

## ORDINANCE 2025-02

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**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 11 ENTITLED "ZONING ORDINANCE" OF THE VILLAGE OF LISBON MUNICIPAL CODE**

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**WHEREAS**, the Village of Lisbon was incorporated from the Town of Lisbon on February 13, 2023; and

**WHEREAS**, the Village of Lisbon regulates zoning in the Village in Chapter 11 "Zoning Ordinance" of the Village of Lisbon Municipal Code and has amended the same from time to time; and

**WHEREAS**, Village Staff have reviewed the Village of Lisbon Zoning Ordinance and believe it to be in the best interest of the Village of Lisbon to make revisions to the same by repealing and recreating the entire Village Zoning Ordinance and have prepared a draft of such revisions; and

**WHEREAS**, pursuant to Village Code Section 11-35(a), the revisions to the Village of Lisbon Zoning Ordinance have been referred by the Village Board to the Village Plan Commission for report and recommendation pursuant to Section 62.23(7)(d)1, Wisconsin Statutes; and

**WHEREAS**, upon publication of the required "Notice of Public Hearing" as required by Village Code Sections 11-35(b)(5), the Village Plan Commission and Village Board held a joint public hearing on the proposed revisions on February 26, 2025, as required by Section 11-35(b)(5) of the Village Code; and

**WHEREAS**, a class II public notice for that public hearing was published in the Waukesha Freeman on February 12, 2025 and February 19, 2025; and

**WHEREAS**, following the February 26, 2025 public hearing, the Plan Commissioners considered all the testimony and information presented at the public hearing and recommended approval of the revisions of the Village Zoning Ordinance to the Village Board; and

**WHEREAS**, the Village Board finds that these revisions to Chapter 11 of the Village of Lisbon Municipal Code will be a benefit to the health, general welfare, and safety of Village of Lisbon residents; and

**WHEREAS**, the Village Board finds that the recommended revisions to the Village's Zoning Ordinance and regulations can be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses or land, and therefore the super-majority requirement of Section 66.10015, Wisconsin Statutes, applies to this

ordinance, requiring a vote in favor by two-thirds of the members-elect of the Village Board for passage and adoption; and

**WHEREAS**, pursuant to Section 62.23(7)(d)3, Wisconsin Statutes, the Village Board by this ordinance is repealing and recreating the entire Village Zoning Ordinance by following the procedures of Section 62.23(7)(d)1, Wisconsin Statutes, as a comprehensive rezoning; and

**WHEREAS**, the Village Board of the Village of Lisbon having determined that all procedural requirements and notice requirements have been satisfied, having given the matter and Plan Commission's recommendation due consideration, and having based its determination on the effect of the granting of such amendment on the health, safety and welfare of the community, hereby determine that the amendment will not violate the spirit or intent of the Village of Lisbon Zoning Ordinance, will not be contrary to the public health, safety or general welfare of the Village of Lisbon, and the amendment is consistent with the Village of Lisbon Comprehensive Plan.

**NOW, THEREFORE**, the Village Board of the Village of Lisbon, Waukesha County Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** Chapter 11 of the Village of Lisbon Municipal Code entitled "Zoning Ordinance" is hereby repealed and recreated as shown in Exhibit A, which is attached hereto and incorporated herein by reference.

**SECTION 2: CONTINUATION OF EXISTING PROVISIONS.** The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect the following ordinances, rights, and obligations, which are hereby expressly saved from repeal:

- a. Any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.
- b. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- c. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.

**SECTION 3: SEVERABILITY.** The several sections and provisions of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

**SECTION 4: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

**PASSED AND ADOPTED** by a two-thirds vote of Village Board of the Village of Lisbon, Waukesha County, Wisconsin on March 12, 2025.

VILLAGE BOARD, VILLAGE OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY:   
JOSEPH OSTERMAN, President

ATTEST:

BY:   
ELISA CAPPOZZO KATCH, Clerk



Published and/or posted this 13<sup>th</sup> day of March, 2025.

**CHAPTER 11**  
**VILLAGE OF LISBON ZONING CODE DRAFT**

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Exhibit Q Village Gateway Design Standards

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

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**SECTION 1 INTRODUCTION**

**(a) Zoning Regulations Amended**

The zoning ordinance of the town, passed and adopted by the town board on July 14, 1958, March 23, 2010, August 11, 2011, December 14, 2015, and May 23, 2017, approved by the county board of supervisors, is amended as hereafter provided.

**(b) Authority**

This chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. 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 so as to limit the application or interpretation of this chapter. State law references: §§ 60.61 and 62.23(7).

**(c) Purpose and Intent**

The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the village. Among other purposes, such provisions are intended to provide for adequate light, air, convenience of access, and safety from fire and other dangers, to promote the safety and efficiency of the public streets and highways, to aid in conserving and stabilizing the economic values of the community, to promote the orderly development of land, to preserve and promote the general attractiveness and character of the community environment, to guide the proper distribution and location of population and of the various land uses, and otherwise provide for the healthy and prosperous growth of the community. It is also the intent of this chapter to implement certain goals and objectives of the Village of Lisbon Comprehensive Plan which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

**(d) Scope**

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations, ordinances, or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**(e) Jurisdiction**

This Chapter is applicable to all territory located within the corporate limits of the Village of Lisbon.

**(f) Title**

This chapter shall be known as, referred to and cited as the Village of Lisbon Zoning Code.

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**SECTION 2    DEFINITIONS**

**(a)     General interpretation**

For the purpose of this Chapter, and when not inconsistent with the context, the word "structure" includes buildings; the word "occupied" includes designed or intended to be occupied; the word "used" includes designed or intended to be used; the word "inhabit" includes intended to be inhabited; "plan commission" refers to the Village of Lisbon Plan Commission established under village (formerly town) powers pursuant to Chapter 62 Wisconsin Statutes which the Village (formerly town) of Lisbon adopted on April 5, 1949, the Village (formerly town) Park Commission originally established pursuant to Chapter 60 Wisconsin Statutes, or any other agency created by the village board and authorized by statute to plan land use; and reference to any officer such as "clerk/administrator," "building inspector," "engineer," or "attorney," means that officer appointed or otherwise officially designated by the village in such capacity, unless otherwise specifically designated; the words "code" and "Ordinance" are to be used interchangeably; whenever a word or term defined in this chapter appears in the text of this chapter, its meaning shall be construed as set forth in the definition thereof and any word appearing in parentheses between a word and its definition herein, shall be construed in the same sense as that word; the phrase "including, but not limited to" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like, kind, or character.

**(b)     Specific words and phrases**

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

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

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

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

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



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**Administrative Officer** The following officers shall be considered administrative officers: Village Administrator, Building Inspector or Zoning Administrator, who is appointed, elected or is otherwise officially designated by the Village, and does not include any Committee, Commission, or Board or its individual members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Apartment** A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended, or designed to be occupied as a residence of a single family, individual, or group of individuals. Also see “residence inn” under the definition of “motel”. An apartment does not include an in-law unit as defined in this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Board of Appeals** A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the local administrative officers and to consider requests for variances.

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

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

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used in the daily activities of property on water, and which has a large garage type door for primary access on the side of the building facing the water and is located on the same lot as the principal residence and is not for human habitation of any kind. Construction of new boathouses is not permitted after March, 2010 in the Village of Lisbon, and only one boathouse which was existing prior to that date is permitted on a lot.

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

**Brewpub** A restaurant-brewery that sells 25 percent or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. Where allowed by law, brewpubs often sell beer "to go" or distribute to off-site accounts.

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

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

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

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

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

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

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

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

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

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

**Buildings and Uses, Public/Semi- or Quasi-Public** Public and semi-public buildings, grounds, and uses in the sense of this chapter are structures principally of an institutional and/or non-profit nature and serving a public need such as: hospitals; schools, including private academic schools

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and nursery schools, day care centers, and their associated facilities; nursing/rest homes; libraries; museums; post offices; police and fire stations; public or private utilities; and other public services; but not including the operation of a public bar, restaurant, or recreational facility as a commercial enterprise.

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

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

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

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

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

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

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

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

**Cargo Container** standardized reusable vessels that were:

- (1) Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- (2) Originally designed for or capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "freight containers" and "shipping containers".

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

**Carport** A roofed structure providing space for the parking or storage of motor vehicles and

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enclosed on not more than two (2) sides and attached to a principal residence or accessory building or structure. A carport shall be included in all FAR calculations.

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

**Certified Survey Map (also Minor Land Division)** Any division of land other than a subdivision as defined in this chapter, which results in at least one (1) but not more than four (4) parcels of land, inclusive of the original remnant parcel. The map of the land division shall be prepared in accordance with Section 236 of the Wisconsin State Statutes and the Village of Lisbon Subdivision Control Ordinance and subsequent amendments thereto.

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

**Chicken Coop** A small structure for housing chickens. It is a protective space for them to rest, sleep and lay their eggs within, and is ideally connected to a run for them to exercise, eat, and drink in.

**Chicken Run** An enclosed area, attached to a chicken coop that extends out of doors, is open to the elements and provides protection against predators.

**Child Care Facilities/Center** See "*Day Care Center*".

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

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

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

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

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

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

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

**Community Living Arrangement (also see Group Home)** Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under Section 48.60, group homes for children under

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48.02 (7), and community based residential facilities under Section 50.01; but does not include day care centers, convalescent or nursing homes, general hospitals, special hospitals, prisons and jails (see further definition in Section 46.03 (22) of the Wisconsin State Statutes).

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

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

**Condominium** A legal form of ownership established in accordance with the Condominium Ownership Act (Wis. Stats. §703.01 et seq.) where an estate in real property consisting of an undivided interest in common in a portion of a parcel in real property, together with a separate interest in the space in a building on such real property such as an apartment, and may also include a separate interest in other portions of such real property. All condominium residents may own the land in common or a single entity such as a developer could own the land in common. Roads are generally private roads, and condominium associations are common. In a residential example, this form of property ownership has the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot. The real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Condominium Plat** see Plat, Condominium.

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

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

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

**Conventional Subdivision Plat** A division of a lot, parcel, or tract of land by the owner thereof or



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the owner's agent for the purpose of sale or of building development in accordance with the definition of a subdivision in this chapter and designed in accordance with the zoning code

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

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

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

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

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

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

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

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

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

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

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

**Design Standards** Those standards as outlined in Exhibit Q Village Gateway Design Standards of this chapter.

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

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

**Duplex (also two family dwelling)** One residential building housing two individual living units

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or single housekeeping entities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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building occupying twenty-five (25) percent of the lot. If an overhang is in excess of 2 feet, the entire overhang shall be included in the FAR calculations.

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

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

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

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

**Frontage Road** A minor street auxiliary to, contiguous to, and parallel to the side of an arterial or collector street affording direct and controlled vehicular access to the abutting property. For the purpose of this chapter, a frontage road shall be considered part of the established right-of-way width of the street or highway it is adjacent to and the base setback line shall be measured one half the width of the platted frontage road from the centerline of the platted frontage road.

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

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

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

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

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

**Grading Permit, Minor** A permit processed by the building inspector for land disturbing activities

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which are not associated with new construction and/or additions that do not exceed disturbance greater than six thousand (6,000) square feet in area and/or sixty (60) cubic yards in aggregate. A minor grading permit is not required for farming activities such as plowing or tilling of the soil.

**Grading Permit** A permit processed by the building inspector for land disturbing activities which are not associated with new construction and/or additions that disturbs more than six thousand (6,000) square feet in area and/or sixty (60) cubic yards in aggregate. A grading permit is not required for farming activities such as plowing or tilling of the soil.

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

**Grooming, Dog** Clipping, trimming, styling, bathing, or drying a pet for financial remuneration.

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

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

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

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

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

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

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

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

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

**Hotel** See Motel.

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

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a dwelling unit in a multiple family structure are deemed to be a single housekeeping entity.

**Human Habitation** The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence, including the aggregate of normal occupancy activities such as lounging, cooking, eating, sleeping, living, dining, bathing, sanitation, storage, etc.

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

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

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

**Industry** Those fields of economic activity including forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade which engage in warehousing, wholesaling and distribution, processing, treatment, packaging, manufacturing, assembly, fabrication, repair and maintenance services.

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

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

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

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

**Junk** Includes, but is not limited to, old iron, chain, brass, tin, lead, other base metals, paper, waste paper, paper clippings, rags, rubber, glass or bottles, and all articles and things discarded as manufactured articles composed of, or consisting of, any one or more of the articles mentioned, including industrial metal or scrap or other material commonly included within the term “junk”, as

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well as automobiles, trucks, trailers, or any parts thereof, to be salvaged or demolished, taken apart or destroyed for salvage materials, and any motor vehicle or trailer which is unlicensed, inoperable, abandoned, disassembled, disabled, junked, or wrecked.

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

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

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

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

**Land Disturbing Activity** Land disturbing activity means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities. The import of more than fifteen cubic yards of wood or tree material in excess of five-inch diameter and longer than 24 inches shall be considered a land-disturbing activity. Agricultural land uses such as plowing, tilling, planting, growing, cultivating and harvesting of crops, growing and tending of gardens and harvesting of trees, and tree nurseries are not included in the above definition.

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

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

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

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

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



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full sized or miniature.

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

**Limited Family Business and Home-Based Manufacturing** A small, home occupation type business operated by a family or family member that allows the production of products but does not require a storefront or allow customers to visit the property. Sales of products associated from a limited family business and home-based manufacturing occur online or off site.

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

**Lot** A parcel of contiguous land with described boundaries and abutting or having access via an approved easement to a street or other approved way, and exclusive of any land lying in public rights-of-way and mill tax roads where dedicated or presumed, public streams or other public water body. Where such streams or public rights-of-way divide a single described parcel into two (2) or more parts, such severed portions shall be considered separate individual lots if such separate parcels individually meet the use regulations, building location, width, and area regulations of the zoning district in which they are located. Where such separate parcels do not meet those requirements and have been described as a single parcel of record, together such severed portions shall be considered to be a single lot for regulatory purposes under the provisions of this chapter, and such severed areas shall constitute a single lot for computation of area regulations and other locational provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

#### **Manufactured Home (see Modular Home)**

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

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

**Microbrewery** a place where no more than 15,000 barrels/460,000 U.S. gallons of beer per year is produced by fermentation for the purpose of wholesale distribution and retail sales to the public for on-site consumption and sampling in a taproom/tavern with indoor seating capacity for at least 20 guests to be located on the same premises. Packaging and storage of brewed product and retail sales for carryout may also be permitted as a part of this use.

**Microwinery** Crushing of grapes, berries, fruits, similar and fermentation, storage and packaging of less than or equal to 25,000 gallons/500 barrels of wine per year for the purpose of wholesale

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distribution and retail sales to the public for on-site consumption and sampling and/or for carryout

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

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

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

**Mobile Home Park (also see trailer camp)** Any plot or plots of ground upon which three (3) or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for the accommodation (per 2001-2002 Wisconsin Statutes Section 66.0435(e)).

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

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

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

**Mottling** A mixture or variation of soil colors. In soils with restricted internal drainage, gray,

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yellow, red, and brown colors are intermingled yielding a multicolored effect.

**Nano Distillery** A producer of alcoholic distilled spirits of up to 500 barrels per year for the purpose of wholesale distribution and retail sales to the public for on-site consumption and sampling and/or for carryout not to exceed three bottles (750 milliliters) per person per day.

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

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

**Nuisance** A thing, act, occupation, or use of property which shall continue for such length of time as to interfere with the use of one's property, that may endanger personal or public health or safety, or is offensive to the senses.

**Objecting Authority** Any agency having authority to object to plats within the Village as provided in Chapter 236 of the Wisconsin Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Planned Unit Development Overlay District (PUD)** is a district established to provide a regulatory framework designed to encourage and promote improved environmental and aesthetic design in the Village by allowing for greater design freedom, imagination and flexibility in the development of land while ensuring substantial compliance with the basic intent of this Chapter and the Village Comprehensive Plan, including dedicated open space and the preservation/protection of natural resources and environmentally sensitive areas. To further these goals, the district allows diversification and variation in the bulk and relationship of uses and structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. The district is further intended to encourage developments consistent with coordinated area site planning.

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

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

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

**Plat, Condominium** A development proposal prepared under the Condominium Ownership Act (Wis. Stats. §703.01 et seq.) which shall be reviewed in the same manner as a preliminary plat and a final plat in accordance with this chapter and the Village of Lisbon Subdivision Control Code.

**Plat, Final Subdivision** A map or plan of a parcel of land showing such data as the location, boundaries, dimensions, bearings, lot or unit location and designation, and ownership of individual properties in accordance with Chapters 236 subchapter I (Wis. Stats. & 236.01 et seq.) and the Condominium Ownership Act (Wis. Stats. §703.01 et seq.).

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

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

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

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

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

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

**Poultry Enclosure** A structure that houses fowl and poultry as defined in this chapter. Poultry enclosures are subject to the setback, offset and height regulations of an accessory building within the zoning district in which they are located. It should be noted chicken coops and runs in single-family residential districts are regulated separately in this chapter.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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places used in connection therewith. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter shall not constitute such taverns to be restaurants. The term restaurant does not apply to churches, religious, fraternal, youth, or patriotic organizations, service clubs, or civic organizations which occasionally prepare or serve or sell meals or lunches to transients or the general public, nor shall it include any private individual selling foods from a movable or temporary stand at public farm sales, vending machines, or concession stands. This definition includes, but is not limited to, sit down, drive thru, carry-out, drive in, delivery, and fast food type restaurants. Refer to Wis. Stats. §97.01 (14g) for additional detail.

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

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

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

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

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

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

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

**Salvage Yard** Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, handling, purchase, sale, exchange, or abandonment of old iron, chain, brass, tin, lead, other base metals, paper, waste paper, paper clippings, rags, rubber, glass or bottles, and all articles and things discarded as manufactured articles composed of, or consisting of, any one or more of the articles mentioned, including industrial metal or scrap or other material commonly included within the term “junk”, as well as automobiles, trucks, trailers, or any parts thereof, to be salvaged or demolished, taken apart or destroyed for salvage materials.

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**Sand or Gravel Pits** See quarrying.

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

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

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

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

**Service Station** A place where petroleum products (stored in underground tanks) for the operation of motor vehicles are offered for sale directly to the public. Light maintenance of motor vehicles, incidental washing, the sale of minor accessories, a convenience store.

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

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

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

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

**Specified Anatomical Areas** means:

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

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

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, anilingus.
- C. Showing of human genitals in a state of sexual stimulation or arousal.
- D. Excretory functions during a live performance, display or dance of any type.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Structure, Accessory** See “*Accessory Use or Accessory Structure*”.

**Structure, Legal Non-Conforming (also Legal Non-Conforming Building)** A building, structure, or portion thereof, lawfully existing at the time of the passage of the ordinance from which this chapter is derived, but which does not conform in one or more respects to the dimensional regulations of this chapter.

**Structure, Principal** See “*Building, Principal*”.

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

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

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

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

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

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

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

**Swimming Pool, Private** The term “swimming pool” is defined as a receptacle for water, or an artificial pool of water no larger than 0.31 acres, having an ability of a depth at any point of more than 18 inches, whether above or below ground, used or intended to be used by the owner thereof, and his family and invited friends, for bathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a swimming pool. An artificial pool of water larger than 0.31 acres is not considered a “swimming pool”. Temporary pools less than 200 cubic feet in volume and are designed to hold no more than 18 inches in water depth which are dismantled and removed for the winter are not included in this chapter.

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

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**Telecommunication Collocation (Class 1)** The placement of a new mobile service facility on an existing support structure which constitutes a substantial modification. Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

**Telecommunication Collocation (Class 2)** The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.

**Telecommunication Tower** a free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities. Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

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

**Trailer** See "Mobile Home."

**Trailer Camp (also see Mobile Home Park)** Wis. Stats. §66.0435(1) "Mobile home park means any plot or plots of ground upon which three (3) or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations."

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

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

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

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

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

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

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

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**Use, Legal Non-Conforming** The use of a building or land lawfully carried on or occupied on July 14, 1958, or at the time of the passage of revisions or amendments to this chapter, but which use or occupancy does not conform to the use regulations of this chapter or any amendments thereto.

**Use Permit** A permit issued by the Building Inspector/Zoning Administrator, specific to the approval of a Site Plan and Plan of Operation, and upon compliance with all conditions of a Site Plan and Plan of Operation approval, authorizing the recipient to use the property in accordance with the zoning and building code requirements.

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

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

**Variance** An authorization granted by the Board of Appeals to construct or alter a building, structure or the land or the use of the land in a manner that deviates from this chapter thus allowing a means of obtaining relief from the strict enforcement of the zoning restrictions. All variances shall be granted in compliance with statutory criteria.

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

**Village Board** The Village of Lisbon Village Board of Trustees.

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

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

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

**Wetland** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. These areas may appear on the Village Zoning Map, Village Land Use Plan Map, the WDNR Wetland Inventory Map, and/or may have to be delineated in the field.

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

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

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

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

**Zoning Code** Chapter 11 of the Village of Lisbon General Code of Ordinances.



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

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

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**SECTION 3    GENERAL PROVISIONS**

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

**(a)      Compliance**

1.      No structure, development, or part thereof, shall be used, located, relocated, erected, moved, altered, repaired, reconstructed, extended, enlarged, converted, structurally altered, or improved, and no land, water, or air areas shall be hereafter used or altered within the zoning jurisdiction of the Village of Lisbon without a building and/or conditional use permit, where changes are being proposed and without full compliance with the provisions of this chapter and other local (including a zoning permit), state, and federal regulations.

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

1. Building, occupancy and use permits: No structure, land, or water, or part thereof, located in the Village of Lisbon, shall hereafter be located, erected, relocated, moved, reconstructed, altered, repaired, improved, extended, enlarged, converted, structurally altered, used, or occupied; and no non-conforming use shall be resumed, changed, extended, or granted conditional use status pursuant to Section 3 (n) of this chapter until:
  - A. A Building, Occupancy, and/or Use Permit has been issued by the Zoning Administrator or the Village Building Inspector as required, certifying that such building, use, occupancy, or activity complies with the provisions of the Village's Zoning Code and with the Village Building Code. Temporary Occupancy Permits shall not be issued. No approvals allowed under this zoning code shall be construed to waive the requirement to obtain the necessary permits from the Zoning Administrator, Village Building Inspector, and/or any other local, county, state or federal agency.
  - B. A county sanitary permit has been issued, where applicable, by the county environmental health division unless municipal sewer is available in which case no sanitary permit is required.
  - C. A conditional use permit, where applicable, has been issued by the Village of Lisbon certifying that such activity complies with the provisions of this chapter.
2. Application for: Building, occupancy, and use permits shall be obtained from the Zoning Administrator or Village Building Inspector as required, or his or her designated deputy at the Village Hall as provided by Section 37. The application shall include, for the purpose of proper enforcement of this chapter, the following data:
  - A. A statement by the applicant as to the intended use of the premises and of any existing or proposed buildings thereon.
  - B. A stakeout survey, an existing plat of survey, or an accurate map at the discretion of the Building Inspector for minor items such as pools, sheds and decks, of the property drawn to a scale that can be easily measured with an engineering scale, and properly dimensioned showing:
    - i. The boundaries of the property involved.
    - ii. The location of the platted centerline of any abutting streets.
    - iii. The location on the lot of any existing buildings, proposed additions, or proposed new buildings, including the measured distances between such buildings and from the lot lines and from the platted centerline of any abutting streets to the nearest portion of such building.
    - iv. The location of any existing structures, septic systems, or wells within fifty (50) feet of the boundaries of the property involved.
    - v. The proposed first floor elevation of any proposed buildings in relation to the existing and/or established grades of the lot, any abutting streets, the ordinary high water mark of abutting streams, rivers or lakes, and USGS Datum.
    - vi. The ordinary high water mark of any stream, river, or lake on which the property abuts and any other natural resource features including but not limited to the floodplain.

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- vii. The proposed location of private septic systems and private wells in areas not served by public sewage disposal systems and public water supplies and the location and results of soil borings and percolation tests.
- viii. Final grades to USGS Datum.
- C. Where the use involves human occupancy or use, and where such use is not served by sanitary sewer, a county sanitary permit shall be required prior to issuance of the building permit. In addition, a plan of the proposed sewage disposal system shall require the certification of the Building Inspector or Plumbing Inspector that it conforms to all Village ordinances and other applicable governmental laws and regulations.
- D. Where the use involves human occupancy or use, and where such use is not served by a municipal water system, satisfactory evidence that a safe and adequate supply of water is to be provided, and the location of any well for that purpose shall be identified on the property.
- E. A fee, as may be established and periodically modified under Section 37 of this chapter shall accompany each application for each permit. Such fee shall be paid by cash, check or money order to the Village of Lisbon.
- F. A recertification survey shall be submitted to the Village Building Inspector upon request.
- G. A complete set of building plans as required by the Village Building Inspector.
- H. A Grading Plan for all new residences to be approved by the Village Engineer.
- I. Any recorded deed restrictions applicable to the property.
- J. All stakeout surveys shall be prepared by a State of Wisconsin Registered Land Surveyor.

