section 205.

**Substantial improvement:** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and
- a) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

**Swale:** A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

**Unnecessary hardship:** The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.

**Use:** The purpose or activity for which land or any building or structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, Conditional:** A land use which requires a conditional use permit in order to develop. In general, conditional uses are those land uses, which are of such a special nature or which are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Chapter of specific standards, regulations or conditions which would permit such determination in each and every individual situation. Conditional uses, when granted, are subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district (Article 3) in which the use is located, plus any requirements applicable to that particular land use as contained in Articles 4 and 5, plus any additional requirements imposed as part of the conditional use process contained in Article 9. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as creating a precedent for similar requests. Conditional uses are granted pursuant to the procedures of Section 905.

**Use, Limited Conditional:** Limited conditional uses are the same as regular conditional uses except that limited conditional uses are not permanent, but instead, they are limited in time or duration because of

- (a) their particularly specialized nature, or
- (b) their particular locations within a district, or
- (c) the peculiar relationship or needed compatibility of uses to involved individuals, or
- (d) any other reason(s) the Plan Commission deems relevant to limit the scope thereof.

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**Article 1: Introduction and Definitions**

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**Use, Permitted:** A land use which is allowed to develop without special oversight by the Plan Commission through the conditional use process (Section 905), but instead, is allowed to develop subject to the zoning permit process (Section 904) administered by the Zoning Administrator. However, permitted uses (like conditional uses) are subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district, if any, in which the use is located, plus the general land use requirements of Article 4, the general standards and regulations of Article 5, and the other applicable provisions of this Chapter. Before any permitted use is commenced, changed or altered, a zoning permit must be obtained. (See, Section 904).

**Use, Temporary:** A land use, identified in Section 413, which is present on a property for a limited and specified period of time, and which is subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district, if any, in which the temporary use is located, plus any requirements applicable to that particular temporary land use as contained in Article 4. Temporary uses are granted pursuant to the procedures of Section 906.

**Utility Shed:** A detached accessory building.

**Variance:** Permission to depart from the literal requirements of this Chapter granted pursuant to Section 910.

**Vision Clearance Triangle:** An occupied triangular space at the corner of intersecting roads, designed for the purpose of maintaining an unobstructed area at each intersection to assist motorists and pedestrians using such intersections.

**Woodland:** Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Town of Lisbon and its environs.

**Yard:** A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

**Yard, front:** A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

**Yard, rear:** A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

**Yard, side:** A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

**Zoning district:** A geographic area of the Town, which is identified on the Official Zoning Map and which is subject to the rules and regulations set forth in this Chapter. Article 2 identifies the standard zoning districts into which the entire Town is divided, and Article 3, if any, identifies the overlay zoning districts which cover part of the Town.

**Zoning district categories:** Zoning Districts are divided into categories of similar districts. For example, zoning districts which establish different types of residential land uses are all contained in the "residential category."

## ARTICLE 2: STANDARD ZONING DISTRICTS

### 200 PURPOSE

The purpose of this Chapter is to identify and describe the standard zoning districts into which the entire Town of Lisbon is divided, and to list various regulations and requirements which are specific for each district.

### 201 STANDARD ZONING DISTRICT CATEGORIES AND STANDARD ZONING DISTRICTS

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts which shall be designated as follows:

Agriculture/Open (AG) District

Estate Residential-1 (R-1) District

Planned Business (B) District

Planned Unit Development District (PUD year – order of approval in that year) e.g.:  
(PUD 97-2)

### 202 MAP OF STANDARD ZONING DISTRICTS

There is hereby established an Official Zoning Map of the Town of Lisbon, which shall be maintained in the Office of the Town Clerk. The standard zoning districts established by this Chapter are shown on the Official Zoning Map of the Town of Lisbon, which together with all explanatory materials thereon, is hereby made part of this Chapter.

### 203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Town of Lisbon:

- (1) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Town of Lisbon or County of Juneau Tax Maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (5) above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator, who shall then take appropriate action to officially clarify the location of the line. ( See, section 903).

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**Article 2: Standard Zoning Districts**

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**204 RELATIONSHIP TO OVERLAY ZONING DISTRICTS**

The Town may, from time to time, create overlay zoning districts. Overlay zoning districts, if any, are a set of zoning requirements imposed in addition to the requirements of the standard zoning districts found in this Chapter. Development within the overlay zones must conform to the requirements of both the standard zoning district and the overlay zoning districts, and if the two zones are inconsistent, then the development shall comply with the requirements of the more restrictive of the two zones. Overlay districts are used for the protection of natural resource features and the preservation and enhancement of significant community character features. For specific overlay zoning districts and regulations, see Article 3.

**205 SUBSTANDARD LOT REGULATIONS**

- (1) Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area (MZA) requirements, or the Minimum Lot Area (MLA) requirements, or the lot dimension requirements of each applicable zoning district.
- (2) A lot of record existing upon the effective date of this chapter which does not meet the minimum Zoning District Area (MZA) or the Minimum Lot Area (MLA) requirements, or which does not meet the lot dimension requirements of this ordinance, but does meet the requirements that were in effect at the time the lot or parcel became of record and which otherwise complies with all federal, state, county and town regulations, is a substandard lot. The placement of any structure on a substandard lot in the Agricultural/Open Zoning District and the Residential Zoning District is a Permitted Use, if setback requirements can be met. Existing substandard lots in the Agricultural/Open Zoning District will follow the regulations set forth in section 207(1)(d) for Residential lots. The placement of any structure on a substandard lot in the Commercial Zoning District is by Conditional Use only.

**206 AGRICULTURAL/OPEN ZONING DISTRICT****(1) AGRICULTURE/OPEN (AG) DISTRICT:**

- (a) **Description and Purpose:** This district provides for the continuation and preservation of agriculture. This district is intended to protect farming from the intrusion of incompatible uses, including urban development, and to sustain the economic base of agriculture as well as preserve its rural lifestyle. This District includes the maintenance of land in its wild state, as wood lot or open space. The possibility of "agribusiness uses," which are not part of a typical farm, but which are necessary at limited suitable locations to support the farm industry, are provided for in this district as conditional uses.

Rationale: This district is used to provide for the protection of agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained.

**(b) List of Allowable Principal Land Uses (per Article 4):**

The following land uses are allowed in the AG District and exempt from regulation under this Ordinance:

Cultivation (per Section 406(1))

Husbandry (per Section 406(2))

Any sign/Billboard 32 square feet or less

## Article 2: Standard Zoning Districts

**1. Principal Land Uses Allowed as Permitted Use:**

Structures associated with cultivation and husbandry  
 Single-Family Detached (per Section 405(1))  
 Duplex (per Section 405)  
 On-Site Agricultural Retail (per Section 406(4))  
 Bed and Breakfast Establishment (per Section 406(8))  
 Municipal Well Facility (per Section 406(9))

**2. Principal Land Uses Allowed as Conditional Use:**

Intensive Agriculture (per 406(3))  
 Agricultural Service (per Section 406(5))  
 Large Volume Animal Feeding Operation (406(6))  
 Commercial Animal Boarding (per Section 406(7))  
 Any Sign/Billboard larger than 32 square feet

**(c) List of Allowable Accessory Uses (per Article 4):**

The following accessory land uses are exempt from the regulation of this Ordinance in AG District;

Individual Septic Disposal System  
 1 Residential TV Tower – 50 feet high or less  
 Private residential stable (per Section 412(17))

**1. Accessory Land Uses Allowed as Permitted Use:**

Farm Residence (per Section 412(2))  
 Detached Residential Garage, Carport, Utility Shed, (per Section 412(3))  
 Family Day Care Home (4-8 children) (per Section 412(11))  
 Private Residential Recreational Facility  
 Caretaker's Residence (per Section 412(23))

**2. Accessory Land Uses Allowed as Conditional Use:**

Intermediate Day Care Home (9-15 children)  
 Home Occupation (per Section 412(10))  
 Private Residential Kennel (per Section 412(16))

**(d) List of Allowable Temporary Uses (per Article 4):**

Outdoor Assembly (per Section 413)

**(e) Regulations:** The following regulations apply to this district, in addition to the other standards and regulations of this ordinance.



## Article 2: Standard Zoning Districts

<b>AGRICULTURE/OPEN (AG)</b>		
<b>Regulations</b>	<b>Residential Uses</b>	<b>Non-Residential Uses *</b>
A. Min. Zoning District Area	10 acres	10 acres
B. Min. Lot Area	2 acres per du (exclusive of ROW)	N/A
C. Max. Gross Density/Intensity	1 du/2 acres MGD	N/A
D. Min. Lot Width	150'	150'
E. Min. Street Frontage	150'	150'
F. Street Setback to Princ. Structure.	108' from center of road	108' from center of road
G. Street Setback to Acc. Structure	108' from center of road	108' from center of road
H. Side Setback to Princ. Structure	25'	N/A
I. Side Setback to Acc. Structure	25'	N/A
J. Rear Setback to Princ. Structure.	25'	N/A
K. Rear Setback to Acc. Structure	25'	N/A
L. Min. Dwelling Core Dimensions (living space)	N/A	N/A

\* Size limitation listed in the chart do not apply to a municipal well facility.

## 207 RESIDENTIAL ZONING DISTRICTS:

### (1) **RESIDENTIAL-1 (R-1) DISTRICT:**

- (a) **Description and Purpose:** This district is intended to permit development which has a low density (1 residence per 2 acres excl. ROW), estate community character. The land use standards for this district permit primarily single family detached residential development. Density and intensity standards for this district are designed to ensure that the Residential-1 District shall serve as a designation which preserves and protects the estate character of its area.

Rationale: This district provides for the permanent protection of a low density residential area for those who want to retain enough land with their residence, or in their development, to ensure that the estate community character is maintained as long as the R-1 District designation is retained, regardless of how much development occurs within that area. This district shall be strongly steered toward subdivision development in which the residential portion is clustered, thus maximizing permanently protected green space areas.

Article 2: Standard Zoning Districts

**(b) List of Allowable Principal Land Uses (per Article 4):**

The following land uses are allowed in the Residential District and exempt from regulation under this Ordinance:

Any Sign/Billboard 32 square feet or less

**1. Principal Land Uses Allowed as Permitted Use:**

Single-Family Detached (per Section 405(1))

Duplex (per Section 405)

**2. Principal Land Uses Allowed as Conditional Use:**

Indoor Institutional (Church and School only)

Outdoor Institutional

Public Services and Utilities

Bed and Breakfast Establishment (per Section 408(12))

Any Sign/Billboard larger than 32 square feet

**(c) List of Allowable Accessory Uses (per Article 4):**

The following accessory land uses are exempt from the regulation of this Ordinance in R-1 District.

1 Residential TV Tower-50 feet high or less

**1. Accessory Land Uses Allowed as Permitted Use:**

Detached Residential Garage, Carport, Utility Shed, (per Section 412(3))

Family Day Care Home (4-8 children) (per Section 412(11))

Private Residential Recreational Facility

**2. Accessory Land Uses Allowed as Conditional Use:**

Intermediate Day Care Home (9-15 children)

Private Residential Kennel (per Section 412(16))

Private Residential Stable (per Section 412(17))

Caretaker's Residence (per Section 412(23))

Home Occupation (per Section 412(10))

**(d) Regulations:** The following regulations apply to this district, in addition to the standards and regulations of this ordinance.

<b>Estate Residential-1 (R-1)</b>			
	<b>Regulations</b>	<b>Residential Uses</b>	<b>Non-Residential Uses</b>
A.	Min. Zoning District Area	2 acres(excl. of ROW)	2 acres
B.	Min. Lot Area	2 acres per du (exclusive of ROW)	2 acres

## Article 2: Standard Zoning Districts

<b>Estate Residential-1 (R-1)</b>			
<b>Regulations</b>		<b>Residential Uses</b>	<b>Non-Residential Uses</b>
C.	Max. Structure Size	N/A	N/A
D.	Max. Gross Density/Intensity	1.00 du/2acres	N/A
E.	Princ. Structure Per Lot	1	N/A
F.	Min. Lot Width	150'	150'
G.	Min. Street Frontage	150'	150'
H.	Street Setback to Princ. Structure	75' from center of road	75' from center of road
I.	Street Setback to Acc. Structure	75' from center of road	75' from center of road
J.	Side Setback to Princ. Structure	10'	N/A
K.	Side Setback to Acc. Structure	10'	N/A
L.	Rear Setback to Princ. Structure	10'	N/A
M.	Rear Setback to Acc. Structure	10'	N/A
N.	Min. Dwelling Core Dimensions (living space)	N/A	N/A

- (2) **TWO-FAMILY RESIDENTIAL DISTRICT:** (Not allowed at this time. Twin-house/duplexes/two-flats are allowed in the residential district above).
- (3) **MULTI-FAMILY RESIDENTIAL DISTRICT:** (Not allowed at this time).

## 208 COMMERCIAL ZONING DISTRICTS

### (1) **BUSINESS (B) DISTRICT:**

- (a) **Description and Purpose:** This district is intended to permit large and small scale commercial development which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide the principal zoning district for commercial development. The desired community character of the development is attained through the Landscape requirements.

- (b) **List of Allowable Principal Land Uses (per Article 4):**

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 Article 2: Standard Zoning Districts
 

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The following land uses are allowed in a Commercial/Business (B) District and exempt from the regulation under this ordinance:

Cultivation (per Section 401 (1))

Any Sign/Billboard 32 square feet or less

**1. Principal Land Uses Allowed as Permitted Use:**

All other principal land uses in a Business( B) District are conditional uses.

**2. Principal Land Uses Allowed as Conditional Use:**

Office (per Section 408(1))

Personal or Professional Service (per Section 408(2))

Indoor Sales or Service (per Section 408(3))

Indoor or Outdoor Maintenance Service (per Section 408(4)(6))

Outdoor Display (per Section 408(5))

In-Vehicle Sales or Service (per Section 408(7))

Indoor and Outdoor Commercial Entertainment (per Section 408(8)(9))

Commercial Animal Boarding (per Section 408(10))

Commercial Indoor Lodging (per Section 408(11))

Bed and Breakfast Establishment (per Section 408(12))

Group Day Care Center (9+ children) (per Section 408(13))

Campground (per Section 408(14))

Vehicle Repair and Maintenance (per Section 408(16))

Indoor and Outdoor Storage (per Section 409(1)(2))

Personal Storage Facility (per Section 409(3))

Single Family Residence (per Section 405(1))

Duplex (per Section 405(2))

Airport/Heliport (per Section 410(1))

Light Industrial Land Use (per Section 411(1))

Towers (per Section 411(2))

Extraction Use per Section 411(3))

Any Sign/Billboard larger than 32 square feet

**(c) List of Allowable Accessory Uses (per Article 4):**

The following accessory land uses are exempt from the regulation of this ordinance in Business (B) District:

Exterior Communication Devices 18 inches or smaller

**1. Accessory Land Uses Allowed as Permitted Use:**

Home Occupation (per Section 412(10))

Residence/dwelling, detached garage, car port or utility shed may be permitted if accessory to principal commercial purpose

Article 2: Standard Zoning Districts

Accessory buildings and minor additions up to 15% of the square footage can be granted as a matter of right so long as they are consistent with the underlying previously approved use.

**2. Accessory Land Uses Allowed as Conditional Use:**

Commercial Apartment (per Section 412(1))

Outdoor Display Incidental to Indoor Sales and Service (12+ days)

In-Vehicle Sales and Service (per Section 408(7))

Light Industrial Incidental to Indoor Sales or Service Activities Land Use

Private residential kennel (per Section 412(16))

Private residential stable (per Section 412(17))

**(d) List of Allowable Temporary Uses (per Article 4):**

Outdoor Assembly (per Section 413)

**(e) Regulations:** The following regulations apply to this district, in addition to the standards and regulations of this ordinance.

<b>Business (B) Regulations</b>	<b>Residential Uses</b>	<b>Non-Residential Uses</b>
A. Min. Zoning District Area	2 acres (exclusive of ROW)	3 acres (exclusive of ROW)
B. Min. Lot Area	2 acres (exclusive of ROW)	20,000 sq. ft.
C. Min. Lot Width	150'	150'
D. Min. Street Frontage	150'	N/A
E. Street Setback to Princ. Structure	108' from center of road	108' from center of road
F. Street Setback to Acc. Structure	108' from center of road	108' from center of road
G. Side Setback to Princ. Structure	25'	25'
H. Side Setback to Acc. Structure	25'	25'
I. Rear Setback to Princ. Structure	25'	25'
J. Rear Setback to Acc. Structure	25'	25'
K. Min. Dwelling Core Dimensions	N/A	N/A

**(2) INDUSTRIAL (I) DISTRICT:** (Not allowed at this time).

**209 PLANNED DEVELOPMENT DISTRICTS**

**(1) PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:**

## Article 2: Standard Zoning Districts

- (a) **Description and Purpose:** The planned unit development district (PUD) is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments, to enable economic design in the location of public and private utilities and community facilities; and to insure adequate standards of construction and planning. The PUD district under this ordinance will allow for flexibility of over all development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining as far as possible the land use density and other standards or use requirements of lands in the vicinity of the PUD project. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the statutes (Condominiums) may be permitted by the town upon specific petition under this section of the ordinance and after public hearing, with such development encompassing one or more principal uses or structures and related accessory uses or structures. Then all regulations and standards set forth in this section of the ordinance have been met. Development standards are flexible within this zoning district.

Rationale: This district is available for developers seeking a density greater than one dwelling unit per two acres or seeking flexibility for a mixed use development. This district is designed to forward both aesthetic and economic objections of the town by controlling site design and the land use, appearance, density, or intensity of development within the district. It is anticipated that all dwelling units will be grouped into clusters to minimize negative impacts on the natural and scenic resources of the site and to preserve common open space to the maximum extent possible.

(b) **List of Allowable Principal Land Uses:**

1. **Principal Land Uses Allowed as Permitted Uses:**

Uses permitted in a PUD shall conform to uses generally permitted in the other districts of this ordinance. PUD may mix the uses permitted in other districts, subject to the criteria set forth herein.

2. **Minimum Area Requirements:**

Areas designated as planned unit development districts (PUD) shall be under single or corporation ownership or control, when originally proposed and approved by the town, and shall contain a minimum development area of:

Principal Uses

Residential PUD

Mixed compatible use

Minimum Area of PUD

10 acres - each PUD must be located on a parcel that is minimum of 10 acres for each 7 dwelling units, or for other principal buildings, the dwelling unit equivalent established in the PUD process

20 acres - each PUD must be located on a parcel that is

**Article 2: Standard Zoning Districts**

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minimum of 20 acres for each 14 dwelling units, or for other principal buildings for which a residential equivalent will be established in the PUD process

**ARTICLE 3: AIRPORT OVERLAY DISTRICT****300 DEFINITIONS**

As used in this article, unless the context otherwise requires:

- (a) "Airport" means the Mauston - New Lisbon Union Airport located in Section Twenty-eight (28), Township Sixteen (16) North, Range Three (3) East, Juneau County, Wisconsin.
- (b) "Airport hazard" means any structure or object of natural growth, which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
- (c) "Non-conforming use" means any structure or tree which does not conform to a regulation prescribed in this article or an amendment thereto, as of the effective date of such regulation.
- (d) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (e) "Structure" means any object constructed or installed by man.
- (f) "Trees" do not include shrubs, bushes or plants which do not grow to a height of more than twenty feet at maturity.
- (g) "Runway" means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

**301 ZONES**

All zones established by this section are as shown on the Map dated 6/13/13 (and any amendments thereafter) entitled, "Height Limitation Zoning Map, Mauston - New Lisbon Union Airport, New Lisbon, Wisconsin". The original, full-scale maps are intended to be the official map, as filed with clerks of both cities and both towns.

**302 HEIGHT LIMITATION ZONE**

Except as otherwise provided in this article, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limit indicated on the map referred to in Section 301 hereof. (As shown in the map, references are to elevations above sea level).

**303 EXCEPTIONS**

The restrictions contained in Section 302 shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site within one-half mile of the airport boundary, or to structures less than fifty (50) feet in height above ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary, or to structures less than one hundred (100) feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary.

**304 NON-CONFORMING USE**

- (a) Not Retroactive. The regulations prescribed in Sections 301 and 302 of this article shall not be



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construed to require the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided by the article.

- (b) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this article, and if such is diligently prosecuted to completion.
- (c) Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

**305     ADMINISTRATION**

It shall be the duty of Airport Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Commission upon a form furnished by its secretary. Applications which are by this article to be decided by the Airport Commission shall be granted or denied within thirty (30) days of the date of filing of the applications, unless Federal Aviation Administration approval is requested. Applications for action by the Board of Appeals shall be forthwith transmitted by the secretary of the Commission to the Board for hearing and decision. There shall be no charge for applications or permits.

**306     PERMITS**

- (a) Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by this article until the owner or his agent shall have applied in writing for a permit therefore and obtained such permit from the Airport Commission, except structures less than thirty-five (35) feet in height above the ground and within one-half mile of the airport boundary and structures less than fifty (50) feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary and structures less than one hundred (100) feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary. Said permit shall be posed in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use for which the permit is desired, and shall describe and locate the use with sufficient particularity to permit the Airport Commission to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Airport Commission shall issue the permit applied for.
- (b) Existing Uses. Before any non-conforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by paragraph (a) authorizing such change. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this article, or than it was when the application for permit was made.

**307     BOARD OF APPEALS**

There is hereby created a Board of Appeals, consisting of three (3) members, one being appointed by the City of Mauston Mayor, a second being appointed by the City of New Lisbon Mayor and the third appointed by the Town of Lisbon Board, subject to confirmation by both city councils for terms of three years, excepting that of those first appointed. For the first appointed Board, the first member shall serve one year; the second member for two years and the third

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member for three years. The members of said Board of Appeals shall receive the sum of Thirty Dollars (\$30.00) for each meeting attended by them.

**308 APPEALS AND REVIEW**

- (a) Variances. Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant such variance from the terms of this article as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this article would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this article, and does not create a hazard to the safe, normal operation of aircraft.
- (b) Aggrieved Person. Any person aggrieved or affected by any decision or action of the Airport Commission made in its administration of this article may appeal such decision or action to the Board of Appeals.
- (c) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 62.23 (7) (e) of the Statutes.

**309 PENALTIES**

Any person violating any of the provisions of this article shall, upon conviction, forfeit not less than Ten Dollars (\$10.00) per day nor more than Fifty Dollars (\$50.00) per day for such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

**310 OTHER REGULATIONS**

This article shall not be construed to abridge or alter the Air Space Protection Plans and Specifications, as filed in the office of the Register of Deeds for Juneau County on November 13, 1980, or as the same may be amended from time to time, or any other lawful article or regulation of either of the cities adopting this article, unless specifically repealed herein. Neither shall this article be deemed to alter or abridge any regulation of any other municipality or governing body of competent jurisdiction which imposes a greater restriction than that imposed by this article.

## ARTICLE 4: LAND USES

### 401 GENERAL INFORMATION

- (1) **PURPOSE:** The purpose of this Article is to identify, describe and define the different types of land uses which are authorized by this ordinance. This Article also imposes regulations which are specific to the different types of land uses identified herein.

### 402 REGULATIONS APPLICABLE TO ALL LAND USES

All Uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter. Specifically:

- (1) **LAND USE REGULATIONS AND REQUIREMENTS:** All uses of land shall comply with all the regulations of this ordinance which are directly related to the protection of the health, safety and general welfare of the residents of the Town of Lisbon.
- (2) **ZONING DISTRICT REGULATIONS:** All land uses shall comply with the regulations Article 2 "Standard Zoning Districts" and Article 3 "Overlay Zoning Districts" (if enacted). Such regulations address requirements for residential and nonresidential developments and requirements relating to the density, intensity and bulk of developments, which are directly related to the protection of the health, safety and general welfare of the residents of the Town of Lisbon and its environs.
- (3) **LANDSCAPING AND BUFFERYARDS REGULATIONS AND REQUIREMENTS:** All development of land shall comply with all the regulations and requirements of this ordinance, pertaining to the provision of landscaping and bufferyards which are directly related to the effective bulk of a structure and the protection of the health, safety and general welfare of the residents of the Town of Lisbon.
- (4) **GENERAL STANDARDS:** All development of land shall comply with all the regulations and requirements of this ordinance, the Town Master Plan, Subdivision Ordinance, Road Ordinances and all other ordinances of the Town of Lisbon which are applicable, all of which are a critical component of the protection of the health, safety and general welfare of the residents of the Town of Lisbon.

### 403 NONCONFORMING USE REGULATIONS

- (1) **DEFINITION:** A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendment thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) **CONTINUANCE OF A NONCONFORMING USE:** Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit (per Section 905) to be granted legal conforming status.
- (3) **MODIFICATION OF A NONCONFORMING USE:** No additions or modifications to nonconforming structures shall be permitted unless approval of a conditional use permit is granted by the Plan Commission. The mobile home park residential developments in existence at the time of the enactment of this Ordinance and continuing as a nonconforming use, may be modified, by not increased, by the replacement of one mobile home/factory built manufactured home for the current home upon the operator applying for one conditional use permit that would govern all future mobile home change outs during the time frame set by the conditional use permit. As a part of this conditional use permit, residences being moved into these existing mobile home parks may be 10 years old or less.

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- (4) **DISCONTINUANCE OF A NONCONFORMING USE:** When any nonconforming use of any structure or land is discontinued for a period of 24 months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.
- (5) **MAINTENANCE OF A NONCONFORMING USE:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter.
- (6) **RECONSTRUCTION OF A STRUCTURE:** A legal, nonconforming structure which is destroyed by fire, tornado or other disaster may apply for consideration as a conditional use to be reconstructed so as not to expand the floor area nor footprint of the structure, if said structure is located in an area which was zoned to permit it on the day preceding the Effective Date of the Ordinance.
- (7) **DIFFERENT USE OR ENLARGEMENT:** Nonconforming uses may be changed to distinctly different nonconforming uses or enlarged only with conditional use approval. Conditional use review shall be based upon compatibility with the prevailing permitted and conditional uses in the area. Changes that will not prolong or enhance disharmony with such permitted or conditional uses may be approved.
- (8) **NONCONFORMING LOTS: See Section 205.**

404 **RESERVED FOR FUTURE USE**405 **RESIDENTIAL LAND USES**(1) **SINGLE-FAMILY DETACHED:**

(a) **Description:** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a single-family residence which is located on an individual lot or within a group development and which is fully detached from another dwelling unit or building.

(b) **Regulations:**

1. Each dwelling unit will have a minimum livable space of 900 sq. ft. excluding basements or cellars.
2. Any dwelling that is being moved into the town can be no older than 5 years old except in the mobile home parks established prior to the effective date of this ordinance as per Section 403(3).
3. Notwithstanding the prior regulations, if the dwelling plan does require skirting, it shall be accomplished within 90 days of placement.

(2) **DUPLEX:**

(a) **Description:** This dwelling type consists of a single building with two single-family dwelling units located upon a single lot. For purposes of this ordinance, duplex shall include Two-Flat houses which are the same as Duplexes except the units are above and below each other. Each dwelling unit is typically occupied by the same family for periods of one month or longer. (See, Commercial Indoor Lodging, for rental periods of less than one month).

(b) **Regulations:** Same as 405(1)(b)

(3 - 7) **not used at this time**

(8) **MOBILE HOME:**

(a) **Description:** This dwelling unit type consists of a transportable, factory-built, fully detached, single family residence, which has not received a Federal Manufactured Housing Certificate and which is typically located on an individual

## Article 4: Land Uses

lot within a Mobile Home Park (405(11)). Each dwelling unit is typically occupied by the same family for periods of one month or longer.