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3. Issuance: The zoning administrator, building inspector or his or her deputy shall issue Building, occupancy, and use permits after adequate investigation as to compliance.
  - A. Building permit: Provided the application is in order, and any building, occupancy, or use as proposed would be in compliance with the provisions of all Village ordinances and other applicable governmental laws and regulations, a building permit shall be issued upon such application, and a certification that such permit has been issued shall be posted in a prominent place on the premises during the period of any construction or other activity involved in readying the land or buildings for use/occupancy.
  - B. Occupancy and use permit: Within ten (10) days after the notification of the completion of the construction, alteration, conversion, relocation, repair, or improvement of a building, or of intent to commence a use, the building inspector or his or her deputy shall make an inspection of the premises and any buildings thereon; and, if such building, intended use, or proposed occupancy complies with the requirements of this chapter, an occupancy and use permit shall be issued. Temporary Occupancy Permits shall not be issued.
4. Expiration: If within six (6) months of the date of issuance of a building permit, the proposed construction or preparation of land for use has not commenced, or if within twelve (12) months an occupancy and use permit has not been issued, or the construction has not been completed, said building permit shall expire, except that upon showing of valid cause, the Building Inspector may grant an extension of such permit for a period not to exceed six (6) months. Said permit extension shall be issued for the full fee and based upon full conformance with this Chapter at the time of issuance of the new permit. If the construction has not commenced or is not completed after a total of eighteen (18) months, a new permit must be applied for and received subject to all fees and subject to the Ordinance in effect at the time of such new permit issuance. Previous incomplete work is not entitled to a new permit if the Code no longer permits said use or structure or if changes to the Code have been made subsequent to the original issuance of the permit.
5. Site Plan and Plan of Operation Review:
  - A. Purpose, scope and intent. For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure or addition, with the exception of single-family and two-family dwellings, accessory buildings or related structures, without first obtaining the approval of the village plan commission and village board of detailed site plans, plan of operation and architectural plans as set forth in this section.
    - i. The village plan commission, hereinafter in this section referred to as the village, shall approve, conditionally approve, or reject the detailed site and architectural plans. The village shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.
    - ii. The village will review the architectural principles and the architectural, landscaping, exterior lighting, and exterior site usage standards of each

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development review application to determine if it conforms to the intent of these principles and standards. Modifications to the principles and standards may be permitted, as determined appropriate by the plan commission, in response to unusual, unique, or existing site conditions that impede full compliance, provided such modifications are otherwise consistent with the purpose and intent of this chapter of promoting health, safety, and general welfare of the citizens by preserving and enhancing the village's natural environment, facilitating the creation of an attractive and harmonious community, protecting and enhancing property values, and encouraging the appropriate use and orderly development of land.

- B. Pre-application. It is recommended that, prior to formal submittal of a site plan and plan of operation, the applicant submit a preliminary site plan and plan of operation for review by village staff. This pre-application meeting is neither formal nor mandatory. The purpose of the pre-application is to obtain comments from village staff prior to expending time and resources on the formal submittal. This review by village staff is not binding on the village or the applicant.
- C. Administration/application. Plan data shall be submitted to the Village Clerk who shall transmit all applications and their accompanying plans to the Village Planner, Village Engineer and Village Building Inspector for their review. Plans shall be accompanied by the application fee established by resolution. Plan data to be submitted with all plan review applications shall include the following:
- i. Site plan drawn to a recognized engineering scale not to exceed one inch equals 60 feet.
  - ii. Name of project noted.
  - iii. Owner's and developer's name and address noted.
  - iv. Architects and/or engineer's name and address noted.
  - v. Date of plan submittal.
  - vi. Scale of drawing noted on plan.
  - vii. Existing and proposed topography shown at a contour interval not less than two feet. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
  - viii. The characteristics of soils related to contemplated specific uses.
  - ix. Total number of parking spaces and layout, including driveways shall be shown on the plan.
  - x. The type, size and location of all structures with all building dimensions shown.
  - xi. Indicate height of building.
  - xii. Indicate existing and proposed street locations on the site plan.
  - xiii. Indicate existing and proposed public rights-of-way and widths.

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- xiv. North arrow shown.
- xv. Locate existing and general location of proposed sanitary sewers, storm sewers and water mains.
- xvi. Submit a stormwater management plan indicating all facilities, including detention/retention areas. The design criteria shall meet the requirements as stated in the county erosion control and stormwater ordinance.
- xvii. Locate existing trees that are six inches in diameter or larger.
- xviii. Note location, extent, and type of proposed plantings.
- xix. Note location of pedestrian sidewalks and walkways.
- xx. A graphic outline of any development staging that is planned is required to be shown on the site plan.
- xxi. Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
- xxii. Landscaping plan and point calculations.
- xxiii. Lighting plan and a photometrics plan may be required upon village request.

D. Plan of operation. No use shall be approved until the village and staff has reviewed/approved the plan of operation application form that shall indicate:

- i. The proposed use of the land and/or structures;
- ii. Activities to occur both inside and outside all principal and accessory structures;
- iii. The frequency and duration of all activities;
- iv. The number of employees of any commercial or industrial enterprise;
- v. The estimated number of occupants of a residential use;
- vi. The number, size and type of all vehicles associated with the use;
- vii. Plans for compliance with the performance standards set forth in this chapter;
- viii. The season, days and hours of operation;
- ix. The expected starting and completion dates of construction;
- x. The proposed phasing of the project, if appropriate;
- xi. Other information as requested by the village.

E. General architectural principles. To implement and define criteria for the purposes

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set forth in this chapter, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses:

- i. No building regulated by this section shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- ii. No building regulated by this section shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- iii. No building regulated by this section shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- iv. No building or use regulated by this section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the village.
- v. Buildings and uses regulated by this section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The plan commission may require that drainage easements be executed.
- vi. Buildings and uses regulated by this section shall provide for adequate site construction erosion control measures. The plan commission may require erosion control plans and may establish time schedules for landscaping and re-vegetation of construction sites.
- vii. Buildings and uses regulated by this section shall provide for safe traffic circulation and safe driveway locations.
- viii. Buildings and uses regulated by this section shall provide adequate parking and loading areas.
- ix. Buildings and uses regulated by this section shall be provided with adequate public services as approved by the appropriate utility.
- x. Use of exterior lighting shall be designed in such a manner that all light rays are directed downward onto the property. No rays shall be directed towards adjacent properties (see subsection (h) of this section).

F. Detailed architectural standards. To implement the purposes set forth in subsection (a) of this section, the following architectural criteria and review guidelines are established:

- i. *Building facades.*
  - a. For retail business, service, multifamily and office uses, all building exteriors shall be brick, decorative masonry, glass panel E.F.I.S. for only 50 percent of the exterior building face, or other appropriate finished façade, as may be approved by the plan commission and



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village board. Colors need to be shown and material samples need to be submitted as requested by the village planner, plan commission or village board.

- b. For industrial and warehouse use, all building exteriors facing a street or approved way shall have 50 percent of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished facade as may be approved by the plan commission and village board. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure from the street face.
  - ii. *Overhead doors.* No overhead doors in a business, industrial, or public district shall face a public street. The plan commission may permit overhead doors to face a public street when it has made a finding that there is no feasible alternative location for such doors.
  - iii. *Heating, air conditioning and ventilating equipment.* HVAC equipment shall be located in a manner to be unobtrusive and screened from view. Landscaping is to be used to screen equipment.
  - iv. *Storage of garbage/trash.* All garbage cans, trash containers, and other storage devices situated on any lot shall be in closed containers with lids and shall be concealed or suitably screened from public view. Fencing or landscaping shall be used to totally obstruct vision into the storage areas by the alternatives set forth in Figure 1 or their equivalent.
  - v. *Other architectural standards.* The plan commission may impose other architectural standards deemed appropriate such as, but not limited to, building material samples, building color samples, roof pitch designs and architectural breaks in walls over 75 feet in length. Except for flat roofs, the minimum pitch shall be 2:12. The plan commission may allow a roof pitch less than 2:12 when it has made a finding that there is no feasible alternative to meet the 2:12 roof pitch.
- G. Landscaping. The following landscape standards are to be utilized in preparing landscaping plans to be submitted with site plans:
  - i. *Landscaping point system and minimum installation sizes for plants.* On-site landscaping shall be required for all development. All landscaping standards are stated in terms of the number of landscaping points. The number of landscaping points is dependent upon the size of the development. A different number of points are awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These recommendations are per Table 1.

Botanical Name	Common Name
<b>TALL DECIDUOUS TREES (40 Landscaping Points) (3" Caliper and 8' Tall Minimum)</b>	
<i>Acer saccharum</i>	Maple: Red, Silver, Norway, Sugar

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<i>Ginkgo biloba</i>	Ginko
<i>Quercus sp.</i>	Oak: Red, White, Pin
<i>Fraxinus sp.</i>	Ash: White, Green
<i>Gleditsia triacanthos</i>	Honeylocust
<i>Populus grandidentata</i>	Bigtooth Aspen
<i>Tilia sp.</i>	Linden: Basswood, Littleleaf, Redmond
<b>MEDIUM DECIDUOUS TREES (15 Landscaping Points) (2" Caliper and 6' Tall Minimum)</b>	
<i>Betula sp.</i>	Birch: River, Paper
<i>Prunus sp.</i>	Cherry: Choke, Pin
<i>Salix sp.</i>	Willow
<b>TALL EVERGREEN TREES (40 Landscaping Points) (3" Caliper and 8' Tall Minimum)</b>	
<i>Abies concolor</i>	White Fir
<i>Pinus sp.</i>	Pine: Red, White, Scots
<i>Pseudotsuga Menziesii</i>	Douglas Fir
<i>Tsuga Canadensis</i>	Canada Hemlock
<i>Picea pungens</i>	Spruce: Colorado Blue
<b>MEDIUM EVERGREEN TREES (15 Landscaping Points) (2" Caliper and 6' Tall Minimum)</b>	
<i>Thuja occidentalis</i>	American Arborvitae
<b>LOW DECIDUOUS TREES (10 Landscaping Points) (4' Tall Minimum)</b>	
<i>Cornus Caroliniana</i>	Hornbeam Thornless
<i>Crataegus sp.</i>	Hawthorne: Cockspur, Downy, Washington
<i>Malus sp.</i>	Crabapple sp.
<i>Sorbus sp.</i>	Mountain Ash: European, Korean
<i>Syringa Reticula</i>	Lilac
<b>LOW EVERGREEN TREES (10 Landscaping Points) (3' Tall Minimum)</b>	
<i>Juniperus sp.</i>	Juniper: Mountbatten, Redcedar
<i>Thuja sp.</i>	Arborvitae: Pyramidal, Techny
	Colorado Dwarf Blue Spruce
<b>TALL DECIDUOUS SHRUBS (7 Landscaping Points) (36" Tall Minimum)</b>	

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<i>Cornus sp.</i>	Dogwood: Grey, Pagoda. Redosier
<i>Syringa sp.</i>	Lilac: Chinese, Hyacinth, Common Misskim
<i>Hydrangea lc Panicolata sp.</i>	Reege Hydrangea
<i>Viburnum sp.</i>	Viburnum: Arrowwood, Wayfaringtree, Nannyberry
<i>Hamamelis sp.</i>	Common Witchazel
<i>Evonymous lc Astro Purporea</i>	Eastern Wahoo
<i>Lonicera sp.</i>	Honeysuckle: Zabel, White Belle
<i>Rhus</i>	Sumac: Smooth. Stagham
<i>Salix Caprea</i>	Pussy Willow
<b>TALL EVERGREEN SHRUBS (7 Landscaping Points) (36" Tall/Wide Minimum)</b>	
<i>Juniperus Chinensis</i>	Juniper: Hetz
<i>Taxus sp.</i>	Yew: Japanese
<i>Thuja Occidentalis</i>	Broad Pyramich
<b>MEDIUM DECIDUOUS SHRUBS (5 Landscaping Points) (24" Tall/Wide Minimum)</b>	
<i>Corylus americana</i>	American Filbert, Hazelnut
<i>Myrica Pensylvanica</i>	Bayberry
<i>Cotoneaster sp.</i>	Cotoneaster
<i>Forsythia sp.</i>	Forsythia: Border, Early, Weeping
<i>Ligustrum</i>	Privet
<i>Rosa sp.</i>	Rose: Virginia, Rugosa
<i>Spirea</i>	Spirea: Bridalwreath, Thunberg Vanhoutte
<b>MEDIUM EVERGREEN SHRUBS (5 Landscaping Points) (24" Tall/Wide Minimum)</b>	
<i>Juniperus Chinensis</i>	Juniper Pfitzer
<i>Juniperus lc. Communis</i>	Juniper Old Field Common
<i>Picea glavca</i>	Alberta Spruce
<i>Taxus sp.</i>	Yew Japanese
<i>Thuja Woodwardi</i>	Globe Arborvitae
<b>LOW DECIDUOUS SHRUBS (3 Landscaping Points) (18" Tall Minimum)</b>	
<i>Amerlanchier Stolonifera</i>	Running Service berry

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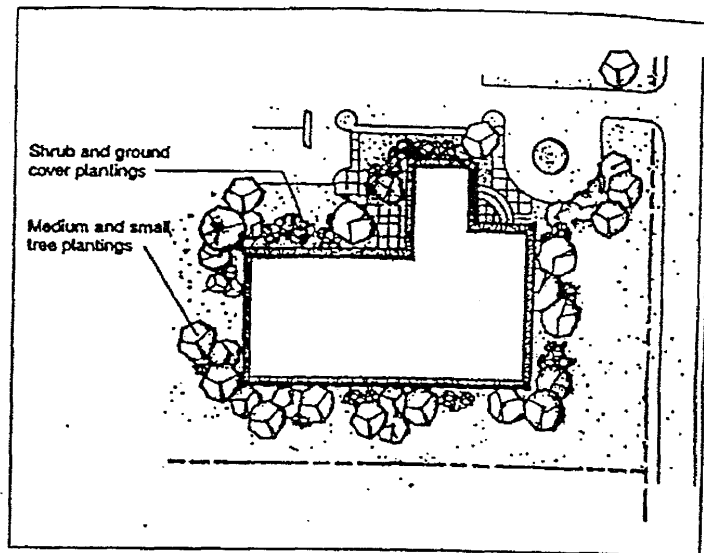
<i>Berberis thunbergii</i>	Japanese Barberry
<i>Cotoneaster</i>	Cranberry
<i>Spiraea sp.</i>	Spirea: Froebel, Snowmound
<i>Hydranga sp.</i>	Hydranga: Anabelle, Snowhill
<i>Lonicera sp.</i>	Honeysuckle: Clavey's Dwarf Emerald Mound
<b>LOW EVERGREEN SHRUBS (3 Landscaping Points) (18" Tall/Wide Minimum)</b>	
<i>Juniperus sp.</i>	Juniper: Sargent, Creeping, Andorra
<i>Pinus Mugo</i>	Mugo Pine
<i>Nana</i>	Dwarf Japanese Yew
<i>Juniper Sabina</i>	Savin Voniperi Broadmour, Tamarix
Source: <i>A Guide to Selecting Landscape Plants for Wisconsin</i> , Hasselkus. UW-Ext. Publication: A2865	

- ii. *Depiction of sample landscaping schemes.* Figures 2, 3, 4 and 5 shown on the following pages, depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages and paved areas. In general, landscaping schemes similar to Figure 2 are best for building foundations, Figure 3 are best for developed lots, Figure 4 are best for street frontages and Figure 5 are best for paved areas (including parking lots, walkways and plazas).

**Alternative A:**  
**Best Suited for**  
**Building Foundations**

750 Landscaping Points:

20 medium trees  
15 small trees  
60 shrubs



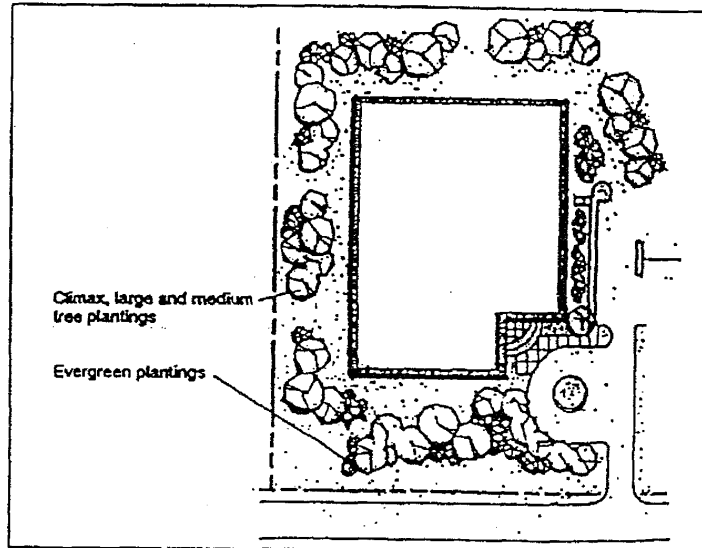
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**Alternative B:**  
Best Suited for  
Developed Lots

1250 Landscaping Points:

6 climax trees  
8 large trees  
20 medium trees  
41 evergreen plantings



**Alternative C:**  
Best Suited for  
Street Frontages

Option 1

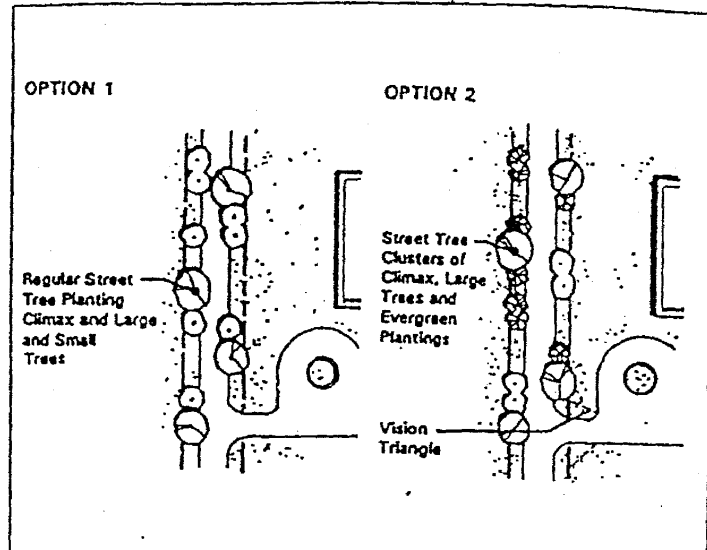
280 Landscaping Points:

2 climax trees  
2 large trees  
8 small trees

Option 2

280 Landscaping Points:

2 climax trees  
2 large trees  
4 small trees  
8 evergreen shrubs



**Alternative D:**  
Best Suited for  
Paved Areas

Option 1

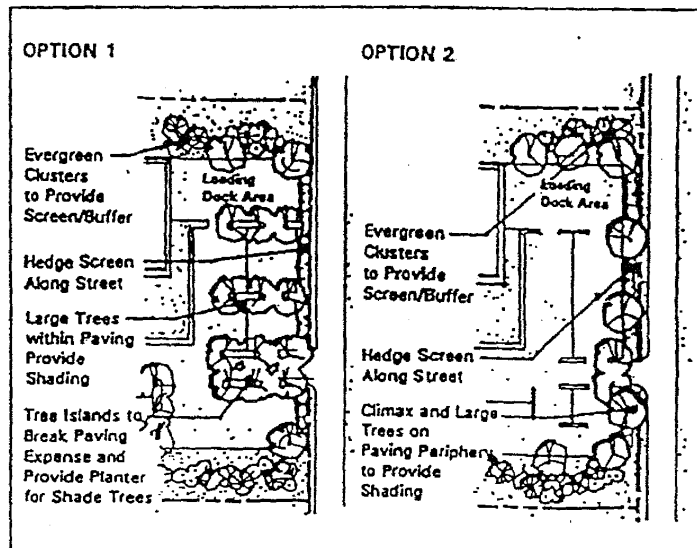
880 Landscaping Points:

2 climax trees  
13 large trees  
68 evergreen hedges

Option 2

880 Landscaping Points:

5 climax trees  
6 large trees  
68 evergreen hedges



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- iii. *Measurement for landscaping standards.* A minimum amount of landscaping points are required for the linear feet of building foundations, the gross floor area of buildings on developed lots, the linear feet of street frontage and the total combined area of paved areas.
- iv. *Landscaping standards for building foundations.*
  - a. New buildings and additions shall be accented by a minimum amount of landscaping placed within a minimum depth of seven feet from the building foundation.
  - b. Landscaping for building foundations shall be placed so that at maturity, the plant's drip line is located within ten feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages or paved areas. See Figure 2 for a suggested scheme. Landscaping shall not impede vehicle or pedestrian visibility.
  - c. For each 100 feet of building foundation perimeter, 40 landscaping points shall be provided on a prorated basis, and installed and permanently maintained.
  - d. Tall or medium trees shall not be used to meet this requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of five feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).
- v. *Landscaping standards for developed lots.*
  - a. This section shall apply to already developed lots when building additions or remodels with improvements of more than 25 percent of the assessed value of the structure are proposed.
  - b. Landscaping for developed lots shall be placed away from those areas required for landscaping as building foundations, street frontages, and paved areas. See Figure 3 for a suggested landscape scheme. Landscaping shall not impede vehicle or pedestrian visibility.
  - c. For each 1,000 square feet of gross building floor area, ten landscaping points shall be provided on a prorated basis, and installed and permanently maintained.
  - d. The intent of this section is to provide yard shade and to require a visual screen of a minimum of five feet in height for all detached exterior appurtenances (such as HVAC, electrical transformers, utility boxes, standpipes, stormwater discharge pipes and other pipes).
- vi. *Landscaping standards for street frontages.*
  - a. Street frontages for new buildings and additions shall contain a minimum amount of landscaping in those areas that abut the right-of-way of a public street.

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- b. Landscaping for street frontages shall be located within ten feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
  - c. For each 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, 40 landscaping points shall be provided on a prorated basis, and installed and permanently maintained.
  - d. Shrubs shall not be used to meet this requirement. A minimum of 50 percent of all points shall be devoted to tall and medium deciduous trees and a minimum of 30 percent of all points shall be devoted to medium and low evergreen trees.
- vii. *Landscaping standards for paved areas.*
  - a. Paved areas for new buildings and additions shall contain a minimum amount of landscaping within ten feet of the paved area. The intent of this subsection is to provide a visual screen of the parking lot from abutting properties that breaks up the parking lot look and separates the parking lot stalls by providing shade trees within the parking lot. The screening around the perimeter of the parking lot shall have a minimum height of 40 inches from the street view.
  - b. A minimum of 270 square feet of landscaped area, which shall be located in the parking lot for every ten linear stalls of the paved area. The landscape island shall take up 1½ parking stalls. See Figure 5 for a suggested landscaping scheme. Plants used to fulfill the perimeter requirement should provide 50 percent solid screening of the parking, loading and circulation areas from view from public streets. Plants used for landscape islands shall be tall and medium deciduous trees and low shrubs.
  - c. For every 20 off-street parking stalls located in a development, one landscaped island, a minimum of 270 square feet, shall be installed and permanently maintained. Each island shall have a minimum of 80 landscaping points and be devoted to tall or medium deciduous trees and shrubs.
  - d. A ten-foot-wide green buffer shall be provided around the perimeter of all lots excluding areas for driveway connections to the public street or approved way.
- viii. *Classification of plant species.* For the purpose of these standards, plant materials are classified into 12 groupings: "tall deciduous tree," "medium deciduous tree," "low deciduous tree," "tall evergreen tree," "medium evergreen tree," "low evergreen tree," "tall deciduous shrub," "medium deciduous shrub," "low deciduous shrub," "medium evergreen shrub," "low evergreen shrub," and "non-contributory plants." The plan commission and village board shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.
- ix. *Requirements for installation of landscaped areas.*

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- a. *Installation.* All landscaping material recommended by the provisions of these standards and guidelines shall be installed on the subject property, per the approved site plan, within 365 days of the issuance of an occupancy permit for any building on the subject property or as determined by the plan commission but no later than the time period stated above.
- b. *Cash deposit.*
  - 1. If the subject property is to be occupied prior to the installation of all required landscaping material, the property owner shall file, subject to approval by the planner, a certificate of deposit or a certified check in the amount equal to 110 percent of the estimate of landscaping materials and installation cost. An enforceable contract, for all work on the subject property indicated on the detailed landscaping plan required under the provisions of these standards and guidelines, from a qualified contractor (valid for a 365-day period), shall be used to determine the amount of surety.
  - 2. If a part of a phased project approved per the requirements of the standards and guidelines, said amount may be split into amounts which are applicable to phases of the project.
  - 3. Governmental units to which these bond and guarantee provisions apply, may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of these standards and guidelines.
- c. Existing plant material which meets the recommendations of these standards and guidelines and which will be preserved on the subject property following the completion of development, may be counted as contributing to the landscaping recommendations.
- d. All landscaping areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- e. The exact placement of required plans and structures depicted on the required detailed landscaping plan component of the required site plan shall be the decision of each property owner within the recommendations of this section, except that the following requirements shall be met:
  - 1. Evergreen shrubs shall be planted in clusters in order to maximize their chance of survival.
  - 2. Where a combination of plant materials, and/or berming and/or fencing is used, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
  - 3. In no manner shall landscaping materials be selected and/or located in a manner that results in the creation of a safety or visibility hazard.



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- x. *Requirements of maintenance.* The continued and continual maintenance of all required landscaping materials shall be a requirement of these standards and guidelines and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of the ordinance from which these standards and guidelines were derived shall constitute an agreement by the property owner to comply with the provisions of these standards and guidelines. Upon failure to comply with these provisions, the village may enter upon the property for the purpose of evaluating and maintaining all required landscaping materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of these standards and guidelines, and shall be subject to any and all applicable enforcement procedures and penalties.
- xi. *Use of required landscaped areas.*
  - a. Any and all required landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian or bike trails provided that:
    - 1. No required materials are eliminated;
    - 2. The total width and area of required landscaping is maintained; and
    - 3. All other regulations of these standards and guidelines are met.
  - b. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation use be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.
- xii. *Utility easements.* Landscaping materials, fences and berms that are located within a duly-recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscape requirement. However, the width of such areas may be counted as part of a landscaping requirement.
- xiii. *Calculating landscaping recommendations.* In calculating the number of recommended landscaping points under the provisions of these standards and guidelines, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plan derived from the required calculations of these standards and guidelines (for example, 23.3 points shall be rounded up to the nearest whole 24 points).