**(b) Regulations:** The following minimum regulations apply to all Mobile Homes wherever located in the Town:

1. No mobile home may be placed, parked, stored or occupied within the Town.

**(9) and (10) not used at this time.**

**(11) MOBILE HOME PARK RESIDENTIAL DEVELOPMENT (RENTAL/CONDO PARK):**

**(a) Description:** This land use is a form of residential development which is exclusively reserved for,

1. conventional mobile home parks, in which lots are owned by a single entity and rented to individuals for placement of factory-built manufactured housing; and
2. mobile home condo parks, in which all lots are part of the same condominium association and are owned individually by unit owners with the intent of locating a factory-built manufactured dwelling on the lot.

**(b) Regulations:** The following regulations apply to all Mobile Home Residential Developments wherever located in the Town:

1. Developments shall be located only in a PUD district and shall not be located in an agricultural, residential or commercial district.
2. Developments shall not be located in the Town of Lisbon if they negatively affect the value of adjacent property.
3. Developments shall be located so as to blend with adjacent areas to the greatest extent possible.
4. Developments shall comply with the landscaping and bufferyard requirements established by the Plan Commission.
5. Each of the dwelling units must meet the requirements for single-family detached dwelling units listed in Section 405(1).
6. Under this development option, approximately 60% of a development's Gross Site Area (GSA) should contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (This estimate is provided as a general rule of thumb for the convenience of the users of this Chapter. Such a yield is not to be considered as ensured by the provisions of this Chapter.)

**406 AGRICULTURAL/OPEN LAND USES**

**(1) CULTIVATION:**

**(a) Description:** Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The maintenance of land in its wild state, as wood lot or open space, is considered cultivation.

**(2) HUSBANDRY:**

**(a) Description:** Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than 1 animal per acre. Apiaries are considered husbandry land uses.

**(3) INTENSIVE AGRICULTURE:**

**(a) Description:** Intensive agricultural land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding 1 animal per acre and/or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog

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farms, poultry operations, fish farms, commercial greenhouse operations and certain other operations meeting this criterion.

**(4) ON-SITE AGRICULTURAL RETAIL:**

- (a) **Description:** On-site agricultural retail land uses include land uses primarily associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall only be permitted within on-site agricultural retail operations as accessory to the sale of products grown there.
- (b) **Regulations:** The following regulations apply to all On-site Agricultural Retail uses wherever located in the Town:
1. The building floor space dedicated to on-site agricultural retail uses shall be limited to 750 sq. ft. in floor area. Growth of an operation above this limit becomes an agricultural service use.
  2. All structures shall meet all required setbacks for nonresidential land uses.

**(5) AGRICULTURAL SERVICE:**

- (a) **Description:** Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities.
- (b) **Regulations:** The following regulations apply to all Agricultural Service uses wherever located in the Town:
1. Shall not be located in an existing or platted residential subdivision.

**(6) LARGE VOLUME ANIMAL FEEDING OPERATION:**

- (a) **Description:** Large volume animal feeding or milking operation means a feedlot or facility, other than a pasture, where 700 or more animals or 1000 or more poultry will be fed, confined, maintained or stabled as animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.
- Prior to the Plan Commission considering a large volume animal feeding operation, all necessary federal and/or state permits must have been tentatively approved and detailed evidence established of the description and effectiveness of the barriers to be employed to avoid offensive sight, sound or smell to neighbors or public.
- (b) **Regulation:** Pursuant to the revisions of 93.90, Wis. Stats., the Town of Lisbon does hereby adopt and incorporate into this Chapter of the Lisbon Zoning Ordinance No. 53-A-2, the provisions of 93.90 of Wis. Statutes and ATCP 15 of the Wisconsin Administrative Rules, inclusive of all future amendment to any provisions of those sections of the Wisconsin Statutes and Administrative Rules.

**(7) COMMERCIAL ANIMAL BOARDING**

- (a) **Description:** These facility land uses include commercial kennels and commercial stables of more than 20 boarded animals. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

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- (b) **Regulations:** The following regulations apply to all commercial animal boarding uses wherever located in the town:
1. The scope of the operation and the size of the facility shall be addressed in the conditional use permit process.
  2. Animal waste disposal shall be handled in a manner that minimizes odor and the potential spread of disease.

**(8) BED AND BREAKFAST ESTABLISHMENT.**

- (a) **Description:** These are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.
- (b) **Regulations:** The following regulations apply to all bed and breakfast establishment uses wherever located in the town.
1. All such facilities must comply with state licensing requirements and fire code inspection.
  2. All such facilities shall be limited to 6 lodging units and a maximum of 24 occupants.
  3. All other regulations shall be dealt with in the conditional use permit process.

**(9) MUNICIPAL WELL FACILITY.**

- (a) **Description:** A parcel of land no less than .5 acre with minimum street frontage by either title or easement of 20 feet, plus all properly authorized piping or facilities required to connect the well to the municipal limits.

**407 (RESERVED FOR FUTURE USE)****408 COMMERCIAL/PLANNED BUSINESS LAND USES****(1) OFFICE:**

- (a) **Description:** Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on an appointment basis (see (2) below).

**(2) PERSONAL OR PROFESSIONAL SERVICE:**

- (a) **Description:** Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses, but do not include sexually-oriented land uses (see 408(15)).

**(3) INDOOR SALES OR SERVICE:**

- (a) **Description:** Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated Laundromats.

**(4) INDOOR MAINTENANCE SERVICE:**

- (a) **Description:** Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Because of outdoor vehicle storage

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requirements, vehicle repair and maintenance is considered a vehicle repair and maintenance land use, (see Section 408(17)).

**(5) OUTDOOR DISPLAY:**

- (a) **Description:** Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured and mobile housing sales and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (Land uses which display only a limited amount of product outside of an enclosed building as "Outdoor Display Incidental to Indoor Sales".)

**(6) OUTDOOR MAINTENANCE SERVICE:**

- (a) **Description:** Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.

**(7) IN-VEHICLE SALES OR SERVICE:**

- (a) **Description:** In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use.

- (b) **Regulations:** The following regulations apply to all Commercial Land uses wherever located in the Town:

1. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
2. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.

**(8) INDOOR COMMERCIAL ENTERTAINMENT:**

- (a) **Description:** Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

**(9) OUTDOOR COMMERCIAL ENTERTAINMENT:**

- (a) **Description:** Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

**(10) COMMERCIAL ANIMAL BOARDING:**

- (a) **Description:** Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

- (b) **Regulations:** The following regulations apply to all Commercial Animal Boarding uses wherever located in the Town:



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1. All activities, except vehicle parking, exercise yards, fields, training areas, and trails, shall be completely and continuously contained indoors.
2. The minimum permitted size of horse or similar animal stall shall be 100 square feet.
3. Animal waste disposal shall be handled in a manner that minimizes odor and potential spread of disease.

**(11) COMMERCIAL INDOOR LODGING:**

- (a) **Description:** Commercial indoor lodging facilities include land uses which provide overnight housing in individual rooms, suites of rooms, or apartments, with each room, suite or apartment having a private bathroom. Such facilities may provide kitchens, laundry facilities, multiple bedrooms, living rooms, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. Commercial indoor lodging facilities include motels, hotels, time-share condo's and short-term rental apartments, which provide housing for one month or less.

**(12) BED AND BREAKFAST ESTABLISHMENT:** See 406(8)**(13) GROUP DAY CARE CENTER (NINE OR MORE CHILDREN):**

- (a) **Description:** Group day care centers are land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools.

**(14) CAMPGROUND:**

- (a) **Description:** Private or public campgrounds, and time share campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.
- (b) **Regulations:** The following regulations apply to all Campground uses which are only permitted in a Planned Business District in the Town:
1. All town, county and state regulations shall be adhered to by the statement of intent and plan submitted.
  2. No building, structure or premise shall be erected, altered, established or used which is intended or designed other than for:
    - i. 1 single family residential structure for the primary use of the owner/operator;
    - ii. Accessory buildings and structures incidental to the operation and maintenance of the campground;
  3. Applicant shall submit 9 copies of the proposed development on a scale which is acceptable to the Town to the Plan Commission at least 14 days prior to the meeting on which the proposal is to be considered. Such plan shall include the name and address of the applicant, owner of the site and professional consultants; statement of intent as to the proposed use; a certified survey map showing the boundaries, dimensions, uses, and size of the individual campsites, structures, roads, parking.
  4. All campgrounds shall be not less than 10 acres; interior roads shall be 20 feet wide; provisions for maintenance to preclude the creation of a nuisance including cleansing the toilet facilities, collection of trash and upkeep of roads in public areas.
  5. Approximately 25% of the gross site area (GSA) should contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in the maximum gross density.

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This estimated is provided as a general rule of thumb and does not insure approval.

6. Such additional information as may be required by the town.

**(15) SEXUALLY-ORIENTED LAND USES:**

- (a) **Description:** Sexually-oriented land uses include any facility which rents, sells or displays sexually-oriented materials, such as X-rated videos, movies, slides, photos, books, or magazines; or any facility in which persons display and/or touch sexually specified areas such as body piercing or tattooing services. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented land uses (i) if the store area devoted to the sale or rent of said materials is less than 5% of the sales area devoted to non-sexually-oriented materials, and (ii) if such materials are placed in generic covers or are placed in an area which is separate from and not visible from the areas devoted to non-sexually-oriented materials, and (iii) if such materials are not advertized by any advertizing located or visible outside of the store.

**Rationale:** The incorporation of this Subsection into this Chapter is designed to reflect the Town Board's official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Town Board is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Town's Master Plan and protect the character and integrity of its commercial and residential neighborhoods.

- (b) **Regulations:** The following regulations apply to all Sexually Oriented land uses wherever located in the Town:
  1. Sexually oriented land uses are prohibited in the Town of Lisbon to the extent allowed by law. If required by law, then:
  2. Shall be located a minimum of 330 feet from any residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
  3. Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at the values they would have otherwise.
  4. Parking Requirements: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater), plus 1 space per employee on the largest work shift.

**(16) VEHICLE REPAIR AND MAINTENANCE SERVICE:**

- (a) **Description:** Vehicle repair and maintenance services include all land uses which perform maintenance services (including repair) to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building.
- (b) **Regulations:** The following regulations apply to all Vehicle Repair and Maintenance Service uses wherever located in the Town:

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1. Storage of abandoned vehicles is prohibited.
2. Overnight Storage: All overnight storage of cars and other motorized vehicles being repaired, shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored items from view.

**409 STORAGE OR DISPOSAL LAND USES****(1) INDOOR STORAGE:**

- (a) **Description:** Indoor storage land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities.

**(2) OUTDOOR STORAGE:**

- (a) **Description:** Outdoor storage land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See, Subsection (4), below.)
- (b) **Regulations:** The following regulations apply to all Outdoor Storage and Wholesaling uses wherever located in the Town:
1. All outdoor storage areas excepting landscaping materials, shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view.
  2. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

**(3) PERSONAL STORAGE FACILITY:**

- (a) **Description:** Land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area available on either a condominium or rental basis. Also known as "mini-warehouses".

**(4) JUNKYARD OR SALVAGE YARD:**

- (a) **Description:** Junkyard or salvage yard facilities are any land or structure used for a storage or salvaging operation including but not limited to: the aboveground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. Also included herein by reference are the definitions in §84.31, stats., to the extent they expand the above definition. We adopt the declaration of purpose set forth in §84.31(1), stats., and confirm that all junkyards in violation of this section are declared public nuisances.
- (b) **Regulations:** The following regulations apply to all Junkyard or Salvage Yard uses wherever located in the Town:
1. Junkyards or salvage yards are prohibited in the Town of Lisbon. No person shall accumulate or store any junk, salvage material or recycling material nor

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any unoccupied mobile homes or manufactured homes, currently unuseable or in a state of disrepair or disassembly or any parts thereof outside of any building on any real estate in the Town of Lisbon except upon a variance.

2. No variance shall be issued except to avoid extreme hardship and then only to the following:
  - i. Those premises which are not visible from any public road;
  - ii. Those which are screened so as not to be visible from a public road;
  - iii. Those which comply with §84.31, Stats., with its applicability extended to county and local highways, as well.
3. Waste materials must be stored or disposed of according to DNR regulations.
4. If such a permit is granted, guidelines to be considered shall include
  - i. Facility shall be completely screened along all borders. Such screening and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from off the property at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. As a guideline, it is anticipated that the screening will be 3 feet above the highest level of piles of junk. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 1000 feet from all lot lines. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 532.

**(5) WASTE DISPOSAL FACILITY:**

- (a) **Description:** Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 289.01(33).
- (b) **Regulations:** The following regulations apply to all Waste Disposal Facility land uses wherever located in the Town:
  1. The dumping of garbage, refuse or other solid waste of any kind, or the expansion of any existing waste disposal facility, is prohibited in the Town of Lisbon.
  2. A non-commercial, single family dump or landfill used to dispose of solid waste generated on that property is exempt under §289.43 (5), Stats.
  3. Any appeal for a variance must be directed to the Town Zoning Board of Appeals in writing and will only be granted after a public hearing to avoid extreme injustice.
    - i. If a variance sought is a one-time use such as disposal of one building demolished on the applicant's own premises in the Township and no toxic substances or other materials the dumping of which is prohibited by State law or County ordinance are involved, then the information to be provided in the application appealed for is: name, address and telephone number of landowner and applicant; exact location of the proposed site; description of material to be dumped; size; date of dumping; plan for excavation and landscaping; proximity of neighboring residences, farms, wells and roads; site topography; description of surface water run off and roads to be used, if any.
    - ii. If a variance is sought to create a dump or landfill that exceeds the one-time use described above, then the applicant shall provide, in addition to the information requested above, compliance with §289

## Article 4: Land Uses

et. seq. stats and all DNR regulations; feasibility report and plan of operation (both certified by licensed engineers); plan of security of site and plan for long term care of site; statement of effect on Town roads; form of security for damages to Town roads, Town property or third-party property.

4. Further, in granting any such variance, the Zoning Board of Appeals shall include the following conditions:
  - i. Facility shall provide a complete screening along all borders of the property.
  - ii. All buildings, structures, and activity areas shall be located a minimum of 330 feet from all lot lines.
  - iii. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by Section 532) in any manner.
  - iv. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to the condition required by the approved Site Plan. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)

**410 TRANSPORTATION LAND USES****(1) AIRPORT/HELIPORT:**

- (a) **Description:** Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport or heliport.
- (b) **Regulations:** The following regulations apply to all Airport/Heliport uses wherever located in the Town:
  1. The existence of the Mauston/New Lisbon Joint Airport in the Town of Lisbon, so long as it continues in existence, requires the prohibition of any further airports to avoid congestion.
  2. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 25 feet from all lot lines.

**411 INDUSTRIAL LAND USES****(1) LIGHT INDUSTRIAL LAND USE:**

- (a) **Description:** Light industrial land uses are industrial facilities at which all operations (with the exception of loading or unloading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Article 5.

**(2) TOWERS:**

## Article 4: Land Uses

- (a) **Please refer to the Town of Lisbon Mobile Tower Siting Permit Ordinance, Ordinance #57.**

**(3) EXTRACTION USE:**

- (a) **Description:** Extraction uses include land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.
- (b) **Regulations:** The following regulations apply to all extraction uses wherever located in the Town:
1. Shall receive approval from the County prior to action by the Town of Lisbon, and shall comply with all County, State and Federal regulations.
  2. Any extraction use shall be subject to the filing of a site plan approval under §908 and shall clearly describe the nature, extent and duration of such extraction, as well as its expected impact on neighbors and the environment.
  3. Required site plans shall include provisions to avoid noise, vibration, dust and detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publically-owned extraction or waste disposal facilities.)
  4. Facility shall provide a complete screening along all borders of the property.
  5. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
  6. If the location of such extraction involves traveling on Town Roads by heavy equipment and high volumes of trucks, then the applicant shall, through a Development Agreement, make arrangements with the Town to compensate for the unanticipated heavy usage of the road.

**412 ACCESSORY LAND USES**

Accessory uses are land uses which are incidental to the principal use conducted on the subject property. Moreover, only those accessory uses listed herein shall be permitted herein with the exception of a commercial apartment or farm residence, in no instance shall a cellar, basement, tent, recreational trailer, camper or recreational vehicle, or accessory structure, be used as a residence.

**(1) Commercial Apartment**

- (a) **Description:** These are dwelling units which are located above or adjacent to a building used for commercial land use, e.g., an office or retail establishment. They are able to share required parking spaces with non-residential uses.

**(2) Farm Residence**

- (a) **Description:** A farm residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses.
- (b) **Regulation.**
1. Each dwelling unit must be located on a parcel of a minimum size of 2 acres per dwelling unit.

## Article 4: Land Uses

2. Each dwelling unit must have access to a public road.
3. To the extent not inconsistent with the above, each dwelling unit must comply with the height, area for lot, floor, yard and other requirements of the residential district.

**(3) Detached Garage, Carport, Utility Shed.**

- (a) **Description:** (For Agricultural/Open & Commercial Zoning Districts only) This is a structure which primarily accommodates the sheltered parking of a vehicle and/or storage. This also includes the following which are limited to one (1) per parcel: semi-trailers, cube vans or other similar shipping containers.
- (b) **Description:** (For Residential Zoning Districts only) This is a structure which primarily accommodates the sheltered parking of a vehicle and/or storage. This does not include a structure originally built to be licensed as a vehicle or trailer, such as a semi trailer, cube van or other similar shipping containers.

**(4-9)** Open sections at this time.

**(10) Home Occupations:**

- (a) **Description:** Home occupations are small home-based family or professional businesses performed within any single family detached residence. Examples include personal and professional services.
- (b) **Regulations:** The following regulations apply to all home occupation accessory land uses wherever located.
  1. The purpose is to accommodate a small home-based business without the necessity of a rezoning from residential or agricultural to a commercial district. Physical expansion of a home to accommodate this is not anticipated.
  2. No home occupation shall create any exterior evidence of the home occupation other than the sign permitted that is not normally associated with average residential use.
  3. Only one sign may be used to indicate the type of occupation or business.
  4. The type and number of equipment and machinery used on site may be restricted by the conditional use permit.
  5. Sale or transfer of the property or expansion of the home occupation may cause the conditional use permit to be voided.

**(11) Family Day Care Home.**

- (a) **Description:** Family day care homes are occupied residences in which a qualified person or persons provide care for 4-8 children. The care of less than 4 children is not subject to regulation here.
- (b) **Regulations:** All such family day care homes shall comply with state statutes and regulations.

**(12-15)** Open at this time.

**(16) Private Residential Kennel:**

- (a) **Description:** A maximum of 4 dogs are permitted by right for any one land owning entity, person or partnership, regardless of the number of parcels held. Any land owning entity housing a number of dogs exceeding this shall be considered a private residential kennel, and such a kennel shall be required to obtain a conditional use permit and be licensed. Cats are not regulated. In addition to those requirements, a private residential kennel shall meet the following:
- (b) **Regulations:**
  1. Any outdoor containment or enclosures for animals shall be located a minimum of 25 feet from any residentially or business zoned property.

**(17) Private Residential Stable:**

## Article 4: Land Uses

- (a) **Description:** A private residential stable is a structure facilitating the keeping of horses ( or similar animals) on the same site as a dwelling or business in a residential or business district.
- (b) **Regulations:** The following regulations shall apply:
  1. A minimum lot area of 5 acres is required for a private residential stable in a residential or commercial district.
  2. A maximum of one horse per 2.5 acres of fully enclosed (fenced) area is permitted in a residential or commercial district.

(18-22) open at this time

(23) **CARETAKER'S RESIDENCE.**

- (a) **Description:** This land use includes any residential unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration. This is comparable to the commercial apartment or conditional additional farm residence as described above.

(24-30) for future use

#### 413 TEMPORARY LAND USES

These land uses are allowed pursuant to the procedures of Section 906.

##### (1) **OUTDOOR ASSEMBLY:**

- (a) **Description:** Includes any organized outdoor assembly of more than 200 persons.
- (b) **Regulations:** The following regulations apply to all outdoor assembly temporary land uses wherever located in the Town:
  1. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
  2. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.
  3. If subject property is located adjacent to a residential area, activities shall be limited to the extent practicable to daylight hours.
  4. Adequate provisions for crowd control shall be made, and shall be described within the application.
  5. Shall comply with Section 906, standards and procedures applicable to all temporary uses.

##### (2) **ALL OTHER TEMPORARY LAND USES:**

- (a) **Description:** All other temporary land uses including structures for management of an active construction project, storage areas for equipment/materials for an active construction project; manufactured buildings serving as temporary buildings or temporary buildings as on-site sales offices for a development project.
- (b) **Regulations:**
  1. Any such facility shall be removed or converted to a permanent land use within 10 days of the completion of the temporary activity.
  2. Projects requiring land use to be in place for more than 365 days shall require a conditional use permit.
  3. Shall conform to all setback regulations.
  4. Shall comply with Section 906, standards and procedures applicable to all temporary uses.

414 (for future use)



**ARTICLE 5: GENERAL STANDARDS AND REGULATIONS****501 PURPOSE**

The purpose of this Article is to set forth various general requirements applicable to all development for all land uses in all zoning districts within the jurisdiction of this ordinance. These requirements cover a broad array of issues which are important for the promotion and protection of the safety and general welfare of the public, including (but not limited to) requirements for density, intensity, bulk, access, visibility, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring in the Town of Lisbon.

**502 RESERVED FOR FUTURE USE****503-504 RESERVED FOR FUTURE USE****505 RESERVED FOR FUTURE USE****506 ACCESS STANDARDS**

(1) **PURPOSE:** The purpose of this Section is to alleviate and/or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access from private property onto public rights-of-way.

(2) **PERMIT REQUIRED:** Each access drive onto a public street or right-of-way shall have a permit issued by the Town or the entity controlling the public road.

**(3) and (4) reserved for future use**

(5) **ACCESS NEAR STREET INTERSECTIONS:** No access drive shall be located closer than 150 feet from the intersection of any two street rights-of-way. In all other cases, no access drive shall be located closer than 75 feet from the intersection of any two street rights-of-way. Access drives closer to intersections may be approved by conditional use. In all cases, access drives shall be located as far from an intersection as the lot size permits.

(6) **DISTANCE BETWEEN ACCESS DRIVES:** The minimum distance between two or more access drives serving the same property shall be 75 feet, as measured at the property line. A distance in excess of said 75 feet may be required if, in the opinion of the Zoning Administrator or designee existing or projected traffic factors warrant a greater distance. Access drives closer to intersections may be approved by conditional use.

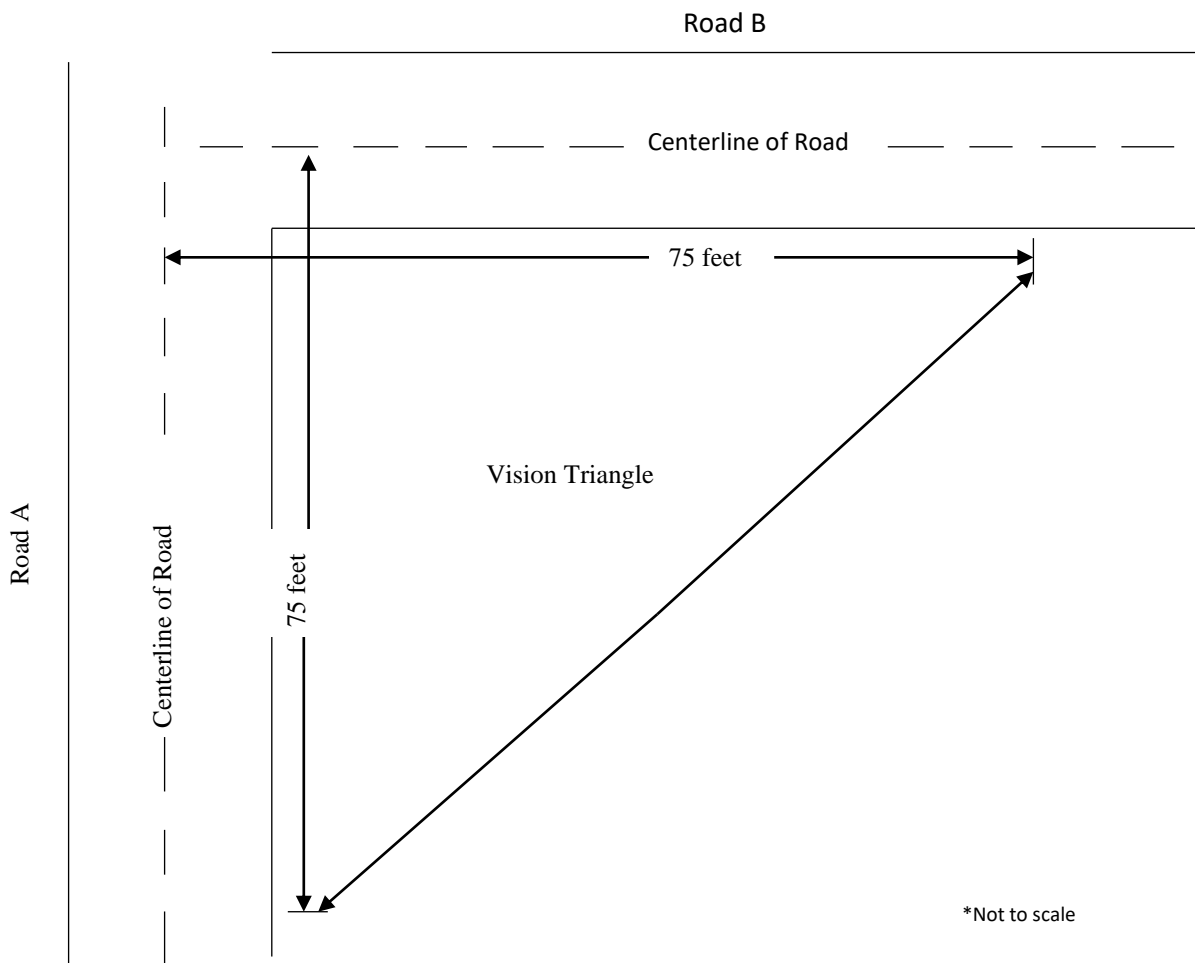
**(7) through (12) reserved for future use**

(13) **DRAINAGE:** Driveways shall be designed and constructed to minimize the flow of storm water onto the street and to maximize the flow of storm water into the ditches, catch basins and other storm water drainage facilities. All driveway entrances shall be constructed as not to interfere with the drainage of streets, ditches and other storm water drainage facilities. Driveway culvert size to be determined by the Town.

**507 RESERVED FOR FUTURE USE**

**508 VISIBILITY STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to alleviate or prevent accidents and to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility. No signs, other than those related to traffic safety or approved highway directional signs, may be located in the road right-of-way nor may any signs be of such size or location that they interfere with the clear view of the full road right-of-way or of intersecting streets for motorists or pedestrians.
- (2) **VISION CLEARANCE TRIANGLE:** In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision. This triangular area is determined by measuring 75 feet from the center of each road and a chord connecting each of the measurements as illustrated in the diagram below.