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- H. *Exterior lighting standards.*
- i. *Purpose.* The purpose of this subsection 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 transportation safety and to prevent the creation of nuisances.
  - ii. *Applicability.* The requirements of this subsection apply to all private exterior lighting within the jurisdiction of this chapter, except for lighting within public rights-of-way and/or lighting located on public property.
  - iii. *Requirements.*
    - a. *Fixtures.* Light sources shall be full cutoff fixtures with the light source fully shielded and directed downwards.
    - b. *Intensity of Illumination.* In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.40 footcandles above ambient lighting conditions on a cloudless night.
    - c. *Location.* Light fixtures shall not be located within required landscape areas.
    - d. *Flashing, Flickering and Other Distracting Lighting.* Flashing, flickering, and/or lighting which may distract motorists are prohibited.
    - e. *Minimum and Maximum Lighting Standards.* All areas designated on required site plans for pedestrian circulation, vehicular or bicycle parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of zero and four tenths (0.4) footcandles and at a maximum intensity of ten (10) footcandles during hours of operation. Lighting shall be dimmed to fifty percent (50%) after hours of operation. Dimming can be provided by timer or motion sensors.
    - f. *Special Events Lighting.* Any temporary use using exterior lighting which is not in complete compliance with the requirements of this subsection shall secure a temporary use permit.
    - g. *Wall Mounted Accent Lighting.* Wall mounted accent lighting shall be integrated with the architectural character of the building and shall use low-luminosity lamps, with two thousand (2,000) source lumens or less. The illumination on any vertical surface shall not exceed one-half (0.5) maintained footcandle and shall not spill over roof lines or building edges.
- I. *Exterior site usage.*
- i. *Outdoor storage.* In A-1, P-1, B-2, B-3, M-1 and M-2 zoning districts, the outdoor storage of any goods, material, merchandise, or vehicles and equipment may be permitted subject to the following:

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- a. Storage area is allowed in the rear yard only as determined by the plan commission. The side yard could be used if the plan commission determines the rear yard is not a practical location with screening of the side yard.
  - b. Storage area shall not be visible from any public right-of-way.
  - c. Storage area shall be bounded by:
    - 1. A minimum six-foot-high wooden or vinyl solid fence;
    - 2. A minimum six-foot-high chainlink fence with landscape plantings at the height of the fence at planting to screen the view of the chainlink fence from the public right-of-way; or
    - 3. A landscaped treatment as approved by the plan commission. The landscape treatment may include, but not be limited to, earth berms constructed of topsoil and stabilized with seed, landscape plantings (i.e. shrubs, deciduous trees, evergreens, etc.), landscape materials/structures (i.e., decorative concrete block walls, landscape timbers, boulders, etc.), or a combination thereof. The landscape treatment shall be constructed high and dense enough and to sufficiently screen the view from the public right-of-way.
  - d. Storage area shall not exceed 20 percent of the lot area.
  - e. Stored items shall be accessory to the approved business operation.
- ii. *Outdoor display.* In the B-2, B-3, M-1 and M-2 zoning districts, the outdoor display of any goods, material, merchandise, or vehicles and equipment may be permitted subject to the following:
- a. Scaled site plan requires approval by the village plan commission.
  - b. Display area is allowed in any yard with layout and use detailed on a plat of survey and approval by plan commission.
  - c. Display area shall not exceed 30 percent of lot area.
  - d. Displayed items shall be in working condition and displayed in a neat and orderly condition at all times so that the premises will not detract from the neighboring premises.
- J. *Modifying and/or termination of site plan or plan of operation.* If any item of the site plan or plan of operation does not continue in conformance with the approved plan or operation, the use and site plan approval may be modified and/or terminated by action of the plan commission. Notwithstanding the foregoing, prior to any decision made by the plan commission which would result in the modification and/or termination of the use and site plan as previously approved, the property owner shall be given written notice of the proposed action to be taken by the plan commission, and shall be afforded an opportunity to present evidence and be heard by the plan commission prior to any final action being taken by the plan commission which could result in the modification or termination of the use

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and site plan.

**(c) Site Regulations**

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

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

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

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

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

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3. No Undesirable Buildings, Structures, Junk, Materials, Vehicles:
- A. Junk, as defined in this chapter, shall at all times be stored in an enclosed building thereby securing it from the view of the public and adjacent property owners. In addition, no building or structure, shall be constructed, erected, altered, converted, used, occupied, or relocated in a manner which shall be of such character as to adversely affect the nearby properties or general desirability of the neighborhood. The determination of undesirability shall be made by the Village Building Inspector or his or her deputy, in writing, and shall be based upon the nature, usefulness and/or undesirable appearance of articles or vehicles stored, and whether those objects have an adverse effect on surrounding or adjacent property. He or she shall also determine whether or not the design or appearance of buildings or structures are of such unorthodox or abnormal character as to have an adverse effect on the nearby property or general desirability of the neighborhood. If the determination involves a permit, the reasons for refusing a permit, or any conditions of approval shall also be provided in writing. The building inspector or his or her deputy may have the Village Attorney commence legal action to bring about conformance, if the building inspector or deputy's efforts to bring about conformance are unsuccessful. In the case of a dispute or question regarding the Building Inspector's determination, said question shall be submitted to the Village Plan Commission for resolution.
- i. This subsection is not intended to regulate property that is properly zoned, and is in compliance with a current Site Plan/Plan of Operation and/or Conditional Use Permit on file with the Village, for use as a junk yard, public and commercial disposal operation for noncombustible materials, salvage yard, waste disposal, or storage activity that is properly licensed.
- ii. This subsection is not intended to regulate on the storage of idle, but operable farm equipment on farms greater than 35 contiguous acres, or the storage of inoperative or abandoned farm equipment on farms greater than 35 contiguous acres if the equipment is screened year around from the view of the public and adjacent property owners by a natural or man-made visual barrier.
- iii. This subsection is not intended to regulate the orderly storage of firewood for fuel.
- iv. The subsection is not intended to regulate the temporary storage of construction materials which are for use on the site for a project authorized by an active building permit and which are stacked, stored, and secured on the site in an orderly manner.
- v. Vehicles are also regulated in Section 3 (j) and Section 4 (h) 10 of this chapter, and the regulations contained therein may also be applied to enforce Section 3(c)3 of this chapter as applicable.
- B. Site Maintenance: In order to protect the health, safety, and welfare of the residents of the Village of Lisbon and to maintain the desirability, amenities, and property values of the residential, commercial, and industrial areas of the Village , all property owners shall be responsible for maintaining their property in accordance with the following standards:
- i. General Maintenance: The exterior of every structure or accessory structure (except farm structures) shall be maintained free of broken glass, loose shingles, excessive paint peeling, crumbling stone or brick, loose

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boards, missing boards, loose insulation, or other conditions reflective of deterioration and inadequate or deferred maintenance.

- ii. Litter Control: Every owner, occupant, or lessee of a building used for residential, recreational, institutional, commercial, industrial (including quarries), or public purposes shall maintain litter collection and storage areas in a clean condition and insure that all litter on the premises is properly containerized. The property owners and the prime contractors in charge of any construction site in the Village shall maintain the construction site in such a manner to prevent litter from being blown off the site. Accordingly, all litter from construction activities shall be picked up at the end of each workday and placed in appropriate containers.
- iii. Outside Storage: No unenclosed storage of junk as defined in this chapter, materials, equipment, or supplies including, but not necessarily limited to, unused or junked appliances, furniture, lumber, bricks, cement blocks, cans, and containers, shall be permitted where such storage is readily visible from any public place or from any surrounding private property. Outside storage of certain vehicles may be allowed in accordance with Section 3 (j) of this chapter.
- iv. Lot Maintenance: At the time of application for a building permit for a new house or an addition to a residence, a landscape bond or letter of credit in the amount listed in the Fee Schedule Appendix included herein from the homeowner shall be submitted to the Village (pursuant to the procedures of 30.006 of the Building Code) to ensure that all areas of disturbance including, but not limited to, grading, seeding, and sodding operations are completed and established to the Village Building Inspector's satisfaction within twelve (12) months after the occupancy permit is issued. Grading shall be completed in accordance with the final grade specifications to alleviate standing water and which will not result in water problems on adjacent properties. For commercial and industrial property, the Village Engineer shall determine the amount of the landscape bond, and the amount of the landscape bond shall be proportionate to the work proposed.
- v. Driveways located in a recorded subdivision shall be hard surfaced with material such as concrete or asphalt.

C. In the event the Village determines non-compliance with Section 3 (c) 3 of this chapter, enforcement shall be in accordance with Section 37 of this chapter. Chapter 6, Nuisances, of the Village of Lisbon General Code of Ordinances, may also be utilized by the Village of Lisbon to abate violations of this chapter and enforce the provisions of this chapter.

- 4. Street grade: Every building hereafter constructed, erected, altered, converted, relocated, used, or occupied shall be at a grade approved by the building inspector and his or her deputy as being in satisfactory relationship with the established street grades, or with the existing street grade where one is established, with particular consideration for proper drainage, safe vehicular access, and flood hazards.
- 5. Land Altering Activities/Disturbance and Preservation of Topography: In order to protect property owners from possible damage due to changes in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in: (a) increasing any portion of the slope to a ratio greater than three (3) horizontal to one (1) vertical within a distance of twenty (20) feet from any property line, except with the

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approval of the Village Engineer; or (b) which would alter the existing drainage or topography in any way so as to adversely affect adjoining properties. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected from erosion as required in this chapter (also refer to Section 311). In addition, the following regulations, unless exempted by Wisconsin Statutes or other sections of this Chapter, shall apply:

- A. The construction of a retaining wall (stone, ties, brick or other material), as defined herein, shall be a minimum of 5 feet from the property line to allow for maintenance without crossing onto adjacent property. The plan commission may specifically authorize any retaining wall proposed less than five (5) feet from a property line. Retaining walls in excess of three feet in height from the existing grade require Village Plan Commission approval for location, height, building materials and aesthetics. A certified architect or engineer must design retaining walls four feet or more in height from the existing grade, and said plans shall be submitted for consideration with the permit application. No retaining wall shall be constructed in a manner, which would adversely affect surface drainage on adjacent property. Approved retaining walls require the issuance of a building permit. All retaining walls shall be set back at least seventy-five (75) feet from the ordinary high water mark of a navigable body of water or its floodplain, and outside of the conservancy/wetland district. If, upon review by the village engineer it is determined that the retaining wall is necessary to abate a known and identified soil erosion and sedimentation problem, the wall may be allowed less than seventy-five (75) feet from the ordinary high water mark of a navigable body of water or its floodplain, but must still remain outside of the conservancy/wetland district.

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

Land altering activities extending greater than thirty (30) feet from the foundation in any direction may be allowed subject to the issuance of a minor grading permit as provided for in Section 3 (c) 5 or a grading permit where the quantities and the area of fill and grading exceed those limits defined herein for minor grading, filling, and land altering activities. This provision excludes the area normally associated with

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septic system installation, backfilling around the foundation and grading within thirty (30) feet of the foundation as outlined above, and normal construction of new driveways or their repair or replacement in their existing location.

Land altering activities extending greater than thirty (30) feet from the foundation in any direction that are in excess of minor grading, filling, and land altering activities, as defined in this chapter, shall secure a grading permit prior to commencing any land altering activities. The Village Engineer may refer a grading permit to the Plan Commission at his discretion.

As outlined above, no fill or alterations of existing topography shall be allowed under any circumstances, which will alter the drainage or topography in a way that will adversely affect the surrounding lands. In making such a determination, the zoning administrator/building inspector shall have the authority to determine the effect of the construction or fill on surrounding property and require improvements and/or facilities as may be in the best interest of preserving the topography, drainage patterns, and the drainage system, and which will have the effect of lessening the impacts on either upstream, downstream, or adjacent properties.

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

#### Design Standards for Land Altering/Disturbance Activities

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

- i. For any land altering/disturbing activity proper erosion control measures shall be installed and maintained throughout the entire project and until the vegetation is established, and a Storm Water Management and Erosion Control Permit shall be issued, if required.
- ii. A grading plan meeting requirements of Section 3 (c) of this chapter, prepared by the owner's professional engineer, landscape architect or architect, who shall be registered in the State of Wisconsin, shall be submitted to the Village and then reviewed by the Village Engineer. Minor grading permits are approved by the Village Building Inspector upon recommendation of the Village Engineer. Conditional Use Permits shall follow the process outlined in Section 4 of this chapter.
- iii. A deadline for completion of the entire project shall be established. The Village Plan Commission must approve of any extensions to the deadline established.
- iv. No other work is authorized. All work shall be completed in accordance with the approved plans.
- v. No adverse drainage, runoff, erosion or sedimentation shall take place onto adjoining properties or to environmentally sensitive areas public or private roads and right of ways.
- vi. An As-Built plan/survey of the land disturbance prepared by the Owner's Professional Engineer shall be prepared and submitted to the Village Engineer within



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30 days of the completion of grading and landscaping to assure compliance with the approved plan. If the applicant does not produce the required grading plan, the Building Inspector shall authorize the Village Engineer to produce an As-Built plan/survey of the land disturbance and charge the Owner as a “current service” for the cost of producing the plan. If the As-Built plan/survey does not comply with the approved plan, the work shall be corrected until it is in compliance to the satisfaction of the Village Engineer, or if determined to be acceptable by the Village Engineer, the As-Built plan/survey be approved administratively, or if part of a Conditional Use, be approved by the Village Plan Commission and any other agency having review authority over the project.

**B. Landscape Berms**

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

1. Landscape berms that are greater than three (3) feet above existing topography require Village Plan Commission approval.
2. The top of berms within 50' of the property line shall have a maximum height of 8' above existing property line elevation or centerline elevation of abutting street pavement, whichever is greater. Beyond 50' from the property line, berms may increase in height by 1 foot for each additional 25' from the property line, to a maximum height of 12' above property line or abutting road centerline pavement elevation.
3. The toe (base) of the berm must be a minimum of 10' from all front yard, side yard and rear yard property lines.
4. Berms shall be undulating and staggered. The top of berm shall vary in height from maximum height to 2/3 maximum height and back again, for every 100' along the top of the berm. High and low points must be at least 15' long. For every 100' of berm length at least two low points in the berm undulation are required. Side slopes of the berm must be 3 to 1 maximum and be mowable.
5. Berms shall be landscaped in accordance with a landscape plan approved by the Village Plan Commission. The plan shall include the installation and mature height and diameter of all vegetation, and the types of all vegetation used; a proposed timetable for installation, and seeding mixtures.
6. The berm shall be mowed and maintained on a regular basis similar to that of normal lawn maintenance, or as determined by the Village Plan Commission. Any vegetation that dies within 3 years of installation shall be replaced with the same or substantially similar materials and within an amount of time as specified by the Village Plan Commission.
7. If the berm cannot be completed and vegetated prior to October 1st of the calendar year, the area shall be properly mulched over the winter season until work can recommence the following spring.
8. No berm shall interfere with vision of adjacent roads, easements, or driveways nor be constructed within any public right-of-way or highway expansion area designated on the current Waukesha County Official Highway Width Map or within

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a Vision Easement.

9. The berm shall not adversely impact the existing drainage patterns in the area, or appropriate measures shall be taken to alleviate adverse drainage (swales, etc.).

10. The type of material used to construct the berm shall be approved by the Village Plan Commission.

11. A minimum of 4 inches of topsoil shall be used on the entire berm for revegetation purposes.

12. A minimum setback of 50' is required from all wetland, floodplain, and corridor areas.

13. Berms may extend across property lines with written permission of the adjacent property owner (maximum berm height shall be based on existing property line elevation prior to berm construction). Berms extending over property lines will require the granting of reciprocal easements over the berm area. In addition a maintenance agreement is required to be prepared and submitted to the Village Attorney for review and approval. Berm easement and maintenance agreement must be signed by all parties involved and recorded in the Waukesha County Register of Deeds Office. Easements must provide permission for the Village to implement the provisions of the conditional approval, including reimbursement for plan implementation expenses incurred by the Village of Lisbon.

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

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

**(d) Use Regulations**

1. Uses Restricted: In any district, no building or land shall be used or occupied, and no building shall be hereafter constructed, erected, altered, repaired, changed, improved, extended, enlarged, converted, or relocated except in conformance with the regulations hereinafter established for the district in which the property is located, or as otherwise provided for in this Chapter. Where a change in use, change of ownership or operator, or a new use of a building or premises is proposed in any Business, Industrial, Quarrying, or Public and Institutional District, or at the site of a legal non-conforming use or a conditional use, a Site Plan and Plan of Operation shall be prepared for review and approval pursuant to Section 3 (b) 5 of this Chapter.
2. Accessory Uses and Structures: In any district, accessory structures, buildings and uses customarily incident to the permitted buildings, uses and structures in that district shall be permitted subject to such requirements as may be hereinafter designated for that district in which they are located and in accordance with Section 3(i)5. No pyramiding as defined herein shall be permitted on any lands fronting on navigable waters, except as may be specifically permitted accessory to a marina or resort, and which may be allowed under the terms of a conditional use permit for a planned unit development. No accessory building, use or structure shall be permitted that by reason of noise, dust, odor, appearance, lighting,

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traffic generation, smoke, fumes, dirt, vibrations, fire, explosives, pollution, or other objectionable factors creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property. These nuisance determinations shall also include, but not be limited to, incidents of apiary operations where there is bee stinging, bee swarming, or bees otherwise creating a disturbance. Such adverse affects may be required to be corrected or eliminated by such measures as are directed by Sections 3 c 3 and 37 of this chapter; and Chapter 6, Nuisances, of the Village of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances.

3. Unclassified Uses: Any use not specifically listed as a permitted or accessory use is prohibited unless the Plan Commission determines that such use is substantially similar to another use that is listed. In making a determination with respect to similarity of uses, the Plan Commission should consider (i) the nature of the requested use; (ii) whether the requested use is consistent with the Village's comprehensive plan; and (iii) whether the requested use is consistent with the purpose of each of the zoning districts where the similar use is allowed as a permitted or accessory use.
4. Additional Requirements: For any use or structure in any district, which becomes or is determined by the Plan Commission and/or Building Inspector to be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood, the owner or occupant may be required to correct, improve, or abate such conditions by such measures as may be mutually directed by the Plan Commission and the Building Inspector consistent with reasonable technology and economic practicality and in conformance with reasonable standards. Any building determined to be unfit for human habitation, or which may endanger the health, safety, and welfare of the public as may be determined by the Village Board after recommendation by the Plan Commission or Building Inspector may be removed pursuant to the procedures outlined by the Wisconsin Statutes.
5. Any residence whose design includes provisions, or is intended to be used, for more than one single housekeeping entity as defined herein, shall be considered a two family or a multi family dwelling as defined herein, and are allowed only as conditional uses as provided for in Section 4 of this Chapter, unless permitted in the zoning district in which they are located.
6. Conditional Uses: These uses are subject to Plan Commission approval following a public hearing to determine acceptable project impacts and the imposition of appropriate conditions as provided in Section 4 of this chapter.
7. Nuisance Uses: Any use, in any district, which becomes hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of odors, lighting, smoke, fumes, dust, dirt, vibrations, noise, fire, explosives, pollution, appearance, traffic generation, or other objectionable factors may be required to be corrected or eliminated by such measures as are directed by Sections 3 c 3 and 37 of this chapter; Chapter 6, Nuisances, of the Village of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances; and/or the Village Board or its authorized representative.
8. Permitted Uses: These uses are permitted by right subject to the provisions of this chapter.
9. Principal Uses: These uses represent the main or primary use of property or structures as permitted by the regulations of the zoning district in which such use is located.
10. Female Chicken Keeping:
  - A. Purpose and intent. It is the desire of the village board to permit residents in

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single-family residential zoning districts, to keep a small number of female chickens (hens) on their property for personal use, as a permissible accessory use, while also protecting neighbors and the community from noise, odors, and other negative aspects of raising chickens. This section does not limit the keeping of poultry or domestic livestock for lots at least three acres in size in accordance with the provisions of the respective zoning district.

- B. Number of chickens. No more than five hens may be kept per residential lot.
- C. Keeping of roosters is prohibited.
- D. Chicken keeping shall not cause a public nuisance due to noise, odors, unsanitary conditions or any operation features as described in Chapter 6, Nuisances. The Village may take enforcement actions as necessary to abate any public nuisances.
- E. It shall be the property owner's responsibility to verify that chicken keeping and chicken coops are permitted uses in any deed restrictions or covenants applicable to the subject property.
- F. Chicken Coop and Run required.
  - i. Chickens shall be provided with a chicken coop (i.e., a covered roosting area) and an adjacent confined chicken run.
  - ii. The coop shall be a stand alone structure located in the rear yard at least 25 feet from all property lines and at least 10 feet from the principal structure.
  - iii. The chicken run shall be located adjacent to the coop and shall be at least 25 feet from all property lines.
  - iv. The chicken run shall not exceed 64 square feet in area, and the fence surrounding it shall be at least 48 inches in height.
  - v. Chickens shall not be permitted in any other structure on the lot, including but not limited to garages, basements and attics.
- G. Structures dedicated to the keeping of hens shall be considered in the calculation of the maximum floor area of accessory structures.
- H. All feed must be stored in sealed containers to prevent attracting vermin.
- I. Prior to establishing the use, a permit shall be obtained from the Building Inspector for chicken keeping and construction of the coop and related fencing. The application for the permit shall include a location sketch of the coop and fencing showing property lines and nearby structures and design information for the coop. A fee shall be paid with submittal of the application in accord with the Village's Fee Schedule.

**(e) Sanitary Regulations**

- 1. No building, structure, area, or premise shall be erected, repaired, changed, improved, extended, enlarged, converted, constructed, altered, located, or maintained for human occupancy, use, or assembly without adequate facilities for the sanitary and safe disposal of all human excreta together with all liquid and solid wastes that could be hazardous to the

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public health and safety or create objectionable nuisance conditions. Certification by the Village Building Inspector or Plumbing Inspector that the building conforms to all Village ordinances and other governmental laws or regulations applicable to sewage disposal systems, and that satisfactory evidence has been submitted to show that suitable provisions for sewage disposal, based on the proposed use, is possible on said lot if it is not served by an approved municipal or other state approved sewage disposal system.

No principal building shall be erected, repaired, changed, improved, extended, enlarged, converted, constructed, altered, relocated, occupied, or used, unless an approved septic system is installed with sewer running to a septic tank designed and located in accordance with the Village ordinances and other governmental laws or regulations applicable to sewage disposal systems, or to an approved municipal or other state approved sewage disposal system. Such facilities must fully comply with the provisions of the Waukesha County Community Health Code.

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

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

**(f) Water Performance Standards**

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

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1. Water quality protection: No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash-into surface or subsurface waters (including, but not limited to, groundwater) so as to contaminate, pollute, or harm such waters; or cause nuisances such as objectionable shore deposits, floating, or submerged debris, oil, or scum, color, odor, taste, or unsightliness; or be harmful to human, animal, plant, or aquatic life.
2. No activity shall withdraw water or discharge any liquid, gaseous, or solid materials so as to exceed the minimum standards and the application of those standards set forth in Chapters NR102, 103 and 104 of the Wisconsin Administrative Code, and applicable standards of any federal agency for all interstate and intrastate surface waters of the Village of Lisbon.
3. The following water quality standards, as set forth in Chapter NR102 of the Wisconsin Administrative Code, shall be maintained:
  - A. Minimum standards.
  - B. Recreational standards-full body contact recreational uses.
  - C. Fish and aquatic life.
4. Water supply required: No occupancy or use permit shall be issued for a building used for residential purposes unless provisions are made for a safe and adequate supply of water in or within 300 feet of said residence, or a connection is to be made to an approved municipal or community water system.

**(g) Building Location**

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

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

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- To insure adequate separation between pedestrian and vehicular circulation.
- To provide adequate area to detain, retain, and facilitate surface drainage.
- To protect and preserve the quality and quantity of groundwater resources.
- To prevent development which may result in unacceptable non-point source pollution.

1. Setbacks

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

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points on the intersecting base setback lines, which points are located sixty (60) feet distant from the intersection of said base setback lines.

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



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- F. Additions to and replacements of existing structures may be made within the established road right-of-way as set forth by Section 3 (g) 1 A of this chapter, subject to approval of the Village Board and the Board of Appeals, provided the owner records, with the Waukesha County Register of Deeds office, a deed restriction, approved by the Village Board, to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this Chapter at his or her expense, when said right-of-way is necessary for the improvement of the street or highway.
  - G. In all cases where any of the highways for which setback lines are established by this Chapter are located on municipal boundaries, such establishment shall apply only within the Village.
  - H. On corner lots of record, as of the date of adoption of this Code (July 14, 1958), the effect of the setback regulations shall not reduce the buildable width of such corner lots to less than thirty (30) feet. Where such reduction would result in an area narrower than thirty (30) feet after applying the offset reduction, the Zoning Administrator shall have the authority to modify the setback or offset provision to the extent necessary to minimize the encroachment on both the offset and setback standard while maintaining the thirty (30) feet area required herein.
  - I. Retaining walls do not need to meet the road setback requirements of the individual zoning district. However, they do need to be at least 10' from the base setback line as required in Section 3 (g) 1 D.
  - J. Maintenance and use of setback areas: Any such required setback area shall be landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material.
2. Wetland setbacks. Every structure shall have a setback of at least 50 feet from a wetland boundary, except for the following:
- A. A retaining wall shall be located outside of the wetland boundary.
  - B. A single stairway or walkway may be permitted within the wetland setback. If the walkway is proposed in an area designated as wetland, the walkway shall be constructed on pilings.
  - C. Where there is an existing pattern of development with principal buildings having setbacks less than 50 feet from the wetland boundary line, the setback requirements for new principal buildings or additions to principal buildings shall be allowed to be reduced in accordance with the following setback averaging formula; however, in no case shall the required minimum wetland setback be reduced to less than 35 feet:
    - i. *Building within wetland setback on one side only*. If there is a principal building that is located less than 50 feet from the wetland with a similar use as the proposed building and located on an adjacent lot on one side of the proposed building and within 250 feet of the proposed building, the average of the wetland setback of that building of similar use and the required minimum wetland setback shall apply.
    - ii. *Buildings within wetland setback on both sides*. If there are two principal buildings which are located less than 50 feet from the wetland with similar uses as the proposed building and located on adjacent lots on each side of said building and within 250 feet of the proposed building, the average of the wetland setbacks of those buildings of similar use shall apply.
    - iii. *Addition to an existing building within wetland setback*. In the case of a proposed

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addition to an existing principal building which has less than the required wetland setback, the wetland setback of such existing building may be used to determine the required wetland setback for the proposed addition as set forth below.