- (3) **RESTRICTIONS IN TRIANGLE:** Within said vision clearance triangular area:
  - (a) no signs in excess of 30 inches in height, parking spaces, or structures shall be permitted,
  - (b) no earthwork in excess of 30 inches in height shall be permitted,

- (c) no vegetation, fencing, nor other such obstructions, which exceed 30 inches in height above either of the centerline elevations of said two streets, shall be permitted

**509, 510 and 511      RESERVED FOR FUTURE USE**

**512      EXTERIOR STORAGE STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to control the use of property for exterior storage so as to promote the safety and general welfare of the public. (See also, Storage and Disposal Land Uses, Section 409)
- (2) **EXTERIOR STORAGE OF RV'S, ATV'S, BOATS, SNOWMOBILES AND TRAILERS IN RESIDENTIAL ZONING DISTRICTS:** No person shall park or store recreational vehicles, ATV's, boats, snowmobiles, or trailers on a lot in a residential district, except within a fully enclosed structure or except as provided herein.
- (a) **Definitions:** For the purposes of this Section, the following definitions shall apply:
- All-terrain Vehicle (ATV):** The definition of an ATV provided in Section 340.01(2g) Wis. Stats. is adopted by reference, including all amendments thereto.
- Boat:** Boat shall mean motor boats (whether or not a motor is actually on the boat), house boats, row boats, canoes and kayaks.
- Recreational vehicle (RV):** Recreational vehicle shall mean motor homes, motor coaches, pickup campers when not positioned on top of a pickup, camping trailers, travel trailers, tent campers, folding campers, carnival equipment and their trailers, and cases or boxes used to transport recreational vehicles or their equipment, and similar equipment and vehicles.
- Trailer:** Trailer shall mean fifth-wheel trailers, utility trailers, boat trailers, snowmobile trailers, race car trailers, and ATV trailers.
- (b) **Maintenance:** Each RV, ATV, boat, snowmobile and trailer parked or stored in the Town shall be maintained in working condition, reasonably ready for the effective performance of the function for which it was intended. RV's and trailers shall be roadworthy.
- (c) **Ownership:** No RV, ATV, boat, snowmobile or trailer shall be parked or stored outside unless such item is wholly owned by the property owner or their family. If the property is rented, such storage shall be permitted to the tenant provided that such item is owned by the tenant.
- (3) **EXTERIOR STORAGE IN OFFICE AND BUSINESS DISTRICTS:** In all office and business zoning districts (See Section 201 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following: exterior displayed inventory for sale; screened refuse containers; construction materials, landscape materials and related equipment connected within on-site construction; and off-street parking.

**513      RESERVED FOR FUTURE USE**

**514      EXTERIOR LIGHTING STANDARDS**

## Article 5: General Standards and Regulations

- (1) **PURPOSE:** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- (2) **APPLICABILITY:** The requirements of this Section apply to all exterior lighting in the Town of Lisbon.
- (3) **DEPICTION ON REQUIRED SITE PLAN:** Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to Section 908.)
- (4) **REQUIREMENTS:**
  - (a) **Orientation of Fixture:** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
  - (b) **Intensity of Illumination:** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot candles above ambient lighting conditions on a cloudless night.
  - (c) **Location:** Light fixtures shall not be located within required bufferyards.
  - (d) **Flashing, Flickering and other Distracting Lighting:** Flashing, flickering and/or other lighting which may distract motorists is prohibited.
  - (e) **Nonconforming Lighting:** All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal non-conforming uses.
  - (f) **Special Events Lighting:** Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit. (Refer to Section 906.)

515 and 516 **RESERVED FOR FUTURE USE**517 **NOISE STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to regulate the creation of noise which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance or agricultural operations.
- (3) **REQUIREMENTS:** All noise shall be muffled so as not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of the subject property the values given in Tables 517(3)(a) and (b) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential or business zoning district.

**Table 517(3)(a):****Maximum Permitted Noise Level at Lot Line for Noise Radiated Continuously\***

Article 5: General Standards and Regulations

Zoning District	Increase in Noise Level over Ambient Level
ER-1	plus 3 dBA
PB	plus 5 dBA
* If the noise is not smooth and continuous or is present only during daytime hours, one or more of the corrections, in Table 22.517(3)(b) below shall be added to or subtracted from each of the decibel levels given in this Table.	

**Table 517(3)(b):  
Adjustment Factors for Maximum Noise Levels**

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Apply only one of these corrections.	

- (4) **BURDEN OF PROOF:** Noises that were in effect as of the effective date of this Ordinance shall be considered legal nonconforming noises. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Ordinance shall be the responsibility of the noise producer.

**518 - 524      RESERVED FOR FUTURE USE**

**525      TOXIC OR NOXIOUS MATERIAL STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to regulate the handling of toxic or noxious material which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities.
- (3) **STANDARDS:**
  - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to

Article 5: General Standards and Regulations

be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.

- (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

**526-531      RESERVED FOR FUTURE USE**

**532      HAZARDOUS MATERIALS STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to provide information to the Town regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities involving any one or more of the following:
  - (a) Hazardous Substances as defined in §289.01(11), §291.05(2), or subject to §100.37(1)(c), stats.;
  - (b) Toxic Substances subject to Wisconsin Statutes 101.58(2)(j);
  - (c) Infectious Agents subject to Wisconsin Statutes 101.58(2)(f);
  - (d) Any material for which the State of Wisconsin requires notification of a local fire department; or
  - (e) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related materials regulations.
- (3) **STANDARDS:** All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required initial site plan submittal and any such material being handled thereafter will require immediate notice to the Town. (See Section 908)

**533 - 539      RESERVED FOR FUTURE USE**

**540      SUBSTANDARD LOT REGULATIONS    See Section 205**

**541      NONCONFORMING STRUCTURE AND BUILDING REGULATIONS**

- (1) The rules and regulations applying to nonconforming uses in Sec. 403 are adopted for use involving nonconforming structures and buildings, their modification, maintenance, reconstruction, different use or enlargement.

**542      RESERVED FOR FUTURE USE**

**ARTICLE 6-8: Reserved for future use**

## ARTICLE 9: PROCEDURES AND ADMINISTRATION

### 901 PURPOSE

The purpose of this Article is to establish the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, temporary use review and approval, site plan review and approval, certificates of occupancy, variances, zoning provision interpretations by the Zoning Administrator, and appeals of zoning provision interpretations to the Zoning Board of Appeals.

### 902 AMENDMENTS TO THE TEXT OF THESE ZONING REGULATIONS

- (1) **PURPOSE:** Subject to the requirements of Section 62.23(7)(d) Wis. Stats., the purpose of this Section is to provide regulations for the review and approval, or denial, of proposed amendments to this text, except amendments to the Official Zoning Map.
- (2) **APPLICATION REQUIREMENTS:** All applications from the general public for proposed amendments to this Ordinance shall be submitted to the Zoning Administrator or designee, who shall determine if the application is complete. A complete application with 10 copies shall contain all of the following:
  - (a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
  - (b) **Current Text:** A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier.
  - (c) **Proposed Text:** A copy of the text which is proposed to replace the current text.
  - (d) **Explanation:** Written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the recommendation of the Master Plan, particularly as evidenced by compliance with the standards set out in subsection 902(5)(e) below.
- (3) **REVIEW BY ZONING ADMINISTRATOR:**
  - (a) The Zoning Administrator shall review and evaluate the application and shall comment to the Plan Commission on the proposed text amendment provided in the application, taking into consideration the review standards of subsection 902(5)(e) below. The Zoning Administrator's written comments shall be submitted to the Plan Commission on or before the Public Hearing described below.
- (4) **REVIEW AND RECOMMENDATION BY THE PLAN COMMISSION:**
  - (a) **Submission to Plan Commission Required:** No amendment shall be made to this Chapter without first allowing for a recommendation from the Plan Commission.
  - (b) **Public Hearing:** Unless the Town Board specifically provides otherwise, public hearings on proposed amendments shall be held by the Plan Commission. The Plan Commission shall schedule a reasonable time and place for a public hearing.



## Article 9: Procedures and Administration

- (c) **Notice:** Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 60.61(4) of the Wisconsin Statutes. Said notice shall contain a description of the proposed change. In addition, at least ten days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Ordinance. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (d) **Formal Decision:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the Town Board.
- (e) **Standards of Review:** The following issues shall be considered by the Plan Commission in making its decision:
1. Whether the proposed amendment is in harmony with the recommendations of the Master Plan, and/or whether the Master Plan needs to be amended either (i) to change the recommendations of the Master Plan or (ii) to promulgate a recommendation which was omitted from the Master Plan.
  2. Whether the proposed amendment furthers the purposes of this Chapter as outlined in Section 103.
  3. Whether the proposed amendment furthers the purposes of the general Article in which the amendment is proposed to be located.
  4. Whether the proposed amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.
  5. Whether any new, different or unusual factors have arisen that are not properly addressed. The following are examples of such factors:
    - a. The provisions of this Ordinance should be brought into conformity with the Master Plan. (If this is a factor related to the proposed amendment, note pertinent portions of the Master Plan.);
    - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
    - c. New methods of development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;
    - d. Changing governmental finances require amending this Ordinance in order to meet the needs of the government in terms of providing and affording public services.
  6. Whether the proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
  7. Whether the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment.

## Article 9: Procedures and Administration

- (f) **Failure to Act:** If the Plan Commission fails to take the necessary action, then the Town Board may follow the procedure outlined above. Failure to receive said written report from the Plan Commission, shall not invalidate the proceedings or actions of the Town Board.
- (5) **REVIEW AND ACTION BY THE TOWN BOARD:** The Town Board shall consider the Plan Commission's recommendation regarding the proposed amendment. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may conduct one or more meetings on the application before taking final action. The Town Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the Town Board wishes to make significant changes in the proposed amendment, as recommended by the Plan Commission, then the procedure set forth in subsection (4) above shall again be followed prior to Board action. The Town Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (6) **FEE:**
- (a) All applicants shall pay an application fee when requesting an amendment, and such fee shall be established by resolution of the Town Board. See, Section 938.
- (b) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 938.

903 **AMENDMENTS TO THE OFFICIAL ZONING MAPS**

- (1) **PURPOSE:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the Official Zoning Maps.
- (2) **APPLICATION REQUIREMENTS:** All applications from the general public for proposed amendments to the Map shall be submitted to the Zoning Administrator or designee, who shall determine if the application is complete. A complete application shall contain all of the following:
- (a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
- (b) **Ownership Map:** A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the Town of Lisbon. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and which is at a scale acceptable to the Town. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (c) **Overall Map:** A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.

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- (d) **Explanation:** Written justification for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with recommendations of the Master Plan.
- (3) **REVIEW BY ZONING ADMINISTRATOR:**
  - (a) If the Zoning Administrator determines that the application does fulfill the requirements of this section, he shall so notify Applicant and forward the Application to the Plan Commission for further action.
- (4) **REVIEW AND RECOMMENDATION BY THE PLAN COMMISSION:**
  - (a) Apply the provisions of 902(4)(a-f)
- (5) **REVIEW AND ACTION BY THE TOWN BOARD:** Apply the provisions of 902(5)
- (6) **FEE:** Apply the provisions of 902(6)

**904 ZONING PERMITS FOR PERMITTED USES**

- (1) **PURPOSE:** This is the procedure for permitted uses.
- (2) **GENERAL REQUIREMENT:** A zoning permit shall be obtained from the Town before any building or structure is located, relocated, built, erected, enlarged, moved, reconstructed, altered, or extended, or before the use of any building, structure or property is commenced, changed or altered. Permits for uses authorized only by conditional use shall be issued pursuant to the procedures of Section 905 below. Permits for temporary uses shall be issued pursuant to the procedures of Section 906 below. All other zoning permits shall be issued pursuant to the following procedures.
- (3) **APPLICATION REQUIREMENTS:** All applications for permits shall be submitted to the Zoning Administrator or designee, who shall determine if the application is complete. A complete application shall contain all of the following:
  - (a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s), developer(s) and contractor(s) being used on the project.
  - (b) **Property Info:** Description of the site by lot, block, and recorded subdivision or by metes and bounds; address of the site; tax parcel number for the site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the site lies.
  - (c) **Survey:** Plat of survey (or at the Town's discretion, a scaled drawing) showing the location, boundaries, dimensions, uses and size of the following: site; existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, channel floodway, and floodplain boundaries; and existing and proposed street, side, and rear yards.
  - (d) **Other:** Additional information as may be required by the Zoning Administrator.
- (4) **REVIEW BY ZONING ADMINISTRATOR:** The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the

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Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall review the application and shall render a decision.

- (5) **DECISION:** A zoning permit shall be granted or denied, in writing, by the Zoning Administrator.
- (6) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.
- (7) **EXPIRATION:** Permits shall lapse and become void if there has been no start of construction within 6 months of the issuance of the permit, unless otherwise specified in this Ordinance or by specific approval of an extension or variation.
- (8) **TERMINATION OF AN APPROVED PERMIT:** Any zoning permit found not to be in compliance with this Ordinance shall be in violation of this Ordinance and shall be subject to all applicable penalties. A zoning permit may be revoked for such a violation by majority vote of the Plan Commission, following notice to the land owner. Furthermore, at any time after approval of a zoning permit, upon request by the Plan Commission, the Applicant must appear before the Plan Commission at a time and date set by the Commission, and the Applicant must demonstrate to the satisfaction of the Plan Commission that the Applicant has met all requirements of the zoning permit and this Chapter for the subject property.
- (10) **FEES:**
  - (a) All applicants shall pay a zoning permit fee which shall be established by resolution of the Town Board which is due and payable upon application, and is not refundable.
  - (b) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application.