- a. If there are no existing buildings with a similar use as the building with the proposed addition on either of the adjacent lots, the average of the wetland setback of the existing building and the required wetland setback shall apply to the addition.
  - b. If there is only one existing building with a similar use as the building with the proposed addition on an adjacent lot, the average of the wetland setback of the existing building and the existing building on the adjacent lot shall apply to the addition.
  - c. If there are existing buildings with similar uses as the building with the proposed addition on both adjacent lots but one of the adjacent buildings is located further from the wetland than the existing building with the proposed addition, the average of the wetland setback of the existing building and the building on the adjacent lot located closest to the wetland shall apply to the addition.
  - d. In applying these wetland setback averaging formulas to a proposed principal building or addition to a principal building, the wetland setback measurements shall be taken from other principal buildings only and the measurements shall not be from any immediately adjacent structures, such as decks or patios, retaining walls, swimming pools or sports courts.
  - e. In applying these wetland setback averaging formulas to a proposed structure, such as a deck or patio, which is immediately adjacent to the principal building, the wetland setback measurements may be taken from other principal buildings or immediately adjacent structures, such as decks or patios, but not from retaining walls, swimming pools and sports courts.
- iv. The effect of the wetland setback regulations in combination with the road setback regulations shall not reduce the buildable depth of such lot to less than 30 feet. Where such reduction would result in a depth less than 30 feet after applying the wetland setback and road setback, the village board, upon recommendation of the village plan commission, shall have the authority to modify the wetland setback and road setback provisions to the extent necessary to minimize the encroachment on the wetland setback and road setback standards while maintaining the 30-foot depth.
  - v. One accessory structure with a maximum size of 200 square feet may be located as close as 35 feet from the wetland, provided there is no other conforming location available and no other accessory structures located on the lot.
  - vi. If the above exceptions do not apply and an improvement or addition is proposed to an existing legal nonconforming structure, the provisions of section \_\_ shall apply.

3. Offsets

- A. No principal or accessory building shall be hereafter constructed, erected, horizontally added to, relocated, placed, or structurally altered so that any portion thereof, including roof overhangs, is closer to any side or rear lot line than the offset distance hereinafter specified by the regulations for the district in which such building is located, with the following exceptions:
  - i. (reserved)
  - ii. In the case of a lot of record, which has a minimum average width less than the required minimum average width of the district in which it is located, the required offset for the principal structure from a side lot line may be reduced proportionately to the ratio between the actual average width and the

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required minimum average width, but not less than ten (10) feet, except in accordance with Section 3 (e) 4, or as may be permitted within an approved Multiple Family or Planned Unit Development.

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

- iii. Offsets for detached accessory buildings exceeding two hundred (200) square feet in area on lots of one hundred and twenty (120) feet in width or less may be reduced to an amount equal to the proportionate amount between the actual width and one hundred and twenty (120) feet and not less than five (5) feet, even when consideration is given to Section 3 (e) 4. However, no detached accessory building shall be located closer than ten (10) feet to any structure used for residential purposes, as measured between overhangs.
- iv. Offsets for buildings housing animals including, but not limited to, livestock, fur-bearing animals, pigeons, swine, goats and poultry, shall be not less than fifty (50) feet from an adjacent property line. This does not include doghouses housing normal and usual household dogs (e.g., non-commercial in nature).
- v. When an existing detached accessory structure lies on a lot and closer than five (5) feet of the common lot line, a new detached accessory structure on the adjacent lot may be located the same distance from the common boundary as the existing detached structure on the neighboring lot, as long as the two structures are within ten (10) feet of each other. In such a case, the new detached accessory structure shall contain a firewall sufficient to meet the one-hour fire rating contained in the building code. However, unless a common wall with a one-hour fire rating is constructed, and with agreement of both property owners, the building sidewalls shall be no closer than three (3) feet in order to accomplish proper maintenance. A deed restriction shall be recorded in the Waukesha County Register of Deeds office prior to issuance of the building permit prohibiting the construction of fences between said buildings and permitting maintenance of said buildings

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from adjacent properties.

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

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

**(h) Height Regulations**

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

**(i) Area Regulations**

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

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

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

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

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

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

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

2. Lot Size

- A. No lot shall hereafter be created and no building shall be erected on a lot of less land area or minimum average width than hereinafter specified by the regulations of the district in which such building is located except as may be provided in Section 3 (i) 2 E below, Section 3 (e) 4, Section 4 (h) 18, and Section 33 of this chapter. No lot may be created which has less than one hundred (100) feet of frontage on a navigable river or lake, or sixty-five (65) feet of frontage if served by public sewer, pursuant to NR115 of the Wisconsin Administrative Code.
- B. For the purpose of this chapter, the lot area shall be measured from the base setback line.
- C. A lot shall be at least as wide as the specified minimum average width in the zoning district in which the lot is located for a distance of at least one-half the length of the lot.
- D. No lot area shall be reduced by any means so as to create a lot of less than the required size, or so that the existing offsets, setbacks, open space, lot width, or lot area would be reduced below or the floor area would be increased above that required by the regulations for the district in which such lot is located, except as provided by Section 3 (e) 4, Section 4 (h) 18, and Section 33 of this chapter.
- E. Where a lot has less land area or width than required for the district in which it is located and was of record at the time of the passage of the ordinance from which this chapter is derived, such lot may be used for any purpose permitted in such district but not for residential purposes for more than one family; provided, however, that in no case shall the setback and offset requirements be reduced to less than that required in section 3 (f) and the open space requirements be reduced to less than 10,000 square feet. Such substandard lot shall be in separate ownership from abutting lands. If abutting parcels or lands and the substandard lot are in the same ownership, the substandard lot shall not be sold or developed unless it has a minimum average width of 100 feet and a minimum lot area of 20,000 square feet. Subject to approval by the village plan commission, where each of the abutting lots under the same ownership are improved, the owner may dispose of or sell the lots separately if each one has a principal building located thereon and if each building has at least double the market value of the lot on which it is located. The determination of market value shall be made by a certified appraiser approved by the village, and any expense incurred by the village shall be paid for by the owner of the properties that are in question. .

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3. Open space

- A. No principal building shall be hereafter constructed, erected, horizontally added to, relocated, placed, or structurally altered on a lot so as to reduce the amount of usable open space of such lot to less than that hereinafter specified by the regulations for that district except as provided by Section 3 (e) 4, Section 4 (h) 18, and Section 33 of this chapter.
- B. To be considered usable, such open space shall be readily accessible and of a size and shape that can be reasonably considered to provide for the amenities and necessities of light, air, play space, drying yard, garden, etc. Crop, pasture, and wooded land may be included in computing such open space.
- C. No part of the open space provided for any building shall be included as part of the open space required for another building, except as hereinafter provided for in planned unit developments (refer to Section 33).
- D. Commercial and Industrial open space shall be calculated as specified by the regulations for those zoning districts.

4. Residential Density

Residential Density (either referred to as units per acre or minimum lot size) shall not exceed the density hereinafter specified by the regulations for the zoning district in which the development/building is located except as otherwise regulated in accordance with Section 3 (e) 4 (sewer reductions), and Section 33 (Planned Unit Developments).

5. Accessory Buildings and Structures as defined in this chapter

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

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



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- ii. It may or may not have a connection to an existing driveway, but in any event the new driveway shall be made with the same materials or better as the existing driveway on the property.
- iii. It is not a farm building as defined in this chapter.
- iv. The size of the building is based on the footprint of the building including up to a 36-inch overhang. If the overhang is in excess of 36 inches, then the overhang will be included in the building footprint total.
- v. Height shall be in accordance with the zoning district in which the building is located.

- C. *Size.* The aggregate total floor area of any accessory building used for residential purposes, may be constructed in accordance with the following table, and may not exceed the maximum building footprint of the applicable zoning district. Farm operations as defined in this chapter are exempt from this requirement but must still comply with the total floor area ratio requirements of this chapter.

	Column 1	Column 2
Lot Size	Aggregate Total Floor Area Max	Detached Garage Floor Area Max
Less than 2.00 acres	2,000 SF	1,000 SF
2.00 acres to 2.99 acres	2,600 SF	1,200 SF
3.00 acres to 4.99 acres	3,900 SF	1,500 SF
5.00 acres to 9.99 acres	6,500 SF	1,500 SF
10.00 acres or more	13,000 SF	1,500 SF

- D. Any property improved with a single-family residence that does have an attached garage is limited to the aggregate total accessory building floor area maximum in Column 1. However, if a single-family residence does not have an attached garage, one (1) detached garage may be constructed in accordance with the floor area maximum listed in Column 2. A property constructing a detached garage in accordance with Column 2 may also construct a second accessory building in accordance with Column 1. A detached garage constructed in accordance with Column 2 shall be located within 50 feet of the residential structure.
- E. An attached garage shall not be included in the accessory building limitations set forth in this subsection.
- F. Temporary structures shall be included within the limitations set forth in this subsection.
- G. In no case shall the building exceed the total floor area ratio requirements of the zoning district in which they are located (this includes all stories the principal buildings/structures (except the basement) and all stories of the accessory and principal buildings and structures, including any exposed basement level), unless the Board of Appeals grants a variance in accordance with Section 34.
- H. Setbacks and offsets for accessory buildings shall be specified by the regulations for that district, except as provided by Section 3 g, or unless the Board of Appeals grants a variance in accordance with Section 34. All setbacks and offsets shall be measured to the overhang.
- I. Number of Accessory Buildings: In no case shall more than two accessory buildings be permitted on any lot, unless excepted in i-iv below.

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- i. On parcels of ten (10) acres or more in area, the number of accessory buildings may be greater than the limits set forth in this subsection when the buildings are used solely for the pursuit of agriculture, where the building(s) will house equipment as regulated in Section 3 (j) 3 A, and/or where the buildings will house livestock or related farm animals and/or poultry, and when consistent with the total floor area ratio requirements of the zoning code.
  - ii. In all Business and Industrial Districts, when approved by the Village Plan Commission as part of the Site Plan/ Plan of Operation review, and where said buildings are used solely accessory to the principal use on said lot.
  - iii. On parcels which are the subject of a conditional use permit and as regulated by the conditional use permit.
  - iv. Where more than two (2) such accessory buildings of any size are proposed on any lot, the Village Plan Commission shall review said structures in light of the provisions of Section 3 (c) 3 A and render a finding to allow or disapprove of the proposed structure(s).
- J. Accessory buildings shall not be located closer to the base setback line than the rear of the principal building on the lot unless the Village Building Inspector approves another location based on the facts for the specific request. In the case of a dispute, such questions shall be submitted to the Village Plan Commission for a determination.
- K. Accessory buildings shall be landscaped as determined by the Village Building Inspector. In the case of a dispute, such questions shall be submitted to the Village Plan Commission for a determination. Accessory buildings on farm operations as defined in this chapter are exempt from this requirement.
- L. For accessory buildings less than 200 square feet:
  - i. Said buildings shall be located no closer than ten (10) feet to a lot line, as measured to the overhang.
  - ii. Said buildings shall be located no closer to the base setback line than the rear line of the residence.
  - iii. Said buildings count toward the total number of accessory buildings allowed on a lot.
  - iv. Said buildings shall be regulated the same as any other accessory building, unless otherwise noted in subsection 5 J.
  - v. Only one such building meeting the criteria of this subsection shall be located on any lot.
  - vi. Shall be used to store primarily garden and other yard equipment or pool supplies.
  - vii. Any overhang in excess of one (1) foot shall be counted in the square footage of the building.
  - viii. The maximum height shall not exceed 12 feet from the ground to the highest point of the building.
- M. All accessory buildings, regardless of size, shall be constructed on footings or floating slab foundations as approved by the Village Building Inspector. Pole type constructed buildings may be exempt from this provision if the Building Inspector deems it appropriate. In the case of a dispute, such questions shall be submitted to

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the Village Plan Commission for a determination.

- N. Letters of Credit/Bonds: The Village Building Inspector shall require a letter of credit or bond as listed in the Fee Schedule Appendix included herein to be utilized in the event any work associated with the construction of an accessory building or accessory structure is not completed in accordance with the approved plans, the requirements of this chapter, or the conditions as set forth by the Village Building Inspector, the Board of Appeals, and/or Village Plan Commission. The Village Building Inspector shall determine the appropriate amount of the bond or letter of credit. The amount shall be proportionate to the work proposed. In the case of a dispute specific to the amount of the bond or letter of credit, such questions shall be submitted to the Village Plan Commission for a determination.
- O. The total building footprint of all accessory buildings on any lot shall not exceed 3% of the total lot size, excluding the established road rights-of-way. Farm operations as defined in this chapter are exempt from this requirement, but must still comply with the total floor area ratio requirements of this chapter. Accessory buildings in business and industrial zoning districts may exceed the 3% limitation if approved by the Village Plan Commission as part of a Site Plan/Plan of Operation for the use.
- P. In no case shall any accessory building be used for purposes not allowed in the underlying zoning district or not approved by a conditional use permit and/or a Site Plan and Plan of Operation.
- Q. All accessory buildings shall be constructed in such a way that the exterior appearance is compatible with the design, style, architecture, and appearance of the principal structure on the parcel. The Village Building Inspector shall make this determination. In the case of a dispute, such questions shall be submitted to the Village Plan Commission for a determination. Accessory buildings on farm operations as defined in this chapter are exempt from this requirement.
- R. In subdivisions recorded in the Waukesha County Register of Deeds office, pole building type construction of accessory buildings shall not be allowed. The Village Building Inspector shall make the determination as to the type of construction after consulting the definition of a pole building contained in this chapter. In the case of a dispute, such questions shall be submitted to the Village Plan Commission for a determination. This subsection does not apply to farm operations as defined in this chapter.
- S. For lots served by private septic systems, approval must be obtained from the Waukesha County Environmental Health Division prior to the issuance of a Building Permit for the accessory building.

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- T. No accessory building shall be erected prior to the construction of the principal building on any lot in the Village, unless in compliance with Section 3 (c) 1.
- U. In subdivisions, it is the property owner's responsibility to obtain approval from the Homeowners Association, if applicable. The Village does not recognize or enforce subdivision covenants or restrictions, and the project must comply with the zoning chapter.
- V. Any accessory building that is to house animals, other than normal household pets, shall maintain a minimum offset of 50 feet, as measured to overhang.
- W. The required distance between a principal building and an accessory building shall be 10 feet, as measured between overhangs.
- X. All accessory buildings and structures shall meet the height requirements of the zoning district in which the building is located, unless exempted by Section 3 (h) 2 or increased in accordance with Section 3 (h) 1.
- Y. For accessory buildings with basement or lower levels, the square footage of the basement level shall be included in the total floor area ratio calculations if at least one-half of the height of the basement at any point is above the existing natural grade of the land at the building site. In addition, in this case, Section 3 (h) 1 cannot be utilized to increase the height of the structure.

If the basement or lower level is not exposed at least one-half of the height of the basement at any point is above the existing natural grade of the land at the building site, the square footage of the basement level shall not be included in the total floor area ratio calculations, and Section 3 (h) 1 can be utilized to increase the height of the structure.

- Z. For accessory buildings and structures on lots more than two acres in size where the side of the building or structure adjacent to the nearest side and/or rear lot line is more than fifty feet in length, the offset otherwise required shall be increased one foot for every foot the side of the building or structure exceeds fifty feet in length. If the lot is not of sufficient size to meet this requirement from the side lot lines and the rear lot line, then the size of the building or structure shall be reduced.
- AA. The above requirements, A-Y, apply to all accessory buildings and structures unless otherwise restricted in this chapter.
- BB. Beehives as permitted in this Chapter shall maintain minimum offsets and setbacks of 25 feet and shall be located behind the rear line of the residence or business as the residence or business faces the road.

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

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

- CC. *Request for waiver or modification.* A petitioner may request that the village board, upon receipt of a recommendation from the village plan commission, waive enforcement or allow modification of one or more provisions of this chapter dealing with size, quantity and location limitations stated in this section as follows:
- i. *Written request.* In addition to the accessory building application, the petitioner shall submit a written request for a waiver or modification to the village clerk which shall include: a statement specifying the specific provision that the petitioner requests the village board to waive or modify and what, if any, substantial reasons exist for the request for waiver or modification; what, if any, effect the proposed accessory building will have on the subject property and adjacent property; and whether or not the proposed accessory building is consistent with the general neighborhood.
  - ii. *Procedure.* Upon receipt of such request for a waiver or modification, the village clerk-treasurer shall place the matter on a village plan commission and board agenda within a reasonable time and shall give written notice of the request for waiver or modification to all property owners within 300 feet of the property being discussed.
  - iii. *Considerations.* The village board, upon receipt of recommendation from the village plan commission, shall make a determination which shall include consideration, but not necessarily an affirmative finding, of the following factors:
    - a. Whether the request is inconsistent or contradictory to the purpose, spirit or intent of this chapter.
    - b. Whether the request violates the spirit or general intent of this chapter.
    - c. Whether the request is contrary to the public health, safety, or welfare.
    - d. Whether the request is hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, traffic congestion, odor or other similar factors.
    - e. Whether, for any other reason, the request will cause substantial adverse effect on the property values and general desirability of the neighborhood.
    - f. Whether the request is incompatible to the surrounding land uses.
  - iv. *Grant or denial of request for waiver or modification.* After considering the above-listed factors and any other factors that may be relevant to the matter, the village board, upon receipt of a recommendation from the village plan commission, shall then determine whether it is objectively reasonable to grant the request for

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a waiver or modification. A request for a waiver or modification may be granted without making an affirmative finding concerning any one or more of the above-listed factors if, on the whole, it is objectively reasonable to do so.

- v. *Past noncompliance not waived.* A waiver or modification that is granted pursuant to a written request, as described in this section, shall not waive or modify any fines, forfeitures or other penalties that may have accrued due to violations of this chapter that took place prior to the date of the request for waiver or modification being granted, unless specifically stated otherwise in the decision of the village board.

**(j) Off-Street Parking**

1. Spaces required: Any building hereafter constructed, erected, horizontally added to, relocated, placed, or structurally altered shall be provided with off-street parking spaces not greater than five hundred (500) feet from the principal use. A parking space shall be considered to be nine (9) feet in width by not less than eighteen (18) feet in depth for 30-degree, 60-degree, or 90-degree (angled) parking, nine (9) feet in width by not less than twenty-three (23) feet in depth for parallel parking, and there shall be at least sixteen (16) feet of width between opposite facing parking stalls for one way traffic flow and 24 feet for two-way traffic flow. The following schedule shall be utilized to determine the number of parking spaces for various uses allowed by this chapter:
  - A. *Residential dwellings:* Two (2) spaces per dwelling unit for one-and two-family homes (such dimensions as enumerated above, however, are not required for single family detached housing). For all residential uses, the required number of residential spaces can be located in an attached or detached garage.
  - B. *Auditoriums, churches, theaters, community centers and other places of public assembly:* Three (3) spaces for each four (4) seats.
  - C. *Retail business establishments:* One (1) spaces for each 200 square feet of gross floor area of customer sales & service plus one (1) space per employee of the largest work shift. Parking spaces under gas station pump canopies may count toward the minimum requirement.
  - D. *Wholesale and other general business establishments:* One (1) space for each two employees during any 12-hour period and one (1) space per 300 square feet of office floor area.
  - E. *Office buildings and customer service establishments:* One (1) space for each 300 square feet of gross floor area.
  - F. *Medical and dental clinics:* Three (3) spaces for each doctor and one (1) space for each employee.
  - G. *Industrial buildings and warehouse buildings:* One (1) space for each employee during any 12-hour period and one (1) space per 300 square feet of office floor area.
  - H. *Sanitariums, institutions, rest homes, nursing homes:* One (1) space for each five (5) beds plus one (1) space for every three (3) employees.
  - I. *Hospitals:* One (1) space for each two (2) beds plus one (1) space for every three (3) employees.

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- J. *Hotels and motels:* One (1) space for each guestroom plus one (1) space for every three (3) employees.
  - K. *Colleges, vocational and night schools, secondary and elementary schools:* One (1) space for each two (2) employees plus one (1) space for every two (2) students except that the requirement for parking at elementary and junior high schools may not include student parking. At secondary schools the number of stalls for student parking shall be determined by the Plan Commission and appropriate provisions made consistent with the intent of this section.
  - L. *Restaurants, taverns, clubs, etc.:* One space per three (3) patrons based on maximum capacity, plus two (2) spaces for every three (3) employees of the largest work shift.
2. Residential parking: Parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking for guests. Vans or pick-up trucks used for private and recreational use, or a motor home (recreational vehicle), or one (1) van or pickup truck used in a conforming business or trade or used for transportation to and from a place of employment of an occupant of the residence, may be parked on any residential property as long as such use does not become a nuisance to the neighborhood. In the event a question as to use arises, the vehicle shall be subject to approval by the Plan Commission.
3. Parking of trucks and equipment: No other vehicular equipment of a commercial or industrial nature (trucks, construction vehicles, grading equipment, buses, semi-trailers and tractors, similar vehicles and related equipment, other trailers, etc), except one (1) van or pickup truck used in a conforming business or trade or used for transportation to and from a place of employment of an occupant of the residence may be parked on any residential property as long as such use does not become a nuisance to the neighborhood, shall be parked or stored on any lot in any zoning district except as permitted in the B-3, Q-1, M-1, and M-2 districts, or except as follows:
- A. Agricultural equipment (such as farm tractors, plows, farm plows, seeders, combines, cultivators, trucks owned and used by the farmer in the operation of his or her farm, etc.) parked in an agricultural district and used in an active farm operation as defined in this chapter.
  - B. As noted in subsection 2 above, one (1) van or pick-up truck used in a conforming business or trade or used for transportation to and from a place of employment of an occupant of the residence, may be parked on any residential property as long as such use does not become a nuisance to the neighborhood. The board of appeals may, if the need is evident, permit more than one (1) van or pick-up truck used in a conforming business or trade or used for transportation to and from a place of employment of an occupant of the residence, if the Village Plan Commission indicates in the Conditional Use approval that they have no objection to the increase in the number of such vehicles. No limitation shall be placed on vans or pick-up trucks if they are used for private non-business or non-commercial recreational purposes as long as such use does not become a nuisance to the neighborhood.
  - C. A conditional use permit pursuant to Section 4 (h) 10 may be granted to permit the parking of commercial or industrial type vehicles in any zoning district except C-1, UC, RM, RD-5, AD-10, P-I, and B-4. In the B-3, Q-1, M-1, and M-2 districts, where such vehicles are accessory to an otherwise permitted business, industrial, or quarrying use, a conditional use permit will not be required and there are no

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limitations as to the number of such vehicles which may be parked on the property except as may be hereinafter established under the provisions of the applicable zoning district, and/or the approved Conditional Use and/or Site Plan/Plan of Operation.

4. Surfacing: Any off-street parking area, other than that provided for a residence, having a capacity for more than four (4) vehicles shall be surfaced and well maintained in a dustless condition. Examples of surfacing can be either porous or pervious or impervious surfaces such as bituminous asphalt or blacktop, cement concrete, brick pavers, packed or recycled asphalt, or other surface as approved by the village engineer, but not dirt, grass, gravel, or stone.  
  
Gravel or grass surfacing may be allowed for seasonal uses, meaning up to six (6) months in a 12-month period, or related to a unique or annually occurring event or condition of limited duration, if approved as part of a Site Plan and Plan of Operation.
5. Screening: Any off-street parking area for a non-residential use, which abuts or faces a residential zoning district shall provide a permanent planting screen, landscaped fence, or wall, at least four (4) feet in initial height, along the side abutting or facing a residential zoning district. The wall shall be permitted in accordance with the regulations in Section 3 (g) 1 J and Section 3 C 5.
6. Offset: In any off-street parking area, for a non-residential use, no vehicle shall be parked closer than ten (10) feet to the abutting lot line, except where more restrictive requirements apply.
7. Setback: In any off-street parking area, other than that provided for a residence, no vehicle shall be parked closer than ten (10) feet to the base setback line, except where more restrictive requirements apply.
8. Lighting: Lights provided in any parking area shall be full cutoff fixtures with the light source fully shielded and directed downwards. The maximum pole height from the ground to the luminaire shall not exceed 18 feet in height.
9. Access: Direct vehicular access to an arterial or major collector street, as defined in this chapter, is required if commercial type vehicles are to be allowed on the property.
10. Cars for sale: Occasional posting of a car for sale on any property, except in zoning districts where car lots are permitted by right, may be allowed by the Village Plan Commission unless a determination is made otherwise under Chapter 6, Nuisances, of the Village of Lisbon, General Code of Ordinances. The definition of “occasional” shall be the determination of the Plan Commission.
11. Any vehicles parked or stored in any zoning district shall be in compliance with Sections 3 (c) 3, 3 (d) 7 as applicable, and 4 (h) 10 if allowed by a conditional use permit, of this chapter, or be subject to the provisions of Section 37 of this chapter, as well as Chapter 6, Nuisances, of the Village of Lisbon, General Code of Ordinances.
12. Flexibility in application. The Village recognizes that, due to the particulars of any given development, the inflexible application of the parking standards set forth in this section may result in a development either with inadequate parking spaces or parking spaces far in excess of its needs. For example, the parking standards set forth in this section do not consider the reduction of required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day. Therefore, the Village Plan Commission may waive



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enforcement or modification of the dimensional requirements and minimum parking requirements subject to the Village Plan Commission making a determination which shall include consideration, but not necessarily an affirmative finding of the following factors:

- A. Whether the request for the waiver or modification, if granted, would be consistent with the general intent of this section.
- B. Whether the request for waiver or medication, if granted, would adversely affect property owners in the surrounding area.
- C. Whether the request for waiver or medication, if granted, would benefit the petitioner's project in a way that is not inconsistent with the Village's interests.
- D. Whether the petitioner is in full compliance with applicable ordinances and agreements with the Village.
- E. Whether, instead of granting the request for the waiver or modification, the section itself should be changed to accommodate the kind of situation presented by the petitioner.

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

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

**(l) Mobile Homes and Trailers**

- 1. Human habitation prohibited: Except within an approved mobile home park or trailer camp as defined in this chapter, no trailer or mobile home shall be used for the purpose of human habitation in the Village, human habitation of a mobile home or trailer being defined as entering the mobile home for any purpose other than maintenance.
- 2. A permit for one (1) continuous six (6) month period allowing the human habitation of a mobile home on lands other than an approved mobile home park or trailer camp may be granted by the village board provided:
  - A. The habitation is accessory to the current construction of a principal structure owned by the same person who is applicant for the permit and who will be living in the mobile home or trailer.
  - B. The waste disposal facilities and water supply facilities are approved by the Village Building Inspector and the Waukesha County Environmental Health Division.
  - C. This use shall not be allowed in a floodway or wetland.
  - D. If located in a floodplain, the mobile home or trailer vehicle shall have the lowest floor elevation to the flood protection elevation, shall be anchored so that it does not float, collapse or move laterally during a flood.