**905 ZONING PERMITS FOR CONDITIONAL USES**

- (1) **PURPOSE:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses, including limited conditional uses.
- (2) **LIMITED CONDITIONAL USES:** Limited conditional uses are the same as regular conditional uses except that limited conditional uses are not permanent, but instead, they are limited in time or duration because of
  - (a) their particularly specialized nature, or
  - (b) their particular locations within a district, or
  - (c) the peculiar unique relationships or needed compatibility of uses to involved individuals, or
  - (d) any other reason(s) the Plan Commission deems specially relevant and material to limit the scope thereof.
- (3) **INITIATION OF REQUEST FOR APPROVAL OF A CONDITIONAL USE:**
  - (a) **Who May Apply:** Proceedings for approval of a site plan shall be initiated by application of the owner(s) of the subject property, or their legally authorized representative(s).
  - (b) **Pre-Application Meeting:** Before submitting an application, the Applicant may first meet with Staff to discuss preliminary concepts and plans for the development.

- (4) **APPLICATION REQUIREMENTS:** All applications for proposed conditional uses shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall, unless, in the Town's discretion, certain requirements are waived, contain all of the following:
- (a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s), developer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
  - (b) **Ownership Map:** A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is acceptable to the Town. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
  - (c) **Overview Map:** A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.
  - (d) **Description of Proposed Uses:** A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
  - (e) **Site Plan:** A site plan of the subject property as proposed for development may be required at the discretion of the Plan Commission. Said site plan shall conform to any and all the requirements of Section 908(3).
  - (f) **Explanation:** Written justification for the proposed conditional use consisting of the reasons why the Applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in Subsection 905(6)(e) below.
- (5) **REVIEW BY TOWN STAFF.** The proposed conditional use application shall be reviewed by the Zoning Administrator and any site plan shall be reviewed by Town Staff as follows:
- (a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of the above sections.
  - (b) If a site plan is required, the Administrator shall refer the site plan to the appropriate Staff. The Staff shall review and evaluate the application, and may meet with the applicant and may require additional information from the applicant to fully evaluate the proposed project and its impact upon the Town. Upon completion of its review, the Staff shall comment in writing to the Plan Commission on the proposed application, taking into consideration the review standards of subsection 905(6)(e) below. The Staff's written comments shall be submitted to the Plan Commission on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.
  - (c) If a site plan is not required, the Zoning Administrator shall review and evaluate the application and shall comment in writing to the Plan Commission on the proposed application, taking into consideration the review standards of this Article. The Zoning Administrator's written comments shall be submitted to the Plan Commission on or before the Public Hearing described below.
- (6) **REVIEW AND ACTION BY THE PLAN COMMISSION:**

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- (a) **Referral to Plan Commission:** Once the application is referred to the Plan Commission, the Commission may request further information and/or additional reports from the Zoning Administrator, the Applicant, and/or from any other source. The Plan Commission shall take final action on the application pursuant to the following procedure.
- (b) **Public Hearing:** The Plan Commission shall schedule a reasonable time and place for a public hearing after the Administrator determines that the application is complete. The Applicant may appear in person, by agent, and/or by attorney.
- (c) **Notice:** Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed conditional use. In addition, at least ten (10) days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant, to all property owners within 200 feet of the boundaries of the subject property as identified in 905(4)(a) above. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.
- (d) **Formal Decision:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. In making its decision the Plan Commission,
1. may approve the conditional use as originally proposed, or
  2. may approve the proposed conditional use with such modifications and conditions as it deems necessary and appropriate after consideration of the standards of review set forth below and consideration of the recommendations of the Staff, the Zoning Administrator, outside experts, its own members, and any other source, or
  3. may deny approval of the proposed conditional use.
- The Plan Commission's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- (e) **Standard of Review:** The following issues shall be considered and addressed by the Plan Commission in making its decision:
1. Whether the proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the Town of Lisbon Master Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration by the Town.
  2. Whether the proposed conditional use (in its proposed specific location) is in harmony with the purposes, goals, objectives, policies and standards of the Town of Lisbon Master Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration by the Town.
  3. Whether the proposed conditional use, in its proposed location and as depicted on the required site plan, will cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public

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health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Ordinance, the Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide development.

4. Whether the proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
  5. Whether the proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
  6. Whether the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration the Applicant's proposal, including the Applicant's suggestions to ameliorate any adverse impacts.
- (7) **APPEAL TO TOWN BOARD:** A decision of the Plan Commission to grant or deny a conditional use may be appealed to the Town Board. Applications shall attach all the information required to be previously submitted to the Plan Commission. Anyone who has protest petition rights under §62.23(7)(d)(2m) or any Town Board member may appeal. Such application shall be filed within 10 days of the Plan Commission decision or it is waived. The Plan Commission file including staff recommendations and Plan Commission minutes shall also be sent to the Town Board. A hearing may or may not be held at the Board's discretion. The Board's decision shall follow the same standard of review set forth above.
- (8) **TIME LIMITS ON THE DEVELOPMENT OF CONDITIONAL USE:** The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval, unless a different deadline is established by the terms of the Conditional Use. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission and shall be based upon a showing of acceptable justification (as determined by the Plan Commission).
- (9) **TERMINATION OF AN APPROVED CONDITIONAL USE:** Any conditional use found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections 905(3) through(7) above. Furthermore, at any time after approval of a conditional use, upon request by the Plan Commission, the Applicant must appear before the Plan Commission at a time and date set by the Commission and the Applicant must demonstrate to the satisfaction of the Plan Commission that the Applicant has met all general and specific conditional use requirements for the subject property.
- (10) **USES NOW REGULATED AS CONDITIONAL USES WHICH WERE PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE:** A use now regulated as a conditional use which was legally established prior to the Effective Date of this Chapter shall be

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considered as a legal, conforming land use. Any modification of the pre-existing non-conforming use shall

require submission of a new application for a conditional use pursuant to the foregoing procedures. (See also Section 403)

**(11) FEES:**

- (a)** All applicants shall pay a non-refundable conditional use application fee which shall be established by resolution of the Town Board. See, Section 938.
- (b)** All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 938(3).
- (c)** The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered "complete" and ready for consideration until all fees have been paid.

**906 ZONING PERMITS FOR TEMPORARY USES**

**(1) PURPOSE:**

- (a)** The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses.

**(2) GENERAL REQUIREMENT:** After the effective date of this Ordinance, a Temporary Use permit shall be obtained from the Town before any temporary use is located, relocated, built, erected, enlarged, moved, reconstructed, altered, or commenced. No public hearing is required to develop a temporary use, however, a demonstration that the developer proposes to meet all temporary use requirements of this Article must be made at the time of application. Furthermore, no Certificate of Occupancy shall be issued for any development that does not comply with all requirements.

**(3) APPLICATION REQUIREMENTS:** All applications for proposed temporary uses shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:

- (a) Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
- (b) Site Map:** A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is acceptable to the Town. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (c) Area Map:** A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.
- (d) Description:** A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.



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- (e) **Site Plan:** The Zoning Administrator may require a full or partial site plan of the subject property. If required, said site plan shall conform to any and all the requirements of Section 908(3) as determined by the Zoning Administrator.
- (4) **REVIEW BY ZONING ADMINISTRATOR:** If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall review the application and shall render a written decision.
- (5) **DECISION:** A temporary use permit shall be granted or denied, in writing, by the Zoning Administrator.
- (6) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.
- (7) **TERMINATION OF AN APPROVED PERMIT:** Any temporary use permit found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A zoning permit may be revoked for such a violation by the Zoning Administrator, following notice to the land owner. Furthermore, at any time after approval of a temporary use permit, upon request by the Zoning Administrator or the Plan Commission, the Applicant must appear before the Zoning Administrator or Plan Commission at a time and date set by the Administrator or Commission, and the Applicant must demonstrate to the satisfaction of the Administrator or Plan Commission that the Applicant has met all general and specific requirements of the permit and this Chapter for the subject property.
- (8) **FEE:**
- (a) All applicants shall pay a permit fee which shall be established by resolution of the Town Board.
- (b) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 938(3).

**907 RESERVED FOR FUTURE USE****908 SITE PLAN APPROVALS**

- (1) **PURPOSE:** The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land use and development activities comply with the requirements of this Chapter.
- (2) **EXCEPTIONS TO PROCEDURE:**
- The Plan Commission may waive compliance with some of the following application requirements once the Staff learns of the nature and extent of the proposed project. Any such waiver shall be in writing, and may be revoked or amended at any time, for any reason, by the Staff or by the Plan Commission.
- (3) **APPLICATION REQUIREMENTS:** All applications for approval of proposed site plans shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete site plan application shall contain the following:
- (a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.

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- (b) **Written Description** of the intended use describing in reasonable detail the following:
1. Existing zoning district(s) (and proposed zoning district(s) if different);
  2. Land use plan map designation(s);
  3. Site Evaluation Worksheet to determine if parcel is big enough for development;
  4. Current land uses present on the subject property;
  5. Proposed land uses for the subject property (per Article 4);
  6. Projected number of residents, employees, and/or daily customers;
  7. Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density;
  8. Operational considerations relating to hours of operation and traffic generation;
  9. Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article 5 including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article 5), then the statement "The proposed development shall comply with all requirements of Article 5." shall be provided;
  10. Exterior building and fencing materials;
  11. Possible future expansion and related implications for 1-10, above, and;
  12. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (c) **Location Map** at 8½" x 11" showing the subject property and illustrating its relationship to the nearest street intersection.
- (d) **Property Site Plan Drawing** (and reduction at 8½" x 11") which includes:
1. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
  2. The date of the original plan and the latest date of revision to the plan;
  3. A north arrow and a graphic scale. Said scale shall be acceptable to the Town.
  4. A legal description of the subject property;
  5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
  6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;

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7. All required building setback lines;
  8. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
  9. The location and dimension (cross-section and entry throat) of all access points onto public streets;
  10. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Ordinance;
  11. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
  12. The location of all outdoor storage areas and the design of all screening devices;
  13. The location, type, height, size and lighting of all signage on the subject property;
  14. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property—including the clear demonstration of compliance with Section 514;
  15. The location and type of any permanently protected green space areas;
  16. The location of existing and proposed drainage facilities; and
  17. In the legend, data for the subject property:
    - a. Lot Area;
    - b. Floor Area;
    - c. Building Coverage;
    - d. Building Height.
- (e) **Detailed Landscaping Plan** of the subject property, at the same scale as the main plan (and reduction at 8½" x 11"), showing the location of all required bufferyard and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements.
- (f) **Grading and Erosion Control Plan** at the same scale as the main plan.
- (g) **Elevation Drawings** of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted.
- (h) **Certified Survey** may be required in instances where the Administrator or the Plan Commission determines that compliance with setback requirements may be difficult. The survey shall depict property lines and proposed buildings, structures, and paved areas.
- (i) **Detailed Site Analysis Map** is required if the proposed site has any natural resource protection areas (RPA). If so, the following submission and review process is to be followed:
1. **Purpose:** The detailed site analysis required by this Article is designed to provide the clear identification of RPA's on a site which is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development

concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing RPA's.

2. **Description:** The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Article. The detailed site analysis shall meet the following requirements:
  - a. **Scale:** A scale which is acceptable to the Town shall be used.
  - b. **Topography:** Topographic information is not required for any property which does not contain steep slopes (as designated on the Official Zoning Map). For such properties, topographic information with a minimum contour interval of two feet is required.
  - c. **Specific Natural Resource Areas:** All natural resource areas which require protection under the provisions of this Chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.
  - d. **Development Pads:**
    - (i) All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.
3. **Required Procedure for Submission and Review:**
  - a. **Required Timing of Submission:** The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the Preliminary Plat of Subdivision or the Certified Survey Map; or if the proposed development does not involve a land division then submittal is required as an attachment to a required site plan.
  - b. **Review by Town Staff:** Town Staff shall review the submitted detailed site analysis map for general compliance with the topographic information and the Town's Master Plan.
  - c. **Modification of Detailed Site Analysis Map:** If necessary, as determined by Town Staff, revised detailed site analysis maps shall be prepared and submitted for review by Town Staff, until a version is deemed acceptable. Staff review of the detailed site analysis may be appealed to the Board of Zoning Appeals as a matter of Ordinance interpretation. (See Section 936.)
  - d. **Acceptance of Detailed Site Analysis Map:** Upon notification of acceptance by Town Staff (or, in case of appeal, by determination of the Board of Zoning Appeals), the petitioner may proceed with the submittal of necessary development documents.

(4) **REVIEW BY ZONING ADMINISTRATOR :** The application shall be reviewed by the Zoning Administrator, or designee, as follows:

(a) If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall so notify Applicant and forward the application to the Plan Commission for further action.

(5) **REVIEW BY THE PLAN COMMISSION:**

(a) **Referral to Plan Commission:** Once the application is referred to the Plan Commission, the Commission may request further information and/or additional reports from the Zoning Administrator, the Applicant, expert consultants and/or from any other source. The Plan Commission shall take final action on the application pursuant to the following procedure.

(b) **Formal Decision:** Within 60 days after referral to the Plan Commission (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the form of written minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of subsection (c) below. In making its decision the Plan Commission,

1. may approve the site plan as originally proposed, or
2. may approve the site plan with such modifications and/or conditions as it deems necessary and appropriate after consideration of the standards of review set forth below and consideration of the recommendations of the Zoning Administrator, outside experts, its own members, and any other source, or
3. may deny approval of the site plan.

If additional modifications and/or conditions are required, the Plan Commission may withhold approval of the Site Plan until revisions depicting such additional modifications and/or conditions are submitted to the satisfaction of the Plan Commission, or its designee. Such modifications and/or conditions shall be made a part of the official record, and development activity on the subject property may not proceed until the revised site plan has been prepared, submitted and approved by the Plan Commission or its designee. The Plan Commission's approval of the site plan shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed site plan.

(c) **Standard of Review:** In reviewing the site plan the Plan Commission shall make findings on each of the following criteria to determine whether the submitted site plan

shall be approved, approved with modifications and/or conditions, or denied:

1. Whether all standards of the Zoning Ordinance and other applicable Town, State and Federal regulations are met.
2. Whether the public health and safety is endangered.
3. Whether adequate public facilities and utilities are provided.

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4. Whether adequate control of storm water and erosion are provided, and the disruption of existing drainage patterns and vegetative cover is minimized insofar as is practical.
  5. Whether appropriate traffic controls and parking are provided.
  6. Whether appropriate landscaping and open space areas are provided.
  7. Whether the appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use, which comply with the general architectural guidelines:
    - a. Exterior building, sign, and lighting design or appearance shall not be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area.
    - b. The basic intent of the Zoning Ordinance is fulfilled to ensure attractive, efficient, and appropriate development of land in the community.
  8. Whether reasonable steps have been taken to avoid depreciating effects on surrounding property and the natural environment.
- (7) **INITIATION OF LAND USE OR DEVELOPMENT ACTIVITY:** Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan.
- (8) **MODIFICATION OF AN APPROVED SITE PLAN:** Any and all variations between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter.
- (9) **SUNSET CLAUSE:** All buildings and structures approved on a site plan shall be fully developed within two (2) years of final approval of the site plan, unless a different date is established by the Plan Commission in the writing.
- (10) **FEE:**
- (a) All applicants shall pay a site plan review fee which shall be established by resolution of the Town Board.
  - (b) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 938(4).

**909 ZONING CERTIFICATES OF OCCUPANCY**

- (1) **PURPOSE:** The purpose of this Section is to provide regulations governing the review and approval of Zoning Certificates of Occupancy. This procedure is required to verify that completed development has complied with the approved site plan (per the requirements of Section 908), and the requirements of this Chapter as a whole.
- (2) **LAND USES AND DEVELOPMENT REQUIRING A CERTIFICATE OF OCCUPANCY:** Zoning Certificates of Occupancy shall be required for any of the following:

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- (a) Occupancy and use of a building or structure hereafter erected or structurally altered, except single family dwellings, duplex (two family) dwellings and farm buildings.
- (b) New occupancy and/or new use of an existing building when the new use is of a different land use classification.
- (c) Any change in the use of a nonconforming use.

No such occupancy, use or change of use shall take place until a Zoning Certificate of Occupancy therefor has been issued by the Zoning Administrator, or designee.

**(3) ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

- (a) **Application:** All applications for Zoning Certificates of Occupancy shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain the name and address of the applicant and the property owner, and the address and tax parcel number of the site.
- (b) **Exemptions from Application:** Every application for a Zoning Permit, Conditional use Permit, or Building Permit shall also be deemed to be an application for a Zoning Certificate of Occupancy for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Zoning Administrator. A separate application is not needed.

**(4) FEE:**

- (a) All applicants required to file a separate application for a Certificate of Occupancy shall pay a fee which shall be established by resolution of the Town Board.
- (b) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered "complete" and ready for consideration until all fees have been paid.

**910 VARIANCES**

- (1) **PURPOSE:** The purpose of this Section is to provide regulations which enable the Town to hear and decide requests for permitted variations from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done, as provided by Wisconsin Statutes 62.23(7)(e)(7). See also 60.62(1) and 61.35.
- (2) **INITIATION OF REQUEST FOR APPROVAL OF A VARIANCE:** Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property, or their legally authorized representative(s).
- (3) **APPLICATION REQUIREMENTS:** All applications for variances shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all the information required by 905(4)(a)-(f) with reasons why the variance is appropriate under the standard set out in (5)(e) below.
- (4) **REVIEW BY ZONING ADMINISTRATOR:**
  - (a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall

return the application to the Applicant. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall so notify Applicant and forward the application to the Board of Appeals for further action.

- (b) The Zoning Administrator may comment on the variance requested in the application.

**(5) REVIEW AND DETERMINATION BY ZONING BOARD OF APPEALS:**

- (a) **Submission to Zoning Board Of Appeals Required:** Pursuant to 62.23(7)(e) Wis. Stats., no variance shall be granted except by review and action of the Zoning Board of Appeals pursuant to this Chapter.
- (b) **Public Hearing:** The Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application within thirty (30) days after filing of the complete application. The applicant may appear in person, by agent, and/or attorney.
- (c) **Notice:** Notice of the requested variance and the public hearing shall conform to the requirements of Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed variance. In addition, at least ten days before said public hearing, the Clerk shall mail an identical notice to all property owners within 200 feet of the boundaries of the subject property.
- (d) **Formal Decision:** Within thirty (30) days after the holding of the public hearing, or within an extension of said period approved by the Applicant and granted by the Zoning Board of Appeals, the Zoning Board of Appeals shall make its findings and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at the time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations concerning the standards of subsection (e) below.
- (e) **Standards of Review:** The following factors shall be considered by the Board of Appeals in making its decision, and shall be addressed in the Board's official written decision:
  1. Whether the requested variance is in harmony with the recommendations of the Town of Lisbon's Master Plan.
  2. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
    - a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;





change or modification of a land use. Therefore, the response to this question shall clearly indicate that the requested variance does not seek to change or modify the use of the subject property.

- (f) **Effect of Inaction:** If the Zoning Board of Appeals fails to make a determination within thirty (30) days after said public hearing, then the request for the variance shall be considered denied.
- (6) **EFFECT OF DENIAL:** No application for a variance which has been denied (in whole or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, unless the Zoning Administrator first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.
- (7) **LIMITED EFFECT OF A VARIANCE:** Where the Zoning Board of Appeals has granted a variance, such approval shall not change the “use” classification of either the building or premises, nor give it any new status as a “nonconforming use” other than that status which it held before the granting of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- (8) **STAY OF PROCEEDINGS:** An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Ordinance from which the Applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such

case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a Court of Record. *State Law Reference: Section 62.23(7)(e)5., also Section 60.62(1) and 61.35, Wisconsin Statutes.*

- (9) **FEE:**
- (a) All applicants shall pay an application fee for a variance which shall be established by resolution of the Town Board.
- (b) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application.

## 911 RESERVED FOR FUTURE USE

## 912 **APPEALS OF INTERPRETATIONS OF THE ZONING ADMINISTRATOR**

- (1) **PURPOSE:** Decisions by the Zoning Administrator that consist of interpretations of the terms of the Lisbon Zoning Ordinance and that are made in the course of determining whether a permit or approval will be issued by the Administrator are appealable to the Zoning Board of Appeals as Administrative Appeals. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other enforcement activities, where the Administrator has determined that a violation of the Ordinance exists, are appealable to the Board of Appeals as an Administrative Appeal.
- (2) **INITIATION OF REQUEST FOR REVIEW OF ZONING DECISION:** Proceedings for the review of an appeal may be initiated by any aggrieved person, or by any officer,

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department, member of a board, committee or commission of the Town affected by any decision of the Zoning Administrator.

- (3) **TIME LIMIT FOR FILING AN APPEAL:** An appeal shall be made within a period not exceeding thirty (30) days from the date of issuance of the decision from which the appeal is taken. Failure to initiate this appeal procedure within this 30-day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- (4) **APPLICATION REQUIREMENTS:** All applications for review of an interpretation shall be submitted to the Town Clerk, or designee, who shall determine if the application is complete. The Clerk shall then notify the Board of Appeals and transmit to the Board all papers and files constituting the record being appealed. A complete application shall contain all of the following:
- (a) Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
  - (b) A copy of all documents previously submitted by the Applicant to the Town which relate to the issue of the appeal. (The Town will supply copies of these items, at applicant's expense, if the Applicant has lost or misplaced his/her own copies).
  - (c) A written statement from the Applicant specifying the grounds for the appeal. Such statement shall indicate the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator's decision. This statement shall be dated and signed by the Applicant.
  - (d) All applicants shall pay an application fee for an appeal.
- (5) **RESERVED FOR FUTURE USE**
- (6) **REVIEW AND ACTION BY THE ZONING BOARD OF APPEALS:**
- (a) **Procedure and Decision:** Following the procedures specified herein, the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, or may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. Decisions by the Board on Administrative Appeal shall be based upon the terms of the Ordinance and evidence as to legislative intent.
  - (b) **Effect of Inaction:** If the Zoning Board of Appeals fails to make a determination within sixty (60) days after the filing of said complete application, then the request for the appeal shall be considered denied.

913 **RESERVED FOR FUTURE USE**

914 **PLANNED UNIT DEVELOPMENT DISTRICT PROCEDURES**

- (1) **PURPOSE:**
- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed Planned Unit Developments, and to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district.

- (b) Planned Unit Developments are intended to provide more incentives for development and redevelopment in areas of the community which are experiencing a lack of significant investment. Furthermore, Planned Unit Developments are designed to forward both the aesthetic and economic development objectives of the Town by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Unit Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.
- (c) Planned Unit Developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, Planned Unit Developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent this from occurring, all Planned Unit Developments are required to meet certain stringent procedural requirements applicable only to Planned Unit Developments, in addition to the general requirements of this Chapter. A public hearing process is required to review a request for a Planned Unit Development. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

(2) **EXTENT OF FLEXIBLE DEVELOPMENT STANDARDS:**

- (a) **Permitted Location:** Planned Unit Developments shall be permitted with the approval of a Planned Unit Development Zoning District, specific to the approved Planned Unit Development, within all zoning districts.
- (b) **Flexible Development Standards:** The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a Planned Unit Development:
  - 1. **Land Use Requirements:** All land uses listed in Article 2 may be permitted within a Planned Unit Development.
  - 2. **Density and Intensity Requirements:** All requirements listed in Article 2 for residential density and nonresidential intensity may be waived or modified within a Planned Unit Development.
  - 3. **Bulk Requirements:** All bulk requirements listed in Article 2 may be waived or modified within a Planned Unit Development.
- (c) **Requirements to Depict All Aspects of Development:** Only development which is explicitly depicted on the required site plan approved by the Town as part of the approved Planned Unit Development, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Article 2. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Town Board. If not so requested and approved, such exemptions shall not be permitted.

- (3) **INITIATION OF REQUEST FOR APPROVAL OF A PLANNED DEVELOPMENT:** Proceedings for approval of a Planned Unit Development shall be initiated:
- (a) By an application of the owner(s) of the subject property;
  - (b) By a recommendation of the Plan Commission; or
  - (c) By action of the Town Board.
- (4) **APPLICATION REQUIREMENTS:** All applications for proposed Planned Unit Developments, regardless of the party of their initiation per (3) above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the Town Clerk. Said application shall apply to each of the process steps in (5) through (8) below.
- (5) **STEP 1: PRE-APPLICATION CONFERENCE:**
- (a) The Applicant shall contact the Zoning Administrator to place an informal discussion item for the PUD on the Plan Commission or Town Staff agenda.
  - (b) At the meeting, the Applicant shall engage in an informal discussion with the Plan Commission and Staff regarding the potential PUD. Appropriate topics for discussion may include the location of the PUD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.
  - (d) Points of discussion and conclusions reached in this stage of the process shall not be binding, directly or indirectly, upon the Applicant or the Town, but shall be considered as merely an informal, non-binding discussion designed to give the Applicant some feedback, positive and/or negative, on the proposal and to give the Plan Commission some general background before proceeding to the next step.
- (6) **STEP 2: CONCEPT PLAN:**
- (a) **Submittal packet:** The Applicant shall submit to the Zoning Administrator a draft PUD Concept Plan Submittal Packet, which may contain the following items:
    - 1. **Location Map:** A location map of the subject property and its vicinity at 8½" x 11", as depicted on a copy of the Town of Lisbon Land Use Plan Map;
    - 2. **General Description:** A general written description of proposed PUD including:
      - a. General project themes and images;
      - b. The general mix of dwelling unit types and/or land uses;
      - c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio
      - d. The general treatment of natural features;
      - e. The general relationship to nearby properties and public streets;
      - f. The general relationship of the project to the Master Plan;

- g. An initial draft list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and
3. **Requested Exemptions:** A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
- a. Land Use Exemptions;
  - b. Density and Intensity Exemptions;
  - c. Bulk Exemptions;
  - d. Landscaping Exemptions; and
  - e. Parking and Loading Requirements Exemptions;
4. **Conceptual Plan:** A conceptual plan drawing (at 8½" x 11") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the "bubble plan" in addition to the 8½" x 11" reduction.
- (b) **Review by Plan Commission:** At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PUD.
- (c) **Non-Binding Effect:** Points of discussion and conclusions reached in this stage of the process shall not be binding upon the Applicant or the Town, but shall be considered as merely an informal, non-binding basis for proceeding to the next step.
- Rationale: The foregoing procedures are intended to give the Plan Commission several informal reviews of the concept plan before introduction of the formal petition for rezoning which accompanies the next step, the formal GDP application. Although time-consuming, this informal process is designed to give the Plan Commission lots of time to consider the PUD, and at the same time, give the applicant lots of feed-back so that the time and expense of the formal petition is minimized (or perhaps eliminated), by incorporation into the GDP of the comments and concerns raised during this preliminary informal process.
- (7) **STEP 3: GENERAL DEVELOPMENT PLAN (GDP):**
- (a) **Purpose:** The purpose of this step is to evaluate whether the zoning for the proposed site should be changed from its current zoning to PUD zoning which will create zoning unique to the property. Therefore, the focus of this step is on the same types of issues which affect all changes of zoning, i.e. density, intensity, the mix of use and the arrangement of site design. The details of the PUD are generally reserved for Step 4, but in some cases those details may need to be also addressed in Step 3, depending upon the concerns of the Plan Commission. For example, in Step 3 a general discussion of landscaping exemptions is necessary, but in Step 4 a full and complete landscaping plan is required. However, if landscaping for the site is of particular concern, some of the

details reserved for Step 4 may be requested in Step 3. Hence, it is important to understand that while Steps 3 and 4 are separate steps in this Chapter, they may become combined in practice on a case-by-case basis.