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E. If located in a floodplain, the mobile home or trailer shall provide continuous dryland access.

3. Mobile Home/Mobile Home Park Ordinance: All mobile homes and mobile home parks shall comply with the provisions of Chapter 14, Mobile Homes and Mobile Home Parks, of the Village of Lisbon Code of Ordinances.

**(m) Signs**

1. Sign Ordinance: All signs shall comply with the provisions of Chapter 17, Signs, of the Village of Lisbon General Code of Ordinances.

**(n) Legal Nonconformity**

1. Continuance of use:

- A. Any lawfully established use of a building, structure or land at the time of the enactment of the ordinance from which this chapter is derived, or any amendment applicable thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- B. Any lawfully established construction of a building or structure at the time of the enactment of the ordinance from which this chapter is derived, or any amendment applicable thereto, that does not conform to the dimensional regulations for the district in which it is located shall be deemed a legal nonconforming structure and may be continued, except as otherwise provided herein.
- C. Any lawfully established lot or parcel of land at the time of enactment of the ordinance from which this chapter is derived, or any amendment thereto, which does not meet the requirements for the district in which it is located shall be deemed to be a legal nonconforming lot and may be used in accordance with this chapter and as provided herein.

2. Classification and regulations:

- A. *Existing nonconforming uses*:

- i. The lawful nonconforming use of land without buildings or structures;
- ii. The lawful nonconforming use of water;
- iii. The lawful nonconforming use in a conforming building or structure;
- iv. The lawful nonconforming use in a nonconforming building or structure;
- v. The lawful nonconforming use on a conforming lot;
- vi. The lawful nonconforming use on a nonconforming lot;
- vii. The lawful nonconforming use of land with conforming buildings or structures; or
- viii. The lawful nonconforming use of land with nonconforming buildings or structures which existed at the time of the enactment of the ordinance from which this chapter is derived or any amendment applicable thereto may be

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continued, although the use does not conform with the provisions of this chapter; however:

- a. Only that use in actual existence at the time of the enactment of the ordinance from which this chapter is derived, or any amendment applicable thereto, may be so continued as a legal nonconforming use and said use may not in any way be extended, enlarged, substituted, intensified, moved, added to or changed.
- b. No structure containing a legal nonconforming use or, on lands containing a legal nonconforming use, may be extended, enlarged, rebuilt, substituted, intensified, moved, remodeled, modified, or added to except when required to do so by law or until the legal nonconforming use has been made to conform with this chapter.
- c. No lot on lands containing a legal nonconforming use may be reduced in size, modified, increased in size or changed in any manner except when required to do so by law or until the legal nonconforming use has been made to conform to this chapter.
- d. If a legal nonconforming use is discontinued or terminated for a period of twelve months, any future use of the structure, land or water shall conform to the provisions of this chapter.

**B.**     *Existing conforming uses on nonconforming lots containing conforming structures.*

- i. A conforming building or structure existing at the time of enactment of the ordinance from which this chapter is derived, or any amendment applicable thereto, may be continued, although the lot does not conform to the requirements of this chapter, as long as all uses on the lands containing the building or structure and all uses of the buildings or structures on the lands are legal conforming uses.
- ii. The aforementioned building or structure may be extended, enlarged, substituted, moved, remodeled, modified, or added to as long, as any such change conforms with the established setback, offset, height, parking, loading, and access provisions of this chapter or may be totally rebuilt if such reconstruction is identical in size, style, shape and use to the original building or structure.

**C.**     *Legal conforming uses on a conforming lot or nonconforming lot containing legal nonconforming structures.*

- i. The legal conforming use of a nonconforming building or structure existing at the time of the adoption or amendment of this chapter, whether on a conforming lot or nonconforming lot, may be continued, although the building's or structure's size or location does not conform with the established setback, offset, height, parking, loading or access provisions do not conform with this chapter.
- ii. The aforementioned building or structure may be extended, enlarged, substituted, moved, remodeled, modified or added to as long as any such change conforms with the established setback, offset, height, open space, parking, loading, and access provisions of this chapter.

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- iii. Legal nonconforming buildings or structures existing at the time of the adoption or amendment of the ordinance from which this chapter is derived with a legal conforming use whether on a conforming or nonconforming lot may be moved, and if moved, must conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter.
  - iv. Notwithstanding subsections 2.C.i, ii, and iii of this section, repair, maintenance, renovation, remodeling and restoration of such legal nonconforming building or structure can be conducted under circumstances allowed by Wis. Stats. § 62.23(7)(hb) or (hc), in full compliance with statutes. This subsection 2.C.iv. is intended to comply with Wis. Stats. § 62.23(7)(hb) and (hc).
- D. *Current file.* A current file of all legal nonconforming uses, legal nonconforming structures, and legal nonconforming lots shall be maintained by the code enforcement officer listing the following: the owner's name and address; description of all uses of the structure, land or water; a site plan of the property showing the location and size of all structures on the same; a plat map showing the dimensions of the lot; and equalized value of the land and improvements at the time the legal non-conformity was created.
- E. *Burden of proof.* The property owner has the burden of showing that a use, structure or lot is legal nonconforming. The determination shall be made by the plan commission after a majority of the members of the plan commission have been satisfied by proof presented by the property owner or agent that the use, structure and/or lot is in fact legal nonconforming. Appeals from the decision of the plan commission concerning the determination of legal nonconformity may be made by any person aggrieved to the village board. Such appeal shall be filed with the clerk-treasurer within 30 days after the determination by the plan commission.
- F. *Reversion.* Once a legal nonconforming use, legal nonconforming structure or legal nonconforming lot has been changed to conform, it shall not revert back to legal nonconforming status.
- G. *Substandard lots.* In any district, substandard lots are regulated by Section 3 (h) 2. E.
- H. Reserved.
3. Conditional use status: Subject to the provisions of Section 4, conditional use status may be granted by the Village Plan Commission to existing legal non-conforming uses upon petition of the owner where such use is determined to:
- A. Not be adverse to the public health, safety, or welfare. If the legal nonconforming use is determined to be adverse to the public health, safety, or welfare it cannot get conditional use status, but it will continue as a legal nonconforming use.
  - B. Not interfere with the orderly development of the Village. If the existing legal nonconforming use is determined to interfere with the orderly development of the Village, it cannot get conditional use status, but it will continue as a legal nonconforming use.
  - C. Not be detrimental to the community and particularly the surrounding neighborhood. If the existing legal nonconforming use is determined to be

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detrimental to the community, it cannot get conditional use status, but will continue as a legal nonconforming use.

Such conditional use status shall be granted only with the approval of the Plan Commission following a public hearing in the manner provided in Section 36. The grant of the conditional use for a current legal nonconforming use can only be granted to satisfy a regulation or if it is needed to continue the existing legal nonconforming use; not to expand the use or the buildings.

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

**(o) Prior permit**

1. Construction permitted: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of the ordinance from which this chapter is derived, and the construction of which shall have been substantially started within six (6) months from the date of such permit, in the sole determination of the Building Inspector.
2. Subsequently non-conforming: Any such use which does not conform to the use regulations of the district in which it is located, however, shall subsequently be considered a legal non-conforming use.

**(p) Swimming pools**

1. Use permitted: All swimming pools shall comply with the provisions of Chapter 15, Private Swimming Pools, of the Village of Lisbon General Code of Ordinances.

**(q) Boathouses**

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

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4. Building location: An existing boathouse shall not be located closer than five (5) feet to the ordinary high water mark and as provided in Section 3 (g) 1 I of this chapter. Its location relative to offsets may be in accordance with the standards set forth in Section 3 (g) 2 of this chapter. An existing boathouse may not be located in the C-1 zoning district, wetland, the 100-year floodplain or in the floodway as defined in this chapter.
5. Existing flat roofed surfaces of existing boathouses may be used as open sitting areas (e.g., a deck) but shall not be permanently enclosed and no other items, except as otherwise noted below, shall be placed or stored on the flat roof (e.g., deck). A typical umbrella that can be closed and moved and/or removed daily, chairs, tables, railings, and access stairs shall be considered ordinary appurtenances for a flat roof boathouse.
6. The maintenance (or any other improvement) of existing boathouses, which extend beyond the ordinary high water mark of any navigable body of water (e.g., wet boathouses), shall be prohibited. The purpose of this regulation is to eliminate the existence of wet boathouses in the village over time in order to promote the purpose and intent of the code.
7. An existing boathouse must be used exclusively by the owners and/or occupants (renters) of the lot. The deck of an existing flat roofed boathouse shall be used exclusively by the owners and/or occupants (renters) of the lot and their authorized guests.

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

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

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incompatible with and would suffer from the secondary effects of Adult-Oriented Establishments.

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

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



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**SECTION 4    CONDITIONAL USES**

**(a)    Approval required**

Certain uses and situations are of such a special nature or are so dependent upon actual contemporary circumstances that it is impractical to predetermine the permissibility of such uses or to detail in this chapter all the specific standards, regulations or conditions which would permit such uses in each individual situation. Such uses may, however, be permitted as conditional uses. The applicant for a conditional use must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are, or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny any such conditional use permit will be based upon substantial evidence presented at a public hearing. Only those uses specifically listed herein can be granted a conditional use. Any other uses not specifically listed shall require an amendment to this Code to be considered by the Plan Commission and Village Board.

**(b)    Application**

Application for conditional use permits may be made by an individual property owner or the property owner's authorized representative, a group of owners, by a municipality or similar agency on behalf of a larger property area where said proposal may benefit a larger group or entire community. Application shall be made to the Village Clerk or designee and shall include:

1.     A completed conditional use application form provided by the Village Clerk.
2.     A site plan and plan of operation in accordance with Section 3 and any other applicable sections of the Lisbon Zoning Code.
3.     Additional information as may be required by the Village Planner, Village Engineer, Village Attorney, the Village Plan Commission, or Village Board.
4.     A fee, as established by the Village Board and periodically modified, shall accompany each application. Such fee shall be paid to the Village of Lisbon to defray the costs of official notification and posting of the public hearing. Costs incurred by the Village of Lisbon in obtaining legal, planning, engineering, publication, and notice requirements, and other technical and professional advice in connection with the review of conditional use applications and preparation of conditions to be imposed on such uses, shall also be charged to the applicant, and a Professional Services Reimbursement Agreement Form shall accompany the application.
5.     Where necessary to comply with the certain regulations established by applicable laws, applications shall be required to be submitted to the other governmental bodies having jurisdiction which may include the Wisconsin Department of Natural Resources, the United States Army Corps of Engineers, and/or Waukesha County.

**(c)    Review and Approval**

1.     Preapplication Conference. The Applicant shall meet with the administrator or designee and Village staff in a pre-application conference to discuss the application and plans.
2.     Completeness review. The Village Clerk or its designee shall review the CUP application for completeness before review by the Plan Commission. If the application is incomplete, the Village Clerk shall instruct the applicant of any further application materials needed. The applicant may re-submit the application until such time as the Village Clerk determines the application to be complete. An application may be withdrawn by the applicant at any time.

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3. Zoning Administrator Review. The Zoning Administrator, or its designee, shall review the CUP application and associated SPPOO and provide a summary and recommended conditions to the Plan Commission.
4. Referral to Plan Commission. The Village Clerk shall promptly refer any complete CUP application to the Plan Commission for review and approval, or for a recommendation to the Village Board if required.
5. Public Hearing. Upon receipt of a complete application, the foregoing data and fees, the Village Clerk shall establish a date for a public hearing by the Village Plan Commission and shall publish a Class 2 notice as provided in Wis. Stat. Ch. 985. The Clerk shall also provide direct notice of the public hearing by regular mail to the owners of any land within 500 feet of any part of the land included in such proposed conditional use at least seven (7) days before such public hearing.
6. Plan Commission Action. Testimony of all interested parties will be received at the public hearing and the Village Plan Commission shall take action within a reasonable time to either approve or deny or recommend approval or denial of the application along with any conditions of approval or reasons for denial. The Village Plan Commission shall review the proposal as submitted. The Plan Commission shall approve, deny, or make a recommendation to the Village Board regarding the application. If the Plan Commission approves the conditional use, any conditions imposed by the Village shall be made an integral part of the conditional use permit. The applicant shall comply with these conditions, and any failure to comply with the conditions set forth in the conditional use permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this Code and will be subject to prosecution and penalties under the terms of this Code.
7. Village Board Action. If required for a particular use, the Village Board shall take action on the application following the Plan Commission's recommendation. If no Plan Commission recommendation has been received, the Village Board may proceed with determination without a recommendation. If additional time is necessary, such time may be extended with the applicant's written consent.
8. Basis of Approval.
  - A. The determination of whether to approve or deny or conditionally approve such conditional use shall be made by the Plan Commission, or if required for a particular use, the Village Board, upon receipt of a recommendation from the Plan Commission and shall be based on substantial evidence. Any condition imposed by the Village must relate to the purpose of the code, be reasonable, and to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
  - B. Except as may be specifically otherwise provided for by this Code, any such use shall conform to any building location, height, and area regulations of the district in which it is located.
9. Determination. If an applicant, by providing substantial evidence, meets or agrees to meet all requirements and conditions specified in the chapter, or those imposed by the Village, and no substantial evidence to the contrary is provided, the conditional use permit shall be granted. The action of the Plan Commission or Village Board, upon receipt of a recommendation from the Plan Commission, shall include reasons for approval or denial. Any approval shall include an accurate description of the use permitted, the property on which permitted, and any conditions made applicable thereto. If a conditional use permit is approved, it shall be

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issued upon compliance with all conditions of approval and the recording of the conditional use permit in the Waukesha County Register of Deeds office. The conditional use permit must be signed by the owner and applicant, and the Village President and Village Clerk. The grant of such status shall be applicable solely to the structures, use and property so described in the application.

10. Effect of Denial. If an application for a CUP is denied, a new application for the same conditional use will not be considered by the Plan Commission for a period of 12 months from the date of denial, except on grounds of new evidence as determined by the Zoning Administrator.
11. Recording. A certified copy of the CUP containing the specific requirements of approval shall be recorded on the property that will operate the conditional use at the applicant's expense in the Office of the Register of Deeds for Waukesha County.
12. Appeals. Any person aggrieved by the grant or denial of a CUP may appeal any decision to the Waukesha County Circuit Court under the procedures contained in Section 62.23 (7) (e) 10 a., or if the decision is on an application for an approval as defined in s. 781.10 (1) (a), under the procedures described in par. 62.23 (7) (e) 10. b. Wis. Stats.

**(d) Review Criteria for Approval – General Standards**

1. Substantial evidence. Any decision by the Plan Commission or Village Board to approve or deny a CUP, and any condition imposed, must be based on substantial evidence, as that term is defined in the Wisconsin Statutes Section 62.23 (7) (de) 1. b., which means facts and information other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a CUP and that reasonable persons would accept in support of a conclusion. A conditional use shall be permitted only if the applicant provides substantial evidence that:
  - A. The proposed conditional use shall comply with all regulations of the applicable zoning district in which it is located.
  - B. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
  - C. The proposed conditional use shall be compatible with the character of the neighborhood within the immediate area in which it is located. In making such determination, consideration shall be given to the following:
    - i. The type and extent of landscaping and screening on the site.
    - ii. Whether the extent, location and intensity of the proposed use furthers and does not conflict with the goals, objectives, and policies of the adopted Lisbon Comprehensive Plan.
  - D. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and traffic congestion on public roads.
  - E. Adequate off-street parking shall be provided to serve the proposed use.
  - F. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
  - G. The proposed use shall not injure the use of the property in the immediate vicinity for purposes already permitted, or substantially diminish the property values within the

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neighborhood.

- H. The proposed use shall not impede the orderly development and improvement of surrounding property for uses allowed in the zoning district.
- I. The public interest and welfare supporting the proposed use shall outweigh the individual interests that are adversely affected by the establishment of the proposed use.
- J. All other conditional use standards identified in Section 4 (h) or elsewhere in this Chapter are met.

**(e) Conditions of Approval**

- 1. Standard conditions. In approving a CUP, the Village may impose such conditions or requirements, in addition to or that supersede any standard specified in this chapter, as it may deem necessary to protect the interest and welfare of the Village. Such conditions or requirements must be reasonable and, to the extent practicable, measurable. Conditions of approval may include, but not be limited to;
  - A. Financing and availability of adequate public facilities or services.
  - B. Dedication or reservation of land.
  - C. Recording of restrictive covenants, deed restrictions, or easements.
  - D. Special setbacks and yard requirements.
  - E. Increased screening or landscaping requirements.
  - F. Limits on hours or days of operation, or number of events per year.
  - G. Limits on the number of employees, maximum occupancy by people or animals, or number of vehicles on the premises.
  - H. Development phasing.
  - I. Standards pertaining to traffic, noise, lighting, emissions, and protection of environmentally sensitive areas.
  - J. Provision of adequate stormwater management and erosion and sedimentation control.
  - K. Expiration dates on CUPs, except as provided by this chapter or the Wisconsin Statutes. To continue or extend an expired CUP requires re- application and approval by the Plan Commission and/or Village Board.
  - L. Posting of a performance guarantee acceptable to the Village Attorney and Village Engineer in form, content, and amount, for the specific operation to ensure continued compliance with all conditions and requirements.
  - M. A Development Agreement to guarantee specific aspects of the project.
  - N. Any conditions as may be deemed necessary by the federal government, the State, the Lisbon Plan Commission, the Village Board, or Waukesha County shall be made an integral part of the permit. In the event of conflicting conditions, the more restrictive of the conflicting conditions shall control. Any deviation or alteration of the conditions

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set forth in the CUP shall constitute a violation of this Chapter and will be subject to prosecution and penalties as provided herein. If the conditional use is located in a Shoreland and Floodland area, notice of Village action on that conditional use shall be sent to the DNR within 10 days of such action.

2. Compliance Review and Modification of Approved Conditional Uses. All CUPs may be reviewed at least once every year at a time to be determined by the Village in order to ensure compliance with the terms and conditions of the approval. In order to bring a conditional use into compliance with the CUP, the Plan Commission may modify or impose additional reasonable conditions. If no reasonable modification of the conditional use can be made that is consistent with this Chapter, the Plan Commission may revoke the CUP and direct Lisbon staff and the Village Attorney to seek elimination of the conditional use pursuant to Section 4(g). An applicant may appeal a decision of the Plan Commission under this paragraph to the Board of Zoning Appeals.
3. Other Permits, Approvals. No building permit or certificate of occupancy shall be issued for any development that does not comply with the requirements of the CUP or this Chapter.

**(f) Amendments**

Application for change, extension, alteration, or modification. If any holder of a CUP wishes to change, modify, extend, or alter the terms of said CUP, including any alteration to the approved SPPOO, he or she must apply for the change, modification, extension, or alteration through the CUP process as detailed in this chapter.

**(g) CUP Duration, Transfers, Existing and Nonconforming Uses**

1. Duration. Once granted, a CUP shall remain in effect as long as the conditions upon which the permit was issued are in effect, and the requirements of this Chapter are followed. However, unless a specific duration is included in a CUP, the permit shall expire in any of the following circumstances:
  - A. If the conditional use changes to a permitted use not requiring a CUP;
  - B. If the conditional use is discontinued or ceases to exist for a continuous period of at least 365 days for any reason. This includes an approved conditional use that has not commenced operation within 12 months of the Village's action, or construction or development has not commenced within 12 months of issuance of a building permit issued in conjunction with a CUP. Any future use shall conform to the regulations of the district in which it is located.
  - C. After a class 2 notice is published, notice is provided to the owner of the subject property of a public hearing, and the public hearing is held, the Plan Commission determines that the use must be terminated based on one of the following:
    - i. The conditional use has not continued in conformity with the conditions of the CUP;
    - ii. A change in the nature or character of the surrounding area, or of the conditional use itself, causes it to be no longer compatible with surrounding uses.
  - D. An applicant may request that the Plan Commission grant an extension for justifiable reasons.
2. Effect of Termination. If the Plan Commission and/or Village Board that originally approved the CUP, later determines that the use must be terminated, the owner of the premises shall be required

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to bring all lands and structures into conformity with the regulations of the zoning district in which the property is located within 60 days from such a determination. When changes in use or conditions of use upon which the use exists are found to be more appropriate by the Village, any changes shall be made within 60 days.

3. Transfer of ownership. Unless a limitation on the transfer of ownership is included in the CUP, all requirements of an approved CUP shall continue regardless of land ownership. In the event of a transfer of ownership, the Village may require submittal of a new SPPOO under this chapter.
4. Continuation of existing conditional use permits. Any conditional use permit granted pursuant to conditional use authority that has since been repealed and that was in effect, and the use was legally in operation on the date of such repeal, that is no longer a permitted conditional use of the property, shall be allowed to continue as a conditional use subject to all conditions stated in the conditional use order. Any such conditional use permit that requires compliance with a section of the Village Zoning Code that has since been repealed shall continue to require compliance with the referenced Code section as it existed immediately prior to such repeal, and the repeal of such provision is stayed solely for such existing conditional use permit(s). These continuation provisions are intended to preserve the status quo for all rights and responsibilities incurred or accrued prior to the adoption of this section. Nothing herein shall be interpreted to prevent existing conditional use permit holders from applying to amend their conditional use pursuant to all laws in effect at the time of the application, or as set forth in the conditional use permit, including those amendments requiring a public hearing. The conditional use shall remain in effect until the permit is terminated according to Section 4 (g) 1. C.

**(h) Conditional uses permitted**

The following may be permitted as conditional uses, as provided in each zoning district enumerated in Sections 6 through 33 of this chapter:

1. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels and Animal Boarding Places. This conditional use is subject to the following conditions:
  - A. All structures including outdoor kennel runs, except those used exclusively for residential uses must be on a parcel of at least three (3) acres and three hundred (300) feet of minimum average width.
  - B. All structures, except exclusively residential uses, including outdoor kennel runs and fenced runs shall not be closer than one hundred (100) feet to an adjoining lot line of any zoning district.
  - C. Off street parking shall be provided as required for Office Buildings and Customer Service Establishments.
  - D. All outdoor activities associated with the conditional use must be supervised.
  - E. Outdoor exercise areas shall be fully enclosed with a fence or wall with a minimum height of six (6) feet.
  - F. The animals shall be boarded in appropriate kennel units with insulation to further abate noise.
  - G. All litter and waste must be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area.

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- H. The boarding area must be air-conditioned and heated so that any windows, doors, or other openings can be closed at all times, with the exception of ingress and egress into the area.
  - I. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code and shall include hours of operation for outdoor exercise areas, and appropriate waste disposal measures for outdoor exercise areas.
2. Bed and Breakfast Facility. This conditional use is subject to the following conditions:
- A. Modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located. For building with significant architectural or historical value, the architectural integrity and arrangement of existing interior spaces must be maintained.
  - B. The number of guest rooms shall not be increased except as may be required to meet health, safety, and sanitation requirements.
  - C. Off-street parking shall be provided at the rate of one (1) parking space for each room rented and two (2) spaces for the owner/occupant. The front yard shall not be used for off-street parking for temporary guests unless the parking area is screened from view with natural plant material, and found to be compatible with the neighborhood.
  - D. The number of rooms shall be limited to four (4) sleep-in rooms or less, excluding those used by the occupants of the facility, and no room may contain more than two (2) beds. There must be at least five hundred (500) square feet of gross interior floor area for each sleeping room.
  - E. These facilities regardless of the number of guests are not considered "license exempt" under state law and must comply with state hotel/motel restaurant licensing procedures administered by the County or State Health Department.
  - F. The issuance of such licenses shall not be considered as conferring non-conforming commercial status to the use that would either allow alteration of the facility or otherwise compel rezoning of the property for commercial use beyond the scope of this section.
  - G. One (1) on-premise sign may be allowed and shall comply with the standards in Chapter 17 Signs.
  - H. All necessary state and county permits, licenses, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast facility.
  - I. Room rentals to families or individuals shall not exceed fourteen (14) consecutive days during any thirty day (30) period.
  - J. A record of overnight guests must be maintained for one (1) year and available upon request.
  - K. The Waukesha County Department of Parks and Land Use - Environmental Health

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Division (EHD) shall examine both the water system and the sewage disposal system, and shall conduct a general health and safety inspection of the proposed facility. The EHD may impose any conditions required to ensure that all necessary health and safety standards have been met. The applicant shall not initiate any construction activity and other improvements related to the bed and breakfast facility; or begin operation of the facility until a determination, in writing, by the EHD that the necessary inspections have been completed and any deficiencies have been corrected. The proprietor shall have a water quality evaluation conducted by a recognized water testing laboratory on an annual basis following the certification of adequacy by the EHD. The results of that test shall be submitted to the EHD with a copy to the village building inspector. All requirements must be incorporated into the terms of the conditional use permit.

- L. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
3. Cemeteries and Mausoleums for the Burial of Human Remains Only may be allowed accessory to churches, synagogues, and other buildings for religious assembly. This conditional use is subject to the following conditions:
- A. A cemetery shall be at least ten (10) acres without a public mausoleum or at least twenty (20) acres with a public mausoleum.
  - B. Burial plots shall not be located within twenty (20) feet of a property boundary line or a proposed right-of-way, in a designated floodplain, or in a wetland area, nor shall internment occur below the groundwater table.
  - C. Private mausoleums must be located at least twenty (20) feet from a property boundary line. Public mausoleums must comply with the setback requirements for principal buildings of the zoning district in which this use is located.
  - D. A permanent marker stating the name of the deceased and the birth and death dates, if known, shall identify the location of each occupied burial plot, unless the Zoning Administrator allows an unmarked grave due to exceptional circumstances.
  - E. The cemetery must have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.
  - F. Prior to the establishment of a cemetery, the property owner must submit a financial guarantee to the Village consistent with any requirement the Village Board may adopt. This financial guarantee relates to the long-term upkeep of the cemetery.
  - G. A cemetery must comply with all requirements set forth in Subch. II of Ch. 157, Wis. Stats.
  - H. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. Of the Village Zoning Code.



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4. Churches, Synagogues, and Other Buildings for Religious Assembly. This conditional use shall be subject to the following conditions:
- A. The floor area ratio shall not be more than 50%.
  - B. All uses shall conform to the setback, height, and double the offset requirements of the district in which it is located.
  - C. The height limitation may be extended to a maximum of fifty (50) feet provided the minimum required setbacks and offsets shall be increased two (2) feet for every additional foot of height in excess of the permitted maximum in that district. The aforesaid height regulation shall not apply to the spire or belfry of a church except where airport safety zone regulations specifically limit the maximum height.
  - D. The primary access for this use with six hundred (600) seats or more must be off an arterial street as defined in the county established street and highway width map.
  - E. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. Of the Village Zoning Code.
  - F. The The plan of operations shall include provisions for professional traffic control, such that stacking of vehicles will occur on private property and not on public roads.
5. Commercial Vehicle Parking. This conditional use is subject to the following conditions of approval:
- A. The minimum lot area shall be at least three (3) acres.
  - B. Parking and storage of commercial or industrial type vehicles (trucks, construction vehicles, grading equipment, buses, semi-trailers and tractors, cube vans, box trucks and similar vehicles and related equipment, other trailers, etc.) may be allowed as long as the vehicle is owned or leased and operated by the owner or occupant of the premises. No such use shall be allowed on any parcel except as may front directly upon, and have access to, an arterial or collector street as defined in the county-established street and highway width map.
  - C. No more than three (3) such vehicles and equipment shall be allowed to be parked or stored on the occupant's property. The type of vehicles allowed shall be specified in the CUP application or conditions of approval.
  - D. All such vehicles and equipment shall be fully operative and in active use. Where considered appropriate, two (2) semi-trailers may be allowed, but in no case may there be more than one (1) semi-tractor or "cab" unit.
  - E. The Plan Commission shall specify the area on the property where the vehicles shall be parked or stored. No such vehicle shall be allowed to be parked or stored closer than fifty (50) feet to any adjacent lot line, and not closer than one hundred (100) feet from the base setback line.
  - F. In the case of refrigerator trucks, the refrigeration unit shall only be operated in an area with adequate screening from view from adjacent properties and public rights of way, except when entering or leaving the property. Refrigerated trucks shall not run between the hours of 10:00 p.m. to 6:00 a.m.

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- G. If the CUP involves more than three (3) vehicles, or involves the construction of buildings to house, service, or maintain the vehicles, the use shall not be considered a commercial parking lot and not to be considered as a conditional use under this section.
  - H. Notwithstanding anything contained herein to the contrary, the parking of agricultural equipment in an agricultural zoning district with an agricultural use, and the parking of one panel van or pick up truck of a commercial nature in any zoning district, shall be permitted and shall not be subject to the requirements provided by this section.
  - I. The requirements of Section 3 (j) (4) through (11) shall be met.
  - J. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. Of the Village Zoning Code.
6. Contractor's Yard. This conditional use is subject to the following conditions:
- A. The minimum lot area shall be at least five (5) acres.
  - B. All buildings used in the conduct of the business shall be located at least one hundred (100) feet from the lot line of an adjoining lot permitting a residential use or at least fifty (50) feet from a lot line of an adjoining lot in any other district.
  - C. No such use shall be allowed on any parcel, unless the parcel fronts directly upon and has access to an arterial or major collector street, as defined in the county-established street and highway width map, or within an established industrial park, where the roads can accommodate the heavy equipment.
  - D. A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The plan commission may increase or decrease the planting screen requirements as may be deemed appropriate.
  - E. In determining whether or not the proposed conditional use should be approved, the plan commission shall make a determination that the proposed conditional use is compatible with adjacent land uses. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.
  - F. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. Of the Village Zoning Code and shall include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.
  - G. Equipment shall be organized in a neat and orderly manner.
7. Drive-Through lanes which provide a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. Drive-through lanes may be associated with restaurants, coffee shops, financial institutions, retail stores, pharmacies, car washes and similar, but do not include fueling stations. This conditional use is subject to the following conditions:

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- A. Outdoor drive through features, such as windows, menu boards, pneumatic tubes, communication devices, stacking lanes, or similar features shall be limited to the rear or side of the principal building and shall be located no closer than thirty (30) feet from any adjacent residential properties. This distance shall be measured from the outermost edge of the outdoor drive-through feature to such property line.
- B. A detailed traffic impact study prepared by a professional engineer qualified in traffic engineering shall be submitted for any drive-through facility. The study shall include existing conditions (average daily and peak hour volumes, accident data, and levels of service of intersections and streets affected by the development), projected traffic conditions for design year of occupancy, projected impacts (projected peak hour and daily traffic), and proposed mitigation plans to minimize traffic and safety impacts.
- C. Drive -through stacking lanes (continuous on-site lanes for queuing of vehicles within stacking spaces waiting to order and/or finish a drive-through transaction) shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping or the use of alternative paving materials or raised medians.
- D. Adequate stacking spaces (areas for queuing vehicles that comprise drive-through stacking lanes) shall be provided, with the number of spaces based on generated traffic evidenced by the traffic impact study.
- E. Entrances to stacking lanes shall be clearly marked and a minimum of sixty (60) feet from the closest intersection with the public street. The distance shall be measured from the beginning of the stacking lane entrance to the edge of street pavement or the street curb line, whichever is greater.
- F. Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width.
- G. Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent streets. The on-site circulation shall separate drive-through traffic from site circulation; not impede or impair access into or out of parking spaces; not impede or impair vehicular pedestrian traffic movement; and minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two. Stacking lanes shall not interfere with required loading and trash storage areas, and loading or trash operations shall not impede or impair vehicular movement. If a separate stacking lane is curbed, an emergency by-pass or exit shall be provided.
- H. Stacking lanes shall not enter or exit directly into a public street. Stacking lanes shall be integrated with the on-site circulation pattern.
- I. Speakers associated with drive-through lanes shall incorporate automatic volume control that adjusts the sound level based on ambient noise. The sound levels shall not exceed 15 dB above the ambient noise levels measured one foot from the speaker. Speakers shall be oriented away from public roads to reduce the ambient noise.
- J. Lighting associated with drive-through lanes and menu boards shall comply with Section 3 (b) 5. H. of this chapter.
- K. Noise, exhaust fumes and lighting impacts of automobiles on adjacent residential properties as they queue for drive-through services shall be minimized to the maximum extent practical through the installation of solid fencing/decorative walls with landscaping along any residential property line that is exposed to the drive-through so as to provide a buffer for adjacent residential properties. Buffering shall also be provided to screen

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residential properties located directly across the street from headlights of automobiles in drive-through lanes.

- L. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
8. Event Venue. An event venue is a location (i.e., premise, lot, building, and/or structure) which is rented to third parties for private functions for gatherings and celebrations including, but not limited to, meetings, banquets, weddings, anniversaries, birthday parties, and reunions. Event Venues by definition do not include uses that are otherwise specifically provided for as a permitted or conditional use in the code. An Event Venue may not be used for functions open to the general public such as restaurants or supper clubs, trade shows, or events where goods or services are offered for sale. Such a use may include designated outdoor areas on the same lot as the buildings for Event Venue activities, kitchen facilities for the preparation or catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public. Food shall be prepared and served by a professional catering service. Beverages will be sold/served by the owner/operator of the venue or a professional catering service. This conditional use is subject to the following conditions:
- A. The minimum lot area shall be twenty (20) acres.
- B. No building, structure, or outdoor use associated with the event shall be located less than one hundred (100) feet from any adjacent lot line permitting a residential use except as follows. No parking to be located less than fifty (50) feet from any adjacent lot line permitting a residential use. No building, structure, outdoor use or parking associated with the event shall be located less than two-hundred fifty (250) feet from any residence not owned by the applicant.
- C. The operator of the Event Venue shall reside on the same lot as the Event Venue or a lot immediately adjacent.
- D. The subject property must abut directly upon an arterial or collector street as defined in the county-established street and highway width map and the event venue access to the parcel shall be from the arterial or collector street. Property access on a collector street shall be no further than one (1) mile from an arterial street.
- E. Events must be served by a private onsite waste system (not including portable facilities) and a private onsite well, a municipal sewer system and municipal water system, or a combination of both. Restroom facilities associated with the private waste system shall be located within the Event Venue. Private systems shall be sized appropriately for the building occupancy and approved by Waukesha County Environmental Health.
- F. Events shall be limited to no more than one (1) event per day with no more than three (3) events per calendar week. For the purpose of this condition, an individual event shall include one entire occasion. For example, a scenario in which a renter reserves the site for a Saturday wedding but is also on site for a Friday rehearsal and Sunday gift opening would be counted as one (1) event.
- G. There shall be no more than 300 attendees per event. "Attendees" include all persons present at any time including employees, catering services and other support service providers, property owners, staff, operators, hosts, guests and invitees without limitation. Use of structures and capacity is required to comply

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with all federal, state and local fire and building code regulations.

- H. Events shall not begin prior to 8:00 am or continue past 11:59 pm on Friday and Saturday, and shall not begin prior to 8:00 am or continue past 10:00 pm Sunday through Thursday. These limitations apply to set-up and take-down activities associated with an event and the arrival and departure of attendees.
- I. Alcohol shall not be served past 11:00 pm on Friday and Saturday and 9:00 pm on Sunday through Thursday.
- J. No sale of alcohol is permitted unless an alcohol beverage license for the event venue is obtained from the Village.
- K. Live/ amplified music shall not exceed 75 decibels at the property line. The Village plan commission and board may prohibit music being piped, amplified or permitted outside of a building and/or structure if the noise level becomes an issue.
- L. There shall be no outdoor sound amplification devices used in association with outdoor event areas before 9:00 am or after 8:00 pm. There shall be no sound amplification within buildings before 9:00 am or after 11:00 pm. Sound amplification devices shall be located at least 100 feet from all property lines and directed to minimize impact to adjacent properties, and shall comply with Chapter 6 (Nuisances) of the Village Code of Ordinances.
- M. Exterior lighting to be used in association with events shall not exceed fifteen (15) feet in height above the ground and light sources shall not be visible from the lot lines measured five (5) feet above the lot line.
- N. There shall be no open fires associated with the operation except where approved by the Village Fire Department Chief (or designee) in writing, within specifically designated locations.
- O. The minimum number of parking spaces shall be equal to one (1) parking stall per three (3) Attendees, as defined above. At no time shall the number of Attendees exceed three (3) times the number of stalls.
- P. All parking areas shall be located on site, clearly defined and designed with appropriate surface materials determined by the Village Plan Commission based on surrounding aesthetic character and uses, topography and drainage, and potential for dust.
- Q. There shall be no parking associated with the Event Venue on any public road.
- R. Any area occupied by outdoor tents shall not exceed the square footage of the Event Venue.
- S. The Plan Commission may require landscaping/screening for parking and outdoor areas used in conjunction with events to provide buffering for adjacent residential uses.
- T. The exterior of buildings to be used for event activities may be repaired or refurbished, but shall not be substantially modified as to significantly alter the character as determined by the Village Plan Commission.
- U. The floor area of an existing building to be used for event activities may be

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expanded for event activities by no more than ten percent (10%) provided all building and zoning requirements are satisfied. This does not include alterations made to accommodate for items such as access or circulation, which will be considered on a case by case basis.

- V. The proposed Event Venue including the site plan and access shall be reviewed by the Village Fire Department Chief (or designee). The Event Venue and property shall comply with any and all recommendations provided by the Fire Chief (or designee). Such inspection is for the Village's purposes and shall not be relied upon by the property owner as any assurance of safety nor of compliance with all applicable laws, which shall be solely the responsibility of the owner and Event Venue operator.
  - W. The Event Venue conditional use permit shall be reviewed every two (2) years by the Village Plan Commission to determine compliance with the conditions and requirements of the permit and may be terminated in accordance with Section 4 of the Village Code of Ordinances.
  - X. The requirements of Section 3 (j) (4) through (11) shall be met.
9. Fur Farms, Pig Farms, Creameries, Condenseries, Wholesale Fattening of Livestock, Pea Vineries, Commercial Poultry and Egg Production, Commercial or Custom Grain Drying Operations. This conditional use is subject to the following conditions:
- A. General requirements.
    - i. No operation, farm or facility shall be permitted on less than thirty-five (35) acres of tillable land nor closer than one thousand (1,000) feet from any land presently zoned for a residential district.
    - ii. No accessory residence shall be permitted closer than one hundred (100) feet to an operation, farm or facility.
    - iii. No part of the operation, farm or facility shall be closer than three hundred (300) feet from the centerline of any public road or closer than two hundred (200) feet from the lot lines of the site on which the operation, farm or facility is situated.
  - B. Information to be submitted.
    - i. A site plan showing drainage, structures, and the methods to be employed to control, contain or divert runoff of animal wastes.
    - ii. A plan of operation detailing the method of operation and the equipment necessary to accomplish safe and sanitary disposal of animal waste. Farmers are encouraged to seek advice from Waukesha County, Wisconsin Department of Natural Resources (WDNR), or applicable agencies.
    - iii. A statement of the number of animal units to be contained in the proposed animal feed lot. This plan shall include the numbers, type and weights. Any increase in the number of animal units for a period of more than thirty (30) days shall be reported to the Village Plan Commission and Village Board.
    - iv. A statement detailing the method of animal collection, storage and disposal to be employed.

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- v. A waste management plan approved by Waukesha County, Wisconsin Department of Natural Resources (WDNR), or applicable agencies.

10. In Law Unit. This conditional use is subject to the following conditions:

- A. The county environmental resources department shall certify that the septic system will accommodate the proposed use and in accordance with all federal, state, county and local sanitary codes including COMM 83.
- B. Maximum living area of the in law unit shall not exceed eight hundred (800) square feet and shall contain no more than two (2) bedrooms.
- C. There shall be an additional off street parking space for the in law unit.
- D. There shall be no more than one (1) in law unit per single family lot.
- E. Architecture of the residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single-family residence. The principal living unit shall comply with all other applicable zoning district requirements. All other appropriate zoning district requirements for the principal living unit shall be complied with.
- F. A common entrance to the residence and in law unit should be designed into the structure so the structure does not appear to be a duplex.
- G. The Plan Commission shall determine if it is appropriate to have an interior door between the in law unit and the principal residence.
- H. A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office and a copy of the recorded document presented to the Building Inspector prior to issuance of the Building Permit. This Deed Restriction shall state that the in law unit is to be occupied by not more than two (2) persons related by blood, adoption or marriage to the family occupying the principal unit and that the conditional use is not transferable without formal approval of the Plan Commission without necessity of a public hearing.
- I. Both units of the structure must have smoke alarms installed and in working order at the time the final occupancy permit is issued.
- J. A Site Plan and Plan of operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.

11. Land-altering Activities: Land-altering activities in excess of those limits set forth in Section 3 (c) of this Chapter may be permitted as a conditional use in any district, except the Conservancy/Wetland District unless rezoned to allow such activity. The UC district limits disturbance to 15% of the lot. This conditional use is subject to the following conditions:

- A. Highway construction which may be exempted by Wisconsin statutes by a written Memorandum of Understanding between the Wisconsin Department of Natural Resources and Department of Transportation for a specific highway project, new home construction and the attendant limited grading and filling necessary to achieve positive drainage away from the foundation, dredging as may be allowed in Section 3 (c) of this Chapter, and minor grading as defined in the Chapter, shall be excluded

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from regulation under this provision, but may be regulated elsewhere in this Chapter.

- B. The above land-altering activities permitted as a conditional use and in all cases, the following requirements shall be met in order to grant a conditional use:
  - C. Detailed plans of the project, at a scale of not less than 1" = 100', including all areas to be graded, filled, or otherwise altered along with seeding and/or vegetation plans, a planting schedule, and erosion and sedimentation practices to be employed shall be submitted for review and approval.
  - D. No such use shall create flooding, concentrated runoff, inadequate drainage, unfavorable topography, excessive erosion and sedimentation, or restrict navigation in navigable waters.
  - E. Such use shall comply with any ordinances or regulations established by the Village and the County and the Wisconsin Statutes including Chapters 30, 87, and 281, and any federal regulations.
  - F. Such use shall conform to Section 3 (c) of this Chapter.
  - G. If a rezoning is required, the procedure established in this Chapter shall be complied with and the map amendment shall be approved in conjunction with the conditional use approval.
  - H. Such use shall conform to the Village of Lisbon's Storm Water Management and Erosion Control Ordinance (refer Section 3 (c) 11) and a permit under that ordinance must be issued prior to the issuance of the CUP.
12. Landing Fields and Take Off Strips. This conditional use is subject to the following conditions:
- A. The use is subject to the review and approval by the Federal Aviation Administration and/or the Wisconsin Department of Transportation or a letter waiving their approval or indicating such approval is unnecessary.
  - B. The parcel shall be sufficient and otherwise adequate to meet the standards of the Federal Aviation Administration and the Wisconsin Department of Transportation and any other federal or state agency retaining jurisdiction over such airstrips and landing fields in accordance with their proposed rules and regulations.
  - C. In no case shall the parcel be less than thirty-five (35) acres in size.
  - D. The parcel shall not be in a platted subdivision.
  - E. Any structure on the parcel shall be at least one hundred (100) feet from any street or boundary line.
  - F. Any proposed landing field or take off strip shall be situated so that the approach zones are free of any flight obstructions, such as towers, chimneys, other tall structures or natural obstructions outside the landing field or take off strip site.
  - G. No landing field or take off strip shall be within two hundred (200) feet of any property line.
  - H. If air rights or easements have been acquired from the owners of abutting properties in



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which approach zones fall, satisfactory evidence thereof shall be submitted with the application.

- I. Landing fields and take off strips are intended only for the use of the property owner and/or emergency landings. No commercial operation shall be permitted with the exception of crop dusting.
  - J. Storage of any combustible fuels shall be in accord with any state and federal regulations.
  - K. Equipment normally associated with the use of airplanes, such as proper ground markings and lighting, wind direction signals, firefighting extinguishers, radio communications equipment, and tie-down spaces.
  - L. No more than one plane shall be housed on the premises.
  - M. No conditional use permit shall be issued until all necessary federal and state permits have been placed on file with the Village Clerk's office.
  - N. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
13. Landscape Contractor Businesses. This conditional use is subject to the following conditions.
- A. The minimum lot area shall be at least three (3) acres.
  - B. All buildings used in the conduct of the business shall be located at least one hundred (100) feet from the lot line of an adjoining lot in a residential district or at least fifty (50) feet from a lot line of an adjoining lot in any other district.
  - C. No such use shall be allowed on any parcel except as may front directly upon and have access to an arterial or major collector street, as defined in the county-established street and highway width map.
  - D. A planting screen at least six (6) feet in initial height and fifteen (15) feet wide shall be provided between any abutting property line and the proposed use. The Plan Commission may increase or decrease the planting screen requirements based on location and compatibility of zoning and use with abutting properties.
  - E. In determining whether or not the proposed conditional use should be approved, the Village Plan Commission, shall make a determination that the proposed conditional use is compatible with adjacent land uses and the surrounding area as it relates to noise, traffic, dust, hours of operation, etc. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses, conflict with future development of the area, or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.
  - F. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code and shall include the type and quantity of equipment and vehicles owned or leased by the property owner, the location and type of storage of materials, fuel storage facilities, landscaping and lighting plans, dumpsters, and hours of operation.
  - G. The landscaping contractor business is prohibited from manufacturing or assembling products. The sale of products on the premises is also prohibited.
  - H. The design and size of the structures used in the operation of the business shall be subject

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to conditions in the conditional use permit.

- I. All offices, vehicle storage, storage bins, maintenance or service facilities, hazardous chemical or salt storage facilities shall comply with all applicable federal, state, county, and Village regulations.
14. Lawn and Garden Businesses. This conditional use is subject to the following conditions.
- A. The minimum lot area shall be at least one (1) acre.
  - B. All buildings used in the conduct of the business shall be located at least one hundred (100) feet from the lot line of an adjoining lot in a residential district or at least fifty (50) feet from a lot line of an adjoining lot in any other district.
  - C. No such use shall be allowed on any parcel except as may front directly upon and have access to an arterial or major collector street, as defined in the county-established street and highway width map.
  - D. A planting screen at least six (6) feet in initial height and fifteen (15) feet wide shall be provided between any abutting property line and the proposed use. The Plan Commission may increase or decrease the planting screen requirements based on location and compatibility of zoning and use with abutting properties.
  - E. In determining whether or not the proposed conditional use should be approved, the Village Plan Commission, shall make a determination that the proposed conditional use is compatible with adjacent land uses and the surrounding area as it relates to noise, traffic, dust, hours of operation, etc. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses, conflict with future development of the area, or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.
  - F. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code and shall include the type and quantity of equipment and vehicles owned or leased by the property owner, the location and type of storage of materials, location of all greenhouses, shade houses and storage bins, parking areas for customers and employees, signs, toilet facilities, fuel storage facilities, landscaping and lighting plans, dumpsters, and hours of operation
  - G. The lawn and garden business is prohibited from manufacturing or assembling products. The sale of products on the premises which are not produced on the subject property is prohibited unless expressly permitted or permitted subject to specific conditions in the conditional use permit (i.e., mulch, fertilizer, decorative stone).
  - H. The design and size of the structures used in the operation of the business shall be subject to conditions in the conditional use permit.
  - I. All offices, vehicle storage, greenhouses, shade houses, storage bins, maintenance or service facilities, hazardous chemical or salt storage facilities shall comply with all applicable federal, state, county, and Village regulations.
15. Legal Non-Conforming Uses. Legal nonconforming uses may be granted conditional use status upon the petition of the owner pursuant to Section 3 (n) 3 of the Village Zoning Code. This conditional use is subject to the following conditions:
- A. The petitioner proving the current use of the property was at the time legal when the code

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was modified making it legal nonconforming, and has operated pursuant to Section 3 (n) 2.B. iii.

- B. The grant of a conditional use for the current legal nonconforming use shall be determined to be not adverse to the public health, safety, or welfare. If the legal nonconforming use is determined to be adverse to the public health, safety, or welfare it cannot get conditional use status, but it will continue as a legal nonconforming use.
  - C. The grant of a conditional use for the current legal nonconforming use shall be determined to not interfere with the orderly development. of the Village. If the existing legal nonconforming use is determined to interfere with the orderly development of the Village, it cannot get conditional use status, but it will continue as a legal nonconforming use.
  - D. The grant of a conditional use for the current legal nonconforming use shall be determined to be not detrimental to the community and particularly the surrounding neighborhood. If the existing legal nonconforming use is determined to be detrimental to the community, it cannot get conditional use status, but will continue as a legal nonconforming use.
  - E. The grant of the conditional use for the current legal nonconforming use can only be granted to satisfy a regulation or is needed to continue the existing legal nonconforming use; not to expand the use or the buildings.
  - F. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
16. Limited Family Automotive Repair Business. A CUP for limited family auto repair business ("LFARB") is designed to accommodate small family businesses without the necessity for relocation or rezoning while also protecting the interests of the adjacent property owners and any future development of the area. This conditional use is subject to the following conditions:
- A. The Plan Commission shall determine whether or not a business is considered a LFARB.
  - B. The following requirements shall be met:
    - i. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
    - ii. The LFARB must be owned and operated by members of the family residing on the premises.
    - iii. One additional employee, which shall be a family member is allowed for a maximum of two employees (property owner and one other family member).
    - iv. The LFARB shall be operated entirely within an accessory building or attached garage with adequate sound proofing or sound control.
    - v. Garage or accessory building doors shall be closed during operation to reduce noise.
    - vi. The building used in the LFARB shall be considered to be a residential accessory building or detached garage and shall meet all of the requirements for such buildings.
    - vii. Products may only be sold in combination with a provided service.

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- viii. The LFARB shall not include the use of any machinery, tools, or other appliances, unless specifically allowed by the CUP. Any machinery or equipment allowed must be stored indoors.
- ix. Adequate off-street parking facilities are provided adjacent, or reasonably adjacent, to the building(s) that houses the LFARB.
- x. A business nameplate sign shall not exceed three (3) square feet in area.
- xi. Automotive repair services shall be limited to incidental repairs, replacement of parts, and motor service to automobiles. Autobody painting requiring a paint booth is prohibited.
- xii. Outdoor storage shall be limited to two (2) customer vehicles. There shall be no outside storage of parts, equipment, or tires.
- xiii. Outdoor storage must be completely screened by a site proof fence six feet in height.
- xiv. The CUP shall automatically expire and terminate upon the sale of the property or its transfer to a non-occupant of the property.

C. If not operating on January 1, 2024, the following additional provisions apply:

- i. The minimum lot area for a LFARB shall be at least one (1) acre.
- ii. A LFARB shall not be located within a platted subdivision unless the lot has an area of at least three (3) acres.
- iii. All buildings used in the conduct of the LFARB shall be located at least one hundred (100) feet from a residence on an adjoining property.
- iv. Only two (2) service bays shall be allowed for the LFARB.
- v. No more than 20% of the total combined floor area of all buildings shall be used to conduct the LFARB.
- vi. No such use shall be allowed on any parcel, unless the parcel fronts directly upon and has access to an arterial or major collector street, as defined in the County established street and highway width map.
- vii. The premises shall not be used for outdoor storage of wrecked and/or dismantled vehicles.