- (b) **Submittal Packet:** The Applicant shall submit to the Zoning Administrator a draft GDP Plan Submittal Packet, which shall contain all of the following items:
1. **Location Map:** A location map of the subject property and its vicinity at 8½" x 11", as depicted on a copy of the Town of Lisbon Land Use Plan Map;
  2. **Ownership Map:** A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Juneau County (as provided by the Town of Lisbon). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is acceptable to the Town. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
  3. **General Description:** A general written description of the proposed PUD including:
    - a. General project themes and images;
    - b. The general mix of dwelling unit types and/or land uses;
    - c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
    - d. The general treatment of natural features;
    - e. The general relationship to nearby properties and public streets;
    - f. The general relationship of the project to the Master Plan;
    - g. A Statement of Rationale as to why PUD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PUD zoning;
    - h. A complete list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;





- (d) **Review by Plan Commission:** The process for review and approval of the GDP shall be identical to that for conditional use permits per Section 905(6) of this ordinance.
- (8) **STEP 4: PRECISE IMPLEMENTATION PLAN (PIP):**
- (a) **Purpose:** The purpose of this step is to obtain all the details necessary to establish specific conditions on the proposed development and operations. It is akin to a conditional use permit application for the whole development.
- (b) **Submittal Packet:** After the effective date of the rezoning to PUD/GDP, the Applicant may file an application for a proposed Precise Implementation Plan (PIP) with the Zoning Administrator, which shall contain all of the following items:
1. **Location Map:** A location map of the subject property and its vicinity at 8½" x 11", as depicted on a copy of the Town of Lisbon Land Use Plan Map. The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.
  2. **Ownership Map:** A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Juneau County (as provided by the Town of Lisbon). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is acceptable to the Town. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
  3. **Written Description:** A general written description of proposed PIP including:
    - a. Specific project themes and images;
    - b. The specific mix of dwelling unit types and/or land uses;
    - c. Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
    - d. The specific treatment of natural features;
    - e. The specific relationship to nearby properties and public streets.
    - f. A Statement of Rationale as to why PUD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PUD zoning.
    - g. A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to

determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

4. **Plan Drawing:** A Precise Implementation Plan Drawing at a scale which is acceptable to the Town. (8½" x 11" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
  - a. A PIP site plan conforming to all the requirements of Section 908(3). If the proposed Planned Development is a group development (per Section 414) a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan.
  - b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
  - c. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Town Board; and
  - d. Notations relating the written information provided in (8)(b)3., above to specific areas on the GDP Drawing.
5. **Landscaping:** A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
6. **Exteriors:** A series of building elevations for the entire exterior of all buildings in the Planned Unit Development, including detailed notes as to the materials and colors proposed.
7. **Signage:** A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from Town standards or common practices.
8. **Organizational structure:** A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
9. **Consistency with GDP :** A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.
10. **Variations:** All variations between the requirements of the applicable PUD/GDP zoning district and the proposed PIP development; and

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11. **Public Works:** The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
  12. **Design Info:** The Precise Implementation Plan (PIP) submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.
  13. **Other:** The Plan Commission or Town Board may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.
- (c) **Review by Zoning Administrator:** The Zoning Administrator, or designee, shall determine whether the PIP fulfills the requirements of section (b) above. If the Administrator determines that the PIP does not fulfill the requirements of section (b) above, he shall return it to the Applicant with a brief statement identifying how it is inadequate. If the Administrator determines that the PIP does fulfill the requirements of section (b) above, he shall so notify Applicant and shall place the matter on the Plan Commission agenda.
- (d) **Process for Review:** The process for review and approval of the PUD shall be identical to that for conditional use permits per Section 905(6) of this ordinance. In addition to approval by the Plan Commission, all PUD's must also be approved by the Town Board.
- Rationale: Creation of a PUD is tantamount to an amendment to the Zoning Map and Zoning Regulations and, therefore, should be reviewed and approved by the Town Board.
- (9) **REVIEW AND ACTION BY THE TOWN BOARD:** The Town Board shall consider the Plan Commission's recommendation regarding the PUD. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may conduct one or more meetings on the Application. The Town Board may approve the PUD as originally proposed, may approve the PUD with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny the PUD. If the Town Board wishes to make significant changes to the PUD, as recommended by the Plan Commission, then the procedure set forth in Steps (3) and (4) above shall again be followed prior to Board action. The Town Board's approval of a PUD shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed PUD.
- (10) **FEE:**
- (a) All applicants for a PUD shall pay an application fee, which fee shall be established by resolution of the Town Board.
  - (b) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to Section 938(4).
  - (c) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered "complete" and ready for consideration until all fees have been paid.

**915-931 RESERVED FOR FUTURE USE****932 ZONING ADMINISTRATOR**

- (1) **DESIGNATION:** The Zoning Administrator or a designee is hereby designated as the administrative and enforcement officer for the provisions of this Code. The duty of the Zoning Administrator is to interpret and administer this Code and to issue all permits required by this Code.
- (2) **DUTIES:** The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:
  - (a) Determine that all Applications, Detailed Site Analyses, Permits, Certificates of Occupancy, Site Plans, (and their constituent plans) comply with all provisions of this Chapter.
  - (b) Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter to be done with consent unless made pursuant to inspection warrant per 66.0119, Stats.
  - (c) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, site plans, occupancy permits, variances, appeals, interpretations, and applications therefor.
  - (d) Receive, file and forward all applications for all procedures governed by this Chapter to the designated official bodies.
  - (e) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Code to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Town Attorney in a manner specified by him.
  - (f) Institute, in the name of the Town of Lisbon, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.
  - (g) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
  - (h) Make interpretations regarding the provisions of this Chapter subject to appeal under Section 912.

**933 PLAN COMMISSION**

The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Code, one of its most important functions is to make recommendations to the Town Board which shall be in writing. The Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing. The Plan Commission shall consist of 5 members as per 60.62(4).

**934 SITE PLAN REVIEW COMMITTEE**

- (1) **ESTABLISHMENT:** The Site Plan Review Committee shall be the Plan Commission.

**935 RESERVED FOR FUTURE USE****936 ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this Chapter (see Section 910); or appeals regarding an interpretation of the Zoning Administrator of the provisions of this Chapter (see Section 912).

- (1) **ESTABLISHMENT AND MEMBERSHIP:** The Board of Appeals shall be appointed and shall be governed as to its terms, vacancies, removals and as to rules and procedures by Section 62.23(7)(e), Stats. and by this Ordinance.
- (2) **ORGANIZATION:** The Board of Appeals may adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board of Appeals may determine. The Chairman, or in his absence an elected Acting Chairman, may administer oaths and compel the attendance of witnesses. All meeting shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or 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, which is the Town Clerk's office, and shall be a public record.
- (3) **DELIBERATIONS AND DECISIONS:** The Board shall deliberate on matters before it. The concurring vote of 4 members of the Board shall be necessary to approve any appeal, variance or other decision matter before the Board. The vote of each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such facts shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of the members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision. All decisions shall be made in strict accordance with the standards of the Ordinance, state statute and the Board shall decide all matters before it within a reasonable time.

**937 RESERVED FOR FUTURE USE****938 FEES**

- (1) All permits and filing fees as required under this Ordinance shall be established, from time to time, by Town Board resolution. However, the Plan Commission may require a larger amount under the PUD section of this Ordinance. Applications for permits by the Town Board, Plan Commission or Zoning Board of Appeals shall have the fee requirements waived. Fees are due and payable upon application, and are not refundable.
- (2) The Town Board may assess an impact fee to any proposed development. The impact fee will be determined at the time of the proposed development.
- (3) **REIMBURSABLE COSTS:** The Town Planner, the Town Engineer, the Town Attorney, and other Town staff, may expend time in the investigation and processing of the various

applications required by this Zoning Ordinance. In addition to Town staff involvement, the Town may retain the services of professional consultants including, but not limited to engineers, landscape architects, architects, attorneys, urban planners, environmental specialists, and recreation specialists in the administration, investigation and processing of such matters. Any person, firm or corporation requesting action by the Town on any application required herein, shall reimburse the Town for (i) the cost of staff time expended in the administration, investigation and processing of applications for such applications and (ii) the cost to the Town charged by any professional consultant retained by the Town to work on any such matter. The amount charged by the Town for Staff time shall be established by Resolution of the Town Board, and the amount charged for retained consultants shall be the amount which the consultant charges to the Town. The Town may require all or part of these costs be paid in advance of by the applicant. Any fees not paid by the applicant may be assigned by the Town as a special assessment or charge against the subject property, or may be collected from the applicant through any procedure permitted by law. The Town Board, by resolution, may waive all or part of any fee for any specific project, or may authorize other Staff or the Plan Commission to waive such costs.

**939     RESERVED FOR FUTURE USE**

**940     VIOLATIONS AND PENALTIES**

- (1)     VIOLATION OF THIS CHAPTER:** It shall be unlawful for any owner, occupant, contractor, developer, builder, electrician, plumber, or other person or entity, to build, construct or use any land or structure, or to engage in any development activity (including disruption of protected vegetation), in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements. Any and all persons (including the owner, occupant, contractor, developer, builder, electrician, plumber, etc.) who violate(s) or fail(s) to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection (2), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney's and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense. Each person participating in or committing the offense shall be liable.
- (2)     PENALTIES:** Any person, firm, corporation or other legal entity, who fails to comply with the provisions of this Code or any order of the Zoning Administrator, shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 plus the costs of prosecution for each violation.
- (3)     TOWN PROMULGATED CORRECTION OF VIOLATION:** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the Town reserves and maintains the continued right to abate violations of this Chapter.
- (4)     HAZARDOUS CONDITION CAUSED BY VIOLATION OF THIS CHAPTER:** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (6), below. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.
- (5)     NON-HAZARDOUS CONDITION CAUSED BY VIOLATION OF THIS CHAPTER:** If the Zoning Administrator determines that a violation of this Chapter exists, and further

Article 9: Procedures and Administration

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determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by Certified Mail on the current owner of the property on which said violation is occurring, to remove said violation within a period of time established by the Zoning Administrator.

- (6) COST OF ABATEMENT:** In addition to any other penalty, the cost of abating a violation shall be collected as a special charge for current services from the owner of the property on which said violation has occurred. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Certified Mail, and shall be payable within thirty (30) calendar days from the mailing thereof. If such costs and expenses remain unpaid sixty (60) calendar days from the mailing thereof, the Town shall enter such charges onto the tax roll as provided by Section 66.0627, Stats.

This Zoning Ordinance adopted by the Lisbon Town Board on February 6, 2002.

s/ Jerry Walther, Town Chairman

Jerry Walther, Town Chairman

ATTEST:

s/Janet Hoile, Clerk

Janet Hoile, Clerk

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Zoning Ordinance #53

Adopted by the Lisbon Town Board 02/06/2002

County Board Approval 02/19/2002

Publication March 02, 2002

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FIRST AMENDMENT TO TOWN OF LISBON ZONING ORDINANCE

ORDINANCE #53-A-1

Adopted by the Lisbon Town Board 08/19/2004

County Board Approval 09/21/2004

Publication 09/29/2004

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SECOND AMENDMENT TO THE TOWN OF LISBON ZONING ORDINANCE

ORDINANCE #53-A-2

Adopted by the Lisbon Town Board 12/21/2006

County Board Approval 01/19/2007

Publication 02/03/2007

Article 9: Procedures and Administration

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# **Town of Lisbon Mobile Tower Siting Permit Ordinance Town of Lisbon, Juneau County, Wisconsin**

## **Ordinance # 57**

### **SECTION I – TITLE**

This ordinance is entitled the Town of Lisbon Mobile Tower Siting Permit Ordinance.

### **SECTION II – PURPOSE**

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

### **SECTION III – AUTHORITY**

The town board has the specific authority under ss. 60.61 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

### **SECTION IV – ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

### **SECTION V – DEFINITIONS**

A. All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

### **SECTION VI - SUBDIVISION AND NUMBERING OF THIS ORDINANCE**

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### **SECTION VII – SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES**

#### **A. Application Process**

1. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

- a. The name and business address of, and the contact individual for, the applicant.
- b. The location of the proposed or affected support structure.
- c. The location of the proposed mobile service facility.
- d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
- f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:

- a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
- b. Make a final decision whether to approve or disapprove the application.
- c. Notify the applicant, in writing, of its final decision.
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is \$1,000.

## SECTION VIII – CLASS 1 COLLOCATION

### A. Application Process

1. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

- a. The name and business address of, and the contact individual for, the applicant.
- b. The location of the proposed or affected support structure.
- c. The location of the proposed mobile service facility.
- d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
- f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
  - a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
  - b. Make a final decision whether to approve or disapprove the application.
  - c. Notify the applicant, in writing, of its final decision.
  - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.
7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
8. The fee for the permit is \$1,000.

## SECTION IX – CLASS 2 COLLOCATION

### A. Application Process

1. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.
2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - a. The name and business address of, and the contact individual for, the applicant.
  - b. The location of the proposed or affected support structure.
  - c. The location of the proposed mobile service facility.
3. A permit application will be provided by the town upon request to any applicant.
4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject. Please refer to the Town of Lisbon Zoning Ordinance.
5. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

6. Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:

- a. Make a final decision whether to approve or disapprove the application.
- b. Notify the applicant, in writing, of its final decision.
- c. If the application is approved, issue the applicant the relevant permit.
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

7. The fee for the permit is \$250.

#### SECTION X – PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$1,000 nor more than \$5,000, plus the applicable surcharges, assessments, and costs for each violation.

Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

#### SECTION XI – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### SECTION XII – EFFECTIVE DATE

This ordinance is effective on the day following publication per s. 60.80.

The town clerk shall properly publish this ordinance as required per s. 60.80.

Adopted this 15<sup>th</sup> day of January, 2015.

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Bill E. Pfaff - Town of Lisbon, Chairman

Attest:

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Andrea L. Hawkins – Town of Lisbon Clerk/Treasurer