17. Limited Family Business and Home Based Manufacturing. A CUP for limited family business (LFB) is designed to accommodate small family businesses without the necessity for relocation or rezoning while also protecting the interests of the adjacent property owners and any future development of the area. This conditional use is subject to the following conditions:

- A. The Plan Commission shall determine whether or not a business is considered a LFB. Examples of a LFB include, but are not necessarily limited to, the following:
  - i. Non-health related professional office or studio (photographer, artist, crafter, woodworker, etc.).
- B. The following requirements shall be met:

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- i. A Site and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
  - ii. The LFB must be owned and operated by members of the family residing on the premises.
  - iii. All employees, except one full-time equivalent, shall be members of the family residing on the premises. The LFB shall not employ more than one person who is not a resident on such lot, whether they are family members or not.
  - iv. The LFB shall not operate on a parcel having less than the minimum parcel size required for the district in which it is located.
  - v. The LFB shall be operated in the residence, the attached garage, or detached accessory building, and only where the principal use of the property is single family residential, and the business use is clearly incidental to the residential use of the property.
  - vi. The LFB shall be operated entirely within a building(s).
  - vii. If the LFB is not located entirely within the primary residence, the buildings used in the LFB shall be considered to be residential accessory buildings and shall meet all of the requirements for such buildings.
  - viii. If the LFB is to be operated in a proposed new building, the design and size of the building(s) are subject to the conditions in the CUP.
  - ix. No more than 20% of the total combined floor area of all buildings shall be used to conduct the LFB.
  - x. The LFB shall be run primarily for monetary gain or financial support.
  - xi. There shall be no removal of sand, gravel, or stone from the premises for commercial purposes. There shall be no sale of products on the premises.
  - xii. The LFB shall not include the use of any machinery, tools, or other appliances, unless specifically allowed by the CUP. Any machinery or equipment allowed must be stored indoors. If the use of any machinery, tools, or other appliances can reasonably be construed as creating a nuisance to the surrounding property owners, the Plan Commission may consider termination of said business after a public hearing is held
  - xiii. No vehicular traffic shall be generated by the LFB in greater volume than would normally be expected from the principal use. In the case of measuring vehicular traffic, criteria established in the most current edition of the Institute of Transportation Engineer's publication titled Trip Generation shall be used.
  - xiv. The CUP shall automatically expire and terminate upon the sale of the property or its transfer to a non-occupant of the property.
18. Outdoor/Indoor Commercial Recreational Facilities and Uses. This category includes those facilities and uses listed as conditional uses in Section 10 of this chapter, and other such outdoor and indoor commercial recreational facilities and uses open to the public, including but not limited to, amusement parks, water parks, batting cages, paintball ranges, laser tag ranges, trampolines, racquet sports, athletic courts, stadiums, indoor/outdoor recreational

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facilities, etc. This conditional use is subject to the following conditions:

- A. No such conditional use shall include the operation of a commercial facility such as a bar, or restaurant except as may be specifically authorized in the grant of a separate CUP.
  - B. The minimum lot area for outdoor recreational uses shall be at least three (3) acres.
  - C. All structures and active recreation areas shall be located at least fifty (50) feet from a lot line of an adjoining lot in any other district.
  - D. The use must be located on a collector or arterial street as defined in the County established street and highway width map.
  - E. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
19. Private Clubs and Resorts: This category includes private clubs and resorts such as outdoor/indoor recreational facilities, driving ranges, campgrounds, golf courses, racquet clubs, ski clubs, soccer clubs, swimming pools, beaches, yacht clubs, boarding stables, firing and archery ranges and gun clubs, recreational camps, riding academies, etc. This conditional use is subject to the following conditions:
- A. No such use shall be permitted on a lot less than three (3) acres in area except in the B-1 Restricted Business District or less restrictive district.
  - B. No building, other than one used only for residence purposes shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.
  - C. This conditional use shall not include the operation of a commercial facility such as a bar or restaurant, unless specifically authorized in the grant of a separate CUP.
  - D. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
20. Quarrying as defined in this Chapter. This conditional use is subject to the following conditions:
- A. Procedure for application:
    - i. Permit: No quarrying operation shall take place in any district until a CUP and quarrying permit have been secured from the Village Board. Such permits shall be for an initial period as is deemed appropriate by Lisbon to the specific situation but not exceed five (5) years, and may be renewed thereafter for periods not to exceed three (3) years provided application thereof shall be made at least sixty (60) and no more than one hundred twenty (120) days before expiration of the original permit. Application for renewal after such date shall be treated as an original application.
    - ii. Application. All applications for a quarrying CUP shall include:
      - a. A full and adequate description of all phases of the contemplated operation and the specific mention of type of machinery and equipment, which will be or might be necessary to carry on the operation. Where the operation is to include the washing of sand and gravel, the estimated daily quantity of water required, its source,

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and its disposition shall be made part of the description.

- b. A legal description of the proposed property with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site which will be affected by the operation.
- c. A topographic map of the area at a minimum contour interval of two (2) feet extending beyond the site to the nearest public street or highway or to a minimum distance of three hundred (300) feet on all sides.
- d. A restoration plan as required by NR 135 of the Wisconsin Administrative Code.

**B. Procedure for action on application and other requirements:**

- i. Referral to Plan Commission for Public Hearing: The application shall be referred to the Plan Commission for a public hearing and a recommendation to the Village Board. In addition to the normal posting and publishing, notices also shall be sent through the mail or otherwise placed in the hands of all land owners within a half mile radius of the approximate center of the proposed quarrying operation. These notices shall be mailed or delivered at least 10 days prior to the date of hearing. Substantial compliance with the notice requirements of this section shall be deemed sufficient. No hearing shall be required prior to issuing a permit in a Quarrying District.
- ii. Action by the Village Board: In addition to the general CUP requirements, the Village Board shall give particular consideration to the following factors:
  - a. The effect of the proposed operation on existing roads and traffic movement in terms of adequacy, maintenance, repair, safety, and efficiency.
  - b. The effect of the proposed operation on drainage and water supply.
  - c. The practical possibility of restoration of the site.
  - d. The need for this limited natural resource to construct local infrastructure, roads, and housing, its economic effects on the community, and whether or not it is in the public interest.
- iii. Renewals: The procedure as designated in i., ii., iii., and iv. above shall also apply to applications of renewal of a permit. Determination in regard to renewal shall be based particularly on an evaluation of the effect of the continuance of the use in relation to changing conditions in the area. Where renewal is not granted, the reasons for refusal shall be presented to the applicant in writing and made a part of the records of Lisbon.

**C. General Requirements:**

- i. No part of the quarrying operation, including any accessory access roads,

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parking areas, office buildings, etc., but not including the restoration based on the approved plan, shall be permitted closer than one thousand (1,000) feet to a residential zoning district, unless approved by the Village Board after public hearing and upon proper notice as required in this section of the code, and in accordance with Section 4(25)(B)(iii)a-h above, but in no case shall such quarrying operation, access roads, parking areas, etc. be permitted closer than 200 feet to any residential zoning district. Further, no part of the quarrying operation, including any accessory access roads, parking areas, office buildings, etc., shall be permitted closer than 75 feet to any shoreline, river, or stream, or 50 feet to any other environmentally sensitive area as defined in this chapter.

- ii. No quarrying operation shall be permitted, except in a Q-1 or M-2 district, if thirty (30) or more families reside within a one-half mile radius of the center of the proposed property.
- D. Road Setback requirements: No part of the quarrying operation other than access roads shall be located closer than two hundred (200) feet, nor shall any parking area, stock pile, or office building be located closer than one hundred (100) feet, to the base setback line along any street or highway.
- E. Offset requirements: No part of the quarrying operation shall be permitted closer than two hundred (200) feet, nor shall any access road, parking area, or office building be located closer than fifty (50) to any property line, except with the written consent of the owner of adjoining property, or except where said line is abutting a Q-1 or M-2 district, or abutting an existing quarrying operation, but in no case shall such operation be closer than twenty (20) feet to any property line, except by agreement between abutting quarrying operations, or be in conflict with the provisions of Section 3 (c) 5 relating to the preservation of topography.
- F. Operational Requirements:
  - i. Fencing or other suitable barrier shall be erected and maintained around the property or around portions of the site where, in the determination of the Village Board, such fencing or barrier is necessary for the protection of the public, and shall be of a type approved by the Village Board.
  - ii. All machinery and equipment used in the quarrying operation shall be constructed, maintained, and operated in such a manner as to minimize dust, noise, and vibration. Access and haulage roads on the site shall be maintained in a manner to minimize dust by surfacing or treatment as directed by the Village Engineer.
  - iii. The crushing, washing, refining, or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of the permit or as otherwise provided in a Q-1 or M-2 district.
  - iv. In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone, and similar architectural or structural stone, and the storing or stock-piling of such products on the site shall be considered a permissible part of the operation, provided such production does not require the use of crushing or other heavy machinery, except as may be otherwise specifically authorized under the terms of the grant of the permit or as otherwise provided in a Q-1 or M-2 district.



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- v. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the quarrying operation shall not be permitted, except as otherwise provided in a Q-1 or M-2 district.
- vi. The washing of sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity or where the quantity of water will, in the opinion of the Village Engineer, seriously affect the supply of other uses in the area.
- vi. Landscaping shall be provided where deemed necessary by the Village Board to screen the operation so far as practical from normal view, to enhance the general appearance from the public right-of-way, and generally to minimize the damaging effect of the operation on the beauty and character of the surrounding countryside. Such planting shall be started as soon as practicable, but no later than one (1) year after quarrying operations have begun and shall be done according to the recommendation of the Plan Commission.
- viii. Quarrying operations shall be limited to 6:00 a.m. to 6:00 p.m. unless previously authorized by the Village Board, and no operation shall take place on Sundays or legal holidays. During periods of national or unusual emergency, days and hours of operation may be altered at the discretion of the Village Board and through the issuance of a special permit which shall be renewable at thirty (30) day intervals.

G. Restorative requirements:

In order to insure that the area of the quarrying operation is restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a permit, submit to the Village Board a copy of a plan for such restoration that meets the requirements of NR 135 and any other applicable ordinances and that has been approved by the Waukesha County Land Resources Division who is the governing body responsible for the administration and enforcement of the restoration plan.

H. Exceptions:

- i. The provisions of this section, Section 4 (h) 21, shall not apply to the removal of sod.
- ii. When the operation is limited to the removal of topsoil, the Plan Commission may, consistent with the intent of these regulations, modify any or all of the provisions of this section, Section 4 (h) 21, provided, however,

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that in no case shall such operation be permitted closer than ten (10) feet to any property line, or to a depth in excess of eighteen (18) inches, or so as to adversely affect the drainage of the area.

- iii. The provisions of this section, Section 4 (h) 21, shall not apply to an operation which is incident to a legitimate use of the premises; provided, however, where such operation involves the commercial disposal of the material removed, the approval of a CUP by the Plan Commission shall be required and such operation shall be limited to a maximum period of six (6) months.
- iv. In a Q-1 or M-2 district the Plan Commission may, consistent with the intent of these regulations, modify the provisions relative to permitted hours of operation; and where the character of terrain, of surrounding development, or other special conditions would justify such modification may permit a reduction in the required setbacks or offsets; provided, however that in no case shall the setback be less than one hundred (100) feet, or the offset be less than one hundred (100) feet for quarrying operations, or twenty (20) feet for any access road, parking area, or office building except as may be otherwise provided by Section 4 (h) 21 E.

21. Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and Similar Uses. This conditional use is subject to the following requirements:

- A. The minimum lot area shall be at least two (2) acres and at least two hundred (200) feet in minimum in average width.
- B. Off-street parking shall be provided within two hundred (200) feet of the building in which such use is occurring, and all parking, including access drives and aisles shall be offset twenty (20) feet from any lot line of an adjacent property zoned agricultural or residential.
- C. A planting screen of at least six (6) feet in initial height shall be provided between any abutting residential district and the proposed conditional use. The Village Plan Commission may require additional screening. A planting plan prepared by a Registered Landscape Architect shall be submitted to the Village for review and approval as a condition of approval.
- D. The proposed building shall be offset at least fifty (50) feet from any adjoining residential district and one hundred (100) feet from the high water mark of any lake or navigable body of water.
- E. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.

22. Self Service Storage (Mini-Warehouses). This conditional use is subject to the following requirements:

- A. The use must be located on a collector or arterial street as defined in the County established street and highway width map. In no case shall the use be located on a minor street as defined in the County established street and highway width map.
- B. The use must be served with adequate public services as approved by the

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appropriate utilities, and must be able to be adequately served by local services such as police, fire, etc.

- C. A Landscape and Maintenance Plan shall address the aesthetics of the site and relationship to surrounding lands, and shall include treatment for the building foundation, parking area, and street frontage.
  - D. A Screening, Berming, Wall or Fencing Plan shall address the aesthetics of the site and the relationship of the use to adjacent properties in the area.
  - E. Security measures and access control, as required and approved by the Plan Commission, shall be implemented to protect the site and reduce the potential for incident.
  - F. An Exterior Lighting Plan, including a site photometric plan and fixture details, shall be required. All lighting shall be directed downward, and no lighting shall be directed onto adjacent properties or the roadways.
  - G. State Approved Building Plans, as required, shall be submitted and approved by the Village Building Inspector. If phasing is proposed, a Phasing Plan shall also be submitted.
  - H. Architectural Plans, with elevation renderings, interior floor plans, and illustrating the design and character of the proposed structure, shall be submitted. The Plan Commission may impose architectural standards as deemed appropriate including, but not limited to, building materials, building colors, roof pitch, height, architectural breaks, etc.
  - I. No overhead doors shall face upon a street right-of-way without approval of the Village Plan Commission.
  - J. A Parking, Circulation, and Maneuverability Plan shall be submitted and include snow removal areas.
  - K. An Outdoor Storage Plan shall be submitted for review and approval. Lisbon may consider outdoor storage on a case-by-case basis. In no case shall there be any display or sale of items on the site.
  - L. There shall be no commercial business activity or office use, either retail or wholesale, operated within any mini-warehouse facility or unit or on the property, other than a facility manager's office, if proposed on site; and there shall be absolutely no human habitation of any units in the form of a living unit. Per the definition in Section 2(b), the units shall be for personal storage purposes only.
23. Service-Oriented Businesses. A CUP for service-oriented business ("SOB") is designed to accommodate small family businesses without the necessity for relocation or rezoning while also protecting the interests of the adjacent property owners and any future development of the area. This conditional use is subject to the following conditions:
- A. The Plan Commission shall determine whether or not a business is considered a SOB. Examples of a SOB include, but are not limited to, the following:
    - i. Non-health related professional office or studio (architect, lawyer, accountant, realtor, travel agent, insurance agent, salesman, interior decorator, tailor, shoe repair, beautician, barber, housekeeping, music or

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dance teacher, massage therapist, dog grooming, etc.).

- ii. Small engine repair.
  - iii. A business where the only part of the business located on the property is the business office and/or the storage of the vehicles used for the business that are used at an off-site location.
- B. The main portion of the SOB must be owned and operated by members of the family residing on the premises.
- i. The main portion of the SOB must be owned and operated by members of the family residing on the premises.
  - ii. All employees, except one full-time equivalent, shall be members of the family residing on the premises. The SOB shall not employ more than one person who is not a resident on such lot, whether they are family members or not.
  - iii. The SOB shall not operate on a parcel having less than the minimum parcel size required for the district in which it is located.
  - iv. The SOB shall be operated in the residence, the attached garage, or detached accessory building, and only where the principal use of the property is single family residential, and the business use is clearly incidental to the residential use of the property.
  - v. The SOB shall be operated entirely within a building(s).
  - vi. If the SOB is not located entirely within the primary residence, the buildings used in the LFB shall be considered to be residential accessory buildings and shall meet all of the requirements for such buildings.
  - vii. If the SOB is to be operated in a proposed new building(s), the design and size of the building(s) are subject to the conditions in the CUP.
  - viii. No more than 20% of the total combined floor area of all buildings shall be used to conduct the LFB.
  - ix. The SOB shall be run primarily for monetary gain or financial support.
  - x. There shall be no manufacturing or assembling of products, and no removal of sand, gravel, or stone from the premises for commercial purposes. There shall be no sale of products on the premises unless the products are those produced by the SOB, although the limited sale of products as accessories to the SOB may be permitted or limited by the CUP conditions (i.e. hair care products such as shampoo and conditioners normally associated with a business that cuts or styles hair).
  - xi. The SOB shall not include the use of any machinery, tools, or other appliances, unless specifically allowed by the CUP. Any machinery or equipment allowed must be stored indoors. If the use of any machinery, tools, or other appliances can reasonably be construed as creating a nuisance to the surrounding property owners, the Plan Commission may consider termination of said business after a public hearing is held.

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- xii. Adequate off-street parking facilities are provided adjacent, or reasonably adjacent, to the building(s) that houses the SOB.
  - xiii. A business nameplate sign shall not exceed three (3) square feet in area.
  - xiv. The CUP shall automatically expire and terminate upon the sale of the property or its transfer to a non-occupant of the property.
24. Testing Laboratories (Experimental or Analytical). Agricultural laboratory testing is allowed as a conditional use in the A-10 and A-5 zoning districts. Medical, biological, food processing, and industrial design and manufacturing laboratory testing is allowed as a conditional use in the B-2, B-3, Q-1, M-1, and M-2 zoning districts. This conditional use is subject to the following conditions:
- A. The minimum lot size shall be at least three (3) acres.
  - B. The minimum offset for a building housing only testing facilities shall be fifty (50) feet where the zoning upon the adjoining lot permits residential use.
  - C. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code
25. Truck Washes. This conditional use is subject to the following requirements:
- A. The use must be located on a collector or arterial street as defined in the Lisbon Code of Ordinances, unless a location on a minor street is determined to be acceptable by the Village Plan Commission and Public Works Director.
  - B. A Waste Disposal and Recycling Plan shall be submitted for review and approval, including specifics on the use and/or disposal of water used to wash trucks and trailers.
  - C. A sampling manhole, approved by Village Engineer, shall be required to be installed on all water (sanitary and storm) leaving the facility.
  - D. All refuse containers shall be enclosed with lids that remain closed at all times and all containers shall be totally concealed or screened from public view with fencing, walls, and/or landscaping/planting screens.
  - E. The use shall comply with all standards for wastewater treatment and water quality performance standards in Section 3(I) and other applicable sections of this chapter.
  - F. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. Of the Village Zoning Code.
26. Vehicle Fuel, Vehicle Charging, Vehicle Service Stations, and Convenience Stores Associated with the Same. This conditional use is subject to the following conditions:
- A. All structures, including fuel pumps, canopies, and other above ground accessory equipment shall be setback a minimum of fifteen (15) feet to the base setback line and offset a minimum of twenty-five (25) feet to the side or rear lot lines.
  - B. Fuel pump canopies shall not exceed twenty (20) feet in height.

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- C. Underground or aboveground storage tanks shall conform with state standards.
  - D. Lighting installations shall not create a hazard to traffic or a nuisance to surrounding property and all lights shall be shielded, baffled, or shaded to avoid such hazard or nuisance and as a minimum there will be full cut off at the property line.
  - E. If a vehicle fuel station provides restroom facilities, the door to each restroom must be accessed from within the interior of the building in which they are located.
  - F. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
27. Wireless Telecommunications Mobile Service Facilities. This section is intended to regulate mobile service facilities to the full extent allowed by Wis. Stats. § 66.0404, and other applicable laws. Nothing herein is intended to regulate or to authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by Wis. Stats., § 66.0404, or other applicable laws. All terms used herein shall have the meaning described in Wis. Stats. § 66.0404. This conditional use is subject to the following conditions.
- A. New towers and facilities. The siting and construction of a new mobile service support structure and facilities shall be subject to the following requirements.
    - i. Application process. The applicant shall submit a written application which shall include all of the following information:
      - a. The name and business address of, and the contact individual for, the applicant.
      - b. The location of the proposed tower.
      - c. The location of the mobile service facility.
      - d. A construction plan which describes the tower; equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
      - e. An explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
    - ii. Determination of completeness within 10 days of submittal. The Village Clerk or designee shall review the application and determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Village Clerk or designee shall notify the applicant, in writing, within 10 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their applications as often as necessary until it is complete.
    - iii. Determination of substantial modification. The Village Board shall make a

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decision on whether the application is a substantial modification within a reasonable time, provided further that final action shall be taken within 45 days of receipt of a complete application unless the time is extended by the petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Village records.

- iv. Conditional use review procedure. The wireless telecommunications mobile service facility shall be a conditional use; however, it is not subject to the procedures of Section 4 (b) and (c) of this Code and, instead, shall be reviewed pursuant to the following procedures:
- a. Plan Commission. Within a reasonable time after an application and all required information has been filed, the matter shall be referred to The Village Plan Commission for its review and recommendation to the Village Board.
  - b. Public hearing. Upon Class 2 notice, a joint public hearing shall be held by The Village Plan Commission and Village Board in accordance with §§ 62.23(7)(d) and (de), Wisconsin Statutes and in addition mailed notice shall be attempted to all owners of property located within 500 feet of the property lines of the proposed location at least seven days before the public hearing.
  - c. Fee. Any application shall be accompanied by a fee as set from time-to-time by The Village Board to defray the cost of notification and holding of public hearing. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional services in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the applicant. Such fee shall not exceed the limits established by Wisconsin Statutes § 66.0404(4)(d).
  - d. Requirements.
    1. A conditional use permit shall not be granted to communication towers unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. Except as provided in Subsection B(11)(c)[3][d][iv] below, if an applicant provides the Village with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the Village has and provides to the applicant substantial evidence that the engineering certification is flawed.
    2. All facilities shall meet all state and federal codes.
    3. Adverse impact. The proposed wireless communications towers, antennas, and associated accessory structures and facilities use will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and will not substantially

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diminish and impair property values within the community or neighborhood and:

- A. Interference with surrounding development. Will be constructed, arranged, and operated so as not to unreasonably interfere with the use and development of neighboring property according to the applicable zoning district regulations.
  - B. Adequate public facilities. Will be served adequately by any required essential public facilities and services.
  - C. Traffic congestion. Will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets.
  - D. Destruction of significant features. Will not result in the destruction, loss, or damage of any points of visual interest, including views of waterways, open spaces, historic buildings or historic landscapes or architecturally significant structures, or other scenic views or natural, scenic, or historic feature of significant importance.
  - E. Hazard protection. Will reasonably protect persons and property from erosion, flooding, fire, noise, glare, falling debris or ice, or similar hazards.
  - F. Compliance with State of Wisconsin statutes and the Wisconsin Administrative Code. The proposed facilities shall be in compliance with all applicable State of Wisconsin statutes and Wisconsin Administrative Code provisions and requirements.
4. Any tower that is constructed on or adjacent to a parcel on which single-family residential use is permitted shall be setback from every lot line of a parcel for which single-family residential use is permitted by a distance that equals the height of the tower in accordance with Wis. Stats. §66.0404 (4e).
- e. Aesthetic requirements. All wireless telecommunications facilities shall comply with the following aesthetic standards:
- 1. In areas where facilities are currently nonexistent or underground, undergrounding is required.
  - 2. No new above ground structures, including colocations on existing structures, shall be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from



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view, or are not visible from locations where the historic structure can be observed.

3. Attachments to existing structures shall be designed to be flush with the existing structure as much as can reasonably be done, shall be a color that matches the existing structure and shall be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment shall be modified to match the new color.
  4. Any party objecting to the requirements of this subsection (v) shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of state or federal law, upon application to the Village Board, and the Village Board shall waive the requirement if it finds the standard to effectively prohibit the expansion of wireless technology in the Village or otherwise violates state or federal law.
- f. Determination.
1. The Village Plan Commission shall make a decision on the application within a reasonable time after the public hearing, provided further that final action shall be taken within 90 days of receipt of a complete application unless the time extended by the applicant. Said decision shall be stated in writing and a copy made a permanent part of the Village records. If conditional use status is not granted, the reasons therefore will be included in such a record.
  2. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. of the Village Zoning Code.
- g. Changes or additions. Subsequent change or addition to the approved plans or use shall be submitted to the Village Plan Commission for action. If in the opinion of the Village Plan Commission, such a change or addition constitutes a substantial alteration, a public hearing before the Village Plan Commission shall be required and notice thereof be given pursuant to this chapter.
- h. Conditions. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, among other issues as deemed appropriate may be required by the Village Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter. Particular conditions may include the following:
1. Interference with air traffic prohibited. The proposed antenna

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or antenna structure shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport and must meet the applicable Federal Aviation Administration (FAA) regulations.

2. Interference with radio or television reception and/or any other form of wireless communication prohibited. The proposed tower, alternative tower structure and/or antenna(s) shall not result in interference with radio and/or television reception and/or any other form of wireless communication in nearby residential or nonresidential areas based upon the applicable Federal Communications Commission (FCC) regulations. In the event that any complaints of interference are received and they are reasonably suspected by the Village to be caused by the tower, alternative tower structure and/or antenna(s), the Village shall notify the applicant and property owner. The applicant shall have a period of 30 days following receipt of said notification to investigate said complaints and respond to the Village. In the event that it is determined that the tower, alternative tower structure and/or antenna(s) is the source of interference, the applicant shall have 10 days to correct all problems.
3. Access. The use shall be located along and have direct vehicular access to a public street. Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority, including the Wisconsin Department of Transportation, Waukesha County and/or the Village.
4. Limitation on use of drives or required off-street parking spaces. No wireless communications towers, antennas, and associated accessory structures and facilities shall occupy any drive and/or off-street parking space which is required by this chapter for the principal use of the property.
5. Blocking of ingress/egress routes prohibited. No wireless communications towers, antennas, and associated accessory structures and facilities shall block any permanent vehicular and/or pedestrian ingress and egress route or access aisle or drive (including entrances and/or exits to a site or building).
6. Visibility and safety. The location of wireless communications towers, antennas, and associated accessory structures and facilities on the property shall not block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard.
7. All new towers to be of a monopole or special design unless otherwise determined by the Village Board. Unless otherwise determined by the Village Board as provided herein, all new wireless communications towers shall be of a monopole tower design and shall not exceed a width or diameter of five feet in diameter as measured at its base. However, the Village Board shall have authority to require a special design

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of new wireless communications towers where findings of particular sensitivity are made, such as proximity to historic or aesthetically significant structures, views and/or community features or other factors as determined by the Village Board.

8. Wireless communications towers, antennas, and associated accessory structures to be structurally self-supporting. All wireless communications towers, antennas, and associated accessory structures and facilities shall be structurally self-supporting without the use of guy wires and shall be specified or plan approved by a structural professional engineer licensed in the State of Wisconsin. All wireless communications towers, antennas, and associated accessory structures and facilities shall be permanently anchored to the ground.
9. Minimum of four service providers to be allowed to use tower facilities. Unless specifically waived by the Village, new towers shall be designed to accommodate at least three other wireless communication service providers at market rate. The applicant shall allow the sharing of the antenna support facilities with three or more other service providers through the use of a collocation agreement. The holder of a conditional use permit for an antenna support facility shall not make access to the antenna support facility and site economically unfeasible. If additional users demonstrate (through an independent arbitrator or other pertinent means) that the holder of a conditional use permit for an antenna support facility and site has made access to such antenna support facility and site economically unfeasible, then the conditional use permit for said facility shall become null and void. All towers and structures shall be designed structurally, electrically, and in all respects to:
  - A. Accommodate both the applicant's antennas and comparable antennas.
  - B. Allow for the future rearrangement of antennas upon the commercial communication tower or structure.
  - C. Accept antennas mounted at varying heights, provided that said heights do not exceed the maximum height approved or the height of the approved commercial communication tower or existing structure.
10. Buildings, enclosures, equipment and associated devices. All buildings, enclosures, equipment, and other associated devices ancillary to wireless communications towers and antennas shall be placed in close proximity to the base of the tower located on the wireless communications site. If the wireless communications facility does not have a tower, the buildings, equipment, and other associated devices shall be placed in close proximity to the alternative tower structure. If the wireless communications facility has a roof-mounted

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antenna support structure, an equipment enclosure may be located on the roof, provided that such enclosure is placed as unobtrusively as possible and in compliance with all applicable building codes and this chapter.

- A. All buildings, enclosures, equipment, and other associated devices shall be kept locked at all times.
  - B. Each building, enclosure, equipment, and other associated device shall have a label attached to it. The label shall give the name, address, and telephone number of the person who should be contacted in the event of an emergency.
  - C. The aggregate floor area of all buildings and enclosures shall not exceed 500 square feet per tower. The total height of the structures shall not exceed 15 feet in height, and the construction materials shall consist of a brick exterior on all sides of the structures.
  - D. Backup electrical power generators, if provided, shall only be operated during electrical power outages and for testing and maintenance purposes. If the electrical power generator is located within 100 feet of a residential zoning district boundary line, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of not greater than 45 Ldn at the property line. Testing and maintenance of said electrical power generators shall only take place on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
  - E. An "RF Safety Hazard" sign per ANSI Standard C95.2-1982, including descriptive wording or warning information at the user's option, shall be located on the tower and facilities where appropriate to create an awareness of a possible RF exposure to personnel. Sign lettering is recommended to conform to ANSI Z35.1-1972m while the yellow triangle shall conform to ANSI Z 53.1-1979. ANSI Z35.1-1972 details construction guidance in the selection of finishes, illumination and placement.
11. Anticlimbing measures required. Towers shall be designed to prevent children and trespassers from climbing on those structures. Sufficient anticlimbing measures shall be incorporated into the facility to reduce the potential for trespass and injury. Ladder rungs on towers shall be placed a minimum of 20 feet above the ground.
12. Advertising and signage. No form of advertising or signage (other than warning or equipment information signage) shall be allowed on the wireless communications towers, antennas, and associated accessory structures and facilities. All signage

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shall be according to the sign regulations set forth in the Village sign code.

13. Cable installation. All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure. Above ground cable installation may be allowed if it is adequately screened from view from outside the fenced area as determined by the Plan Commission.
14. Security and fencing. The base of the tower and its associated accessory structures shall be enclosed and fenced by a security fence not less than six feet in height and secured so that it is not accessible by the general public. Fence design, materials, and colors shall reflect the character of the surrounding area as determined by the Village Plan Commission. Electrical fencing is prohibited. All fencing shall meet the applicable fence requirements of the Village Code.
15. Landscaped buffer yard required. A buffer yard of plant materials of sufficient maturity and size (as determined by the Village Plan Commission) to immediately and effectively screen the equipment cabinets, structures, or buildings from public view and from adjacent properties shall be provided.
  - A. The minimum buffer yard shall consist of a landscaped strip at least ten feet in width outside the entire perimeter of the wireless communications facility.
  - B. In locations where the visual impact of the tower would be minimal (as determined by the Village Plan Commission), the landscaping requirement may be reduced or waived with the approval of the Village Plan Commission.
  - C. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, when such towers are sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer yard.
  - D. All landscaping requirements detailed here shall be properly maintained in perpetuity.
  - E. The minimum size of plant materials used in the required buffer yard shall be as indicated below:

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<i>Plant Material Type</i>	<i>Minimum Plant Material Sizes</i>
Canopy trees	
Single stem	3-inch caliper
Multistem clump	12 feet tall
Coniferous trees	8 feet tall
Understory trees	2-inch caliper
Shrubs	3 feet tall

16. Lighting. No tower, antenna support structure, or antenna shall be artificially illuminated unless required by the Federal Aviation Administration or other applicable authority. This subsection does not prohibit the use of motion detectors and associated lighting for security nor the use of full cutoff luminaire design outdoor lights when the wireless communication provider's personnel are present. This subsection is not intended to prohibit any lighting required by any local, state, or federal law, rule, or regulation. If lighting is required by such law, rule, or regulation, the operator and owner shall choose the lighting which causes the least disturbance to the occupants of the adjacent properties.
17. Color and finish. All towers and antennas shall be of a color that best allows them to blend into the surroundings so as to reduce visual obtrusiveness or to camouflage the tower and antennas. The use of grays, blues, and greens may be appropriate; however, each case shall be evaluated by the Village on an individual basis. All finishes shall be nonreflective.
18. No outdoor storage permitted. No outdoor storage permitted. There shall be no outdoor storage of any vehicles, equipment, or other goods permitted in conjunction with wireless communications towers, antennas, and associated accessory structures and facilities. This subsection does not apply to overnight storage of vehicles or equipment necessary for the construction or repair of the wireless communications tower, antennas, and associated accessory structures and facilities.
19. Hazardous materials. There shall be no use of, generation of, storage of, or disposal of any hazardous materials on, under, about, or within the land in violation of any law or regulation in conjunction with wireless communications towers, antennas, and associated accessory structures and facilities.
20. Maintenance. All wireless communications towers, antennas, and associated accessory structures and facilities shall be maintained in a clean, rust-free, sanitary, and safe manner and kept free from trash, refuse, and debris. In addition, all wireless communications towers, antennas, and associated accessory structures and facilities shall be maintained in accordance with all applicable local, state, and federal

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regulations. If the zoning administrator concludes that a wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) fail to comply with such codes and regulations and constitute a danger to persons or property in the vicinity, the Village Zoning Administrator shall notify the owner or operator of the wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) of such fact. The notice shall be in writing and shall require the owner or operator to bring the facility into compliance with such codes and regulations within a time frame set forth by the Village Zoning Administrator but not to exceed 30 days of the date of service of the notice whichever is earlier. If the owner or operator fails to bring the wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) into compliance within the time provided, the Village Zoning Administrator may order the wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) to be removed to the extent necessary to protect persons or property in the vicinity. The cost of removing the wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) shall be at the owner's expense.

21. Antennas on existing towers. The attachment of a new antenna on an existing tower may be allowed to minimize adverse visual impacts associated with the proliferation and clustering of towers.
22. Electrical wiring. Electrical wiring shall be installed by a licensed electrical contractor and approved by the Village Building Inspector
23. Financial guaranty and agreement for abandoned towers. The applicant shall provide to the Village, as a condition of issuance of a conditional use permit for wireless communications towers, antennas, and associated accessory structures and facilities, an irrevocable letter of credit or cash in the amount of \$20,000 to guaranty facilities removal and site restoration if the wireless communications towers, antennas, and associated accessory structures and facilities are abandoned or no longer used. The property owner shall also sign, as a condition of issuance of a conditional use permit, an agreement and record (with the Waukesha County Register of Deeds) a deed restriction to remove the wireless communications tower, antenna(s), and associated accessory structure(s) and/or facility(s) within six months of the discontinuance of its use.
24. Certificate(s) of insurance required. No use shall be permitted until the applicant has placed on file with the zoning administrator a certificate or certificates of insurance indicating that there is in effect general public liability insurance covering any damages arising out of the use or operation of any devices and facilities operated in connection

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with such wireless communications towers, antennas, and associated accessory structures and facilities. Such insurance shall be in the minimal amount of \$2,000,000.00 per person, \$2,000,000.00 for each accident and \$6,000,000.00 property damage. Said certificate or certificates of insurance shall be furnished the zoning administrator annually.

25. Indemnification. The owner and operator agree to indemnify, defend, and hold harmless the Village and its elected officials, officers, employees, agents, departments, agencies, committees, boards, and representatives from and against any and all claims, costs, losses, expenses, demands, actions, or causes of action, including reasonable attorney fees and other costs and expenses of litigation, which may be asserted against or incurred by the Village or for which the Village may be held liable, which arise from the negligence, willful misconduct, or other fault of the owner and operator or their employees, agents, or subcontractors from the installation, operation, use, maintenance, repair, removal, or presence of such wireless communications towers, antennas, and associated accessory structures and facilities on any property.
  26. Debris. Any debris arising from the permittee's use, whether arising from construction or at any time thereafter, must be promptly removed by the permittee. Debris remaining for more than five business days constitutes a violation of this section subject to the violations and penalties provisions of Section 37 of this Code. Each day that the debris remains after such time constitutes a separate offense.
  27. No assignment. The respective rights and obligations granted to the Applicant shall not be assigned to any other person or entity without the express written consent of the Village, except to any entity which controls, is controlled by, or is under common control with the applicant, or to any partner, or to any partnership which the applicant is general partner.
- v. Limitations upon authority. The Village review and action in the matter shall be subject to the limitations imposed by Wis. Stats. § 66.0404(4). In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Village Board, in writing, and the Village Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.
- B. Modifications. The construction of modifications to an existing mobile service support structure or mobile service facility shall be subject to the following requirements.
- i. Substantial modification.
    - a. Application and review process. The application and review process for a substantial modification is identical to the application and review process for a new tower, as described above, except that the required plans should describe the proposed modifications, rather than describe the new structure.



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- ii. Not substantial modifications.
  - a. Application information. The applicant shall submit a written application that describes the applicant's basis for concluding that the modification is not substantial, and all of the following information:
    - 1. The name and business address of, and the contact individual for, the applicant.
    - 2. The location of the affected support structure.
    - 3. The location of the proposed facility.
  - b. Completeness determination within five days. The Village Clerk or designee shall review the application will determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Village Clerk or designee must notify the applicant in writing within five (5) days of receiving the application if it is found not to be complete, specifying in detail the required information that was incomplete. The applicant may resubmit as often as necessary until it is complete.
  - c. Determination of substantial modification. The Village Board shall make a decision on whether the application is a substantial modification within a reasonable time, provided further that final action shall be taken within 45 days of receipt of a complete application unless the time is extended by the petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Village records.
  - d. Fee. Any application shall be accompanied by a fee as set from time to time by the Village Board to defray the cost of review. Costs incurred by the Village of Lisbon in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the applicant. Such fee shall not exceed the limits established by Wisconsin Statutes Section 66.0404(4)(d).
  - e. Determination.
    - 1. The Village shall make a decision on the application within a reasonable time, provided further that final action shall be taken within 45 days of receipt of a complete application unless the time is extended by the applicant. Said decision shall be stated in writing and a copy made a permanent part of the Village of Lisbon records. If approval is not granted, the reasons therefor will be included in such record.
    - 2. A Site Plan and Plan of Operation is required in accordance with Section 3 (b) 5. Of the Village Zoning Code.

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- f. Limitations upon authority. The Village review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Section 66.0404(4) and 66.0414 as applicable, and such other laws as may apply which may include 47 USCA §1455. In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Village Board in writing and the Village Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.

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**SECTION 5 (Reserved)**

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**SECTION 6 ZONING DISTRICTS**

**(a) Establishment of zoning districts**

For the purpose of this chapter, the Village is hereby divided into zoning districts, which shall be designated as follows:

C-1 Conservancy/Wetland District  
UC Upland Corridor District  
PR Park and Recreation District  
AD-10 Agricultural Density 10-Acre District  
RD-5 Rural Residential Density 5-Acre District  
A-10 Agricultural District  
A-5 Mini Farm District  
A-3 Agricultural/Residential Estate District  
R-1 Suburban Single Family Residential District  
R-2 Single Family Residential District  
R-3 Two Family Residential District  
RM Multi-Family Residential District  
P-I Public and Institutional District  
B-1 Restricted Business District  
B-2 Local Business District  
B-3 General Business District  
B-4 Commercial Special Use District (special planning district adjacent to the Village of Sussex)  
B-P Industrial/Business Park Special Use District (special planning district adjacent to the Village of Sussex)  
Q-1 Quarrying District  
M-1 Limited Industrial District  
M-2 General Industrial District

**(b) Zoning map**

1. Districts mapped: The boundaries of the zoning districts are shown upon a map designated as the Zoning Map of the Village of Lisbon, which is made a part of this Chapter and adopted by reference. In addition, the Final Wisconsin Wetlands Inventory Maps for Waukesha County, dated September 6, 1984, and subsequent amendments thereto, were utilized to assist in the preparation and identification of conservancy/wetlands identified on the zoning map and accordingly are made a part of this Chapter and are adopted by reference. All the notations, references and other information shown on the map shall be as much a part of this Chapter as if the matters and information set forth by said map were all fully described herein. Said map shall be kept on file in the office of the Village Clerk, and is periodically updated as amendments are made.

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2. Determination of boundaries: District boundaries shall be determined by measurement from, and as shown on, the official zoning map and in case of any questions as to the interpretation of such boundary lines, the Zoning Administrator shall interpret the map according to the reasonable intent of this chapter.
  - A. Unless otherwise specifically indicated or dimensioned on the zoning map, the district boundaries are normally lot lines; shorelines (such as lakes, ponds, etc.); section, quarter section or sixteenth section lines; or the centerline of streets, public ways, waterways (such as streams, rivers, canals, etc.), highways, railroad right of ways or alleys. Distances not specifically indicated or dimensioned on the official Zoning Map shall be determined by the scale of the zoning map.
  - B. The boundaries of Conservancy/Wetland District as drawn are intended to represent the edge of marsh lands, swamps, wetlands, or the ordinary high water mark along streams or other watercourses, and where a question arises as to the exact location of those boundaries, they shall be determined by the DNR, ACOE, SEWRPC, FEMA, Waukesha County, or other agency as necessary through the utilization of the best available information such as topographic maps, soil maps, aerial photographs, infield botanical inventories, field determinations, floodplain studies, or other sources of information available which would lend assistance to such a determination and may be finally determined by actual conditions in each specific situation. An appeal to this determination may be made in conformance with Section 34 of this Chapter.

If an area is found that has not been previously identified or mapped as a wetland and not as C-1, or a determination of navigability is made and a stream is subsequently found to be navigable, said stream and any wetland as defined herein, shall immediately become subject to the provisions of this Chapter. If the wetlands have not been determined, said area of wetlands shall be considered to be subject to the C-1 regulations of this Chapter until a determination has been made. The water quality related standards, setbacks, and requirements of this chapter are in effect immediately upon a determination of navigability or identification of a wetland (i.e., setback, grading and land altering activities, vegetation removal, etc.).
3. Amendments mapped: The Village, or the designated map caretaker, shall update the official Zoning Map as soon as possible after the amendments are adopted by the Village Board. Upon entering any such amendment on the zoning map, the Village, or the designated map caretaker, shall change the date of the zoning map to indicate the latest revision. New copies of the revised zoning map may then be printed and distributed. The Village Clerk shall keep copies of the superseded zoning maps on file at the Village Hall for historical reference.

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**SECTION 7 C-1 CONSERVANCY WETLAND DISTRICT**

**(a) Designation**

This district shall include all non-shoreland conservancy areas which include, but are not limited to, wetlands, marshlands, and/or swamps as defined in this Chapter, as well as soils high in organic content or with high groundwater tables. In order to distinguish the wetland within this district from other conservancy lands, the Final Wisconsin Wetlands Inventory Maps dated September 6, 1984 for Waukesha County, and subsequent amendments thereto, were utilized and are to be used for reference purposes. In addition, the zoning district boundaries shall be determined as provided in Section 6 (b) of this Chapter.

All wetlands shown on the Final Wisconsin Wetlands Inventory Maps and other wetlands subsequently identified by the Village, Waukesha County, the Army Corps of Engineers, the Department of Natural Resources, or their designee, but not noted on the Wisconsin Wetland Inventory Maps, are subject to regulations contained in the C-1 District. Said newly determined areas shall be noted on the Zoning Map as a C-1 designated area.

In the case of any dispute regarding a boundary between any mapped wetland or newly determined wetland and any other non-wetland/conservancy designated land, the Zoning Administrator shall consult with the Department of Natural Resources and coordinate the appropriate onsite investigation to determine the exact boundary.

If the Department of Natural Resources staff and the Army Corps of Engineers concur with the Village that a particular area was incorrectly mapped as a wetland or vice versa, the Village Building Inspector shall have the authority to immediately deny or grant a building permit in accordance with the regulations applicable to the correct zoning district designation as it may be modified by such field determination. The zoning map shall be updated to reflect the change that has been made for future reference purposes. Utilizing the procedures above, if the area is found to be not wetland and outside of a floodplain, and inappropriately mapped in a C-1 category, the Village shall have the authority to designate a district for the subject area consistent with the upland category which may exist adjacent to the site without necessity of a formal amendment process and shall note said changes on the zoning map.

**(b) Purpose and intent**

This district is intended to preserve and protect environmentally sensitive lands by limiting the uses and intensity of uses that may be placed upon them to maintain safe and healthful conditions, prevent water pollution, maintain and improve ground and surface water quality, reduce flood damage control storm water runoff, protect stream banks from erosion, protect groundwater recharge and discharge areas, protect fish spawning grounds and wildlife habitat, preserve shore cover and natural beauty, control building and development on soils which are generally not suitable for such uses and in said conservancy areas whenever possible, and protect the water based recreation resources of the Village. When development is permitted, it shall occur in a manner that minimizes adverse impacts upon the area in question. These lands are often in a natural, relatively undisturbed state and shall include, but not be limited to, wetlands, marshlands, swamps, and areas up to the ordinary high water mark along streams or other navigable water, and previously farmed (converted) wetlands which would otherwise have been classified as conservancy lands due to inherent wet soil characteristics and the presence of natural vegetation indicative of wet soils.

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**(c) Use regulations**

**1. Permitted uses:**

- A. Harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds in a manner that is not injurious to the natural reproduction of such crops.
- B. Livestock Regulations
  - i. As of the date of adoption of this code, existing pasturing and grazing of livestock, and the maintenance of existing fences is allowed, provided no filling, flooding, draining, dredging, ditching, tiling, or excavating is done.
  - ii. As of the date of adoption of this code, the new construction of fenced livestock enclosures is prohibited.
  - iii. For lands that lie partially within a C-1 Conservancy District, as of the date of adoption of this code, the C-1 zoned lands shall not be utilized in calculating livestock quantities on non C-1, or UC zoned lands. Any parcel of land allowing one (1) livestock equivalent or more shall contain a minimum of three (3) acres of non C-1 or UC zoned lands.
  - iv. All lands to be utilized for the keeping of livestock must be under the same ownership.
  - v. As of the date of adoption of this code, livestock in recorded subdivisions is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or UC zoned lands.
- C. Sustained yield forestry and silviculture, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavation is done. Activities shall be designed and constructed to minimize the adverse impact upon the natural functions of the conservancy/wetland area. Where such activities will take place on areas larger than five (5) acres in size, a forest management plan, prepared in cooperation with a state forester, shall be submitted to and approved by the plan commission prior to its implementation. All remaining materials resulting from the permitted activities must be removed from the conservancy zoned lands after any temporary silvicultural activities are completed.
- D. The cultivation of agricultural crops, if cultivation can be accomplished without filling, flooding, or artificial drainage of any wetlands through ditching, tiling, dredging, or excavating except that flooding, dike and dam construction, and ditching shall be allowed for the purpose of growing and harvesting cranberries. These lands are often poorly suited for development while being particularly well suited for some types of agricultural use. However, where ditching and drainage for agricultural purposes is to take place outside of a wetland but within the conservancy/wetland area, said work may be permitted subject to review and approval by the Village of Lisbon without the benefit of a conditional use permit. Cultivation shall be conducted so as to minimize the adverse impact upon the natural functions of any wetland area. No new drainage systems will be permitted in wetlands within the conservancy/wetland zoned areas. Sod farms will be allowed subject to review and approval of a conservation plan by the Village of Lisbon. The

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plan shall be prepared in accordance with good soil and water conservation practices promulgated in the USDA-NRCS Field Office Technical Guide. These uses shall not substantially disturb or impair the natural fauna, flora, topography, or water regimen.

- E. The maintenance and repair of existing agricultural drainage systems, including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue any existing agricultural use. This includes the filling attendant to the disposal of dredged spoil material adjacent to the drainage systems provided that dredged spoil is placed on existing spoil bands where possible, or immediately adjacent to the ditches, or removed from the conservancy/wetland area altogether.
- F. The construction or maintenance of private noncommercial piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
- G. Maintenance, repair, replacement, or reconstruction of existing village, county, and state streets, roads, highways, and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- H. The establishment of public and private parks and recreation areas; wilderness or “walk in”, unimproved public boat access sites; natural and outdoor education areas; historic and scientific areas; wildlife refuges; game preserves; and wildlife habitat areas, provided that no filling is done and that no other improvements and/or construction occurs within said conservancy/wetland area. The owner or operator of any new private park, recreation or wildlife area to be located in a wetland area, shall be required to notify the Village of Lisbon of the proposed project before beginning any construction activities. Ditching, excavating, dredging, dam and dike construction may be allowed in said areas for the purpose of improving wildlife habitat or to otherwise enhance wildlife values, but said activities shall only be approved after review and approval and issuance of a conditional use permit. Launching ramps, and hiking, cross-country skiing, and riding trails may be permitted but said ramps and trails may not include filling or other construction activity within wetlands and shall not impact the storage or flow of surface water and/or flood water. Said filling and construction activity outside of the wetland, but which may be located within a conservancy/wetland zoning district, will be subject to conditional use procedures contained herein.
- I. The construction and maintenance of electric, gas, telephone, water, and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members, and the construction or maintenance of railroad lines provided that:
  - i. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
  - ii. Such construction or maintenance is done in a manner designated to minimize adverse impact upon the natural functions of the wetland. Major electrical generative facilities and high voltage transmission lines that have obtained a certificate of public convenience and necessity under Section 196.491, Wisconsin Statutes, are not subject to the requirements of this



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chapter.

- J. The construction or maintenance of nonresidential buildings provided that the building is essential for, and used solely in conjunction with, the raising of waterfowl, minnows, or other wetland or aquatic animals, or fish, collectively referred to as aquaculture, or some other use permitted in the conservancy/wetland district. Wherever possible, said buildings shall be located outside of the wetland, and such building may not be used for human habitation and shall not exceed five hundred (500) square feet in floor area. Limited filling and excavating necessary to provide structural support for the building is permitted. Where the use is intended for commercial purposes, said use and buildings shall be subject to the provisions of Section 4 (h) 9. Any structures within floodlands must conform to Section 3 (c) 6 A of this Chapter.
  - K. Hunting, fishing, and trapping, unless prohibited by other ordinances or laws.
  - L. Swimming and boating, unless prohibited by other ordinances or laws.
  - M. Storm Water Management facilities after review and approval by all governing bodies. Wherever possible, said facilities shall be located outside of the wetland.
  - N. The keeping of poultry/fowl is permitted on any lot, except poultry/fowl are not allowed in recorded subdivisions on lots less three (3) acres.
2. **Prohibited Uses:**
- A. Any use not permitted above is considered to be prohibited unless the area is rezoned to another appropriate district in accordance with the provisions contained in this chapter.
  - D. Filling of marshlands, removal of topsoil or peat, dams and hydroelectric power stations, or the damming or relocating of any watercourse shall not be permitted except with approval of the Village Plan Commission in accordance with Section 4 of this chapter.
  - C. Signs.
3. **Area Regulations:**
- There are no specific minimum lot size or minimum average lot width requirements although conservancy/wetland zoned lands that lie within a larger parcel or tract of land, the remainder of which is zoned in any other district, shall have a minimum area requirement of that non-conservancy district.

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**SECTION 8 (Reserved)**

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**SECTION 9 UC UPLAND CORRIDOR DISTRICT**

**(a) Purpose and Intent**

Upland Corridor District, as mapped or intended to be mapped, includes non-wetland/non-floodplain primary or secondary environmental corridors as defined herein, and is intended to be used to preserve, protect, enhance, and restore significant woodlands, native plant communities, upland wildlife habitat areas, scenic overlooks, slopes exceeding 12%, and upland wooded areas, while also affording an opportunity to use the site for the limited residential purposes, in concert with the goals and intent of the Village of Lisbon Land Use Plan/Comprehensive Development Plan, which suggests that residential densities in such areas not exceed one unit per five acres for all parcels which lie entirely within the upland corridor. Where questions arise as to the exact location or boundary of an environmental corridor, the extent and location of such corridors shall be finally determined by infield investigation by the SEWRPC.

**(b) Permitted Uses**

1. Any uses permitted in C-1 Conservancy/Wetland District, except the cultivation of agricultural crops or the harvesting of wild crops. Sustained yield forestry and silviculture are permitted in accordance with the C-1 Conservancy/Wetland District. Whenever possible, storm water management facilities, pasturing, and grazing shall be located outside of the upland corridor.

Additional Livestock Regulations

- i. As of the date of adoption of this chapter, the maintenance of existing fences is permitted in the UC District.
  - ii. As of the date of adoption of this chapter, the new construction of fenced livestock enclosures is prohibited.
  - iii. For lands that lie partially within a UC Zoning District, as of the date of adoption of this chapter, the UC zoned lands shall not be utilized in calculating livestock quantities on non C-1 or UC zoned lands. Any parcel of land allowing one (1) livestock equivalent or more shall contain a minimum of three (3) acres of non C-1 or UC zoned lands.
  - iv. All lands to be utilized for the keeping of livestock must be under the same ownership.
  - v. As of the date of adoption of this chapter, livestock in recorded subdivisions is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or UC zoned lands.
2. Single family dwelling with a minimum 440 square foot attached garage.
  3. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
  4. A sign in accordance with Section 15 (b) 7.
  5. Hobby kennel in accordance with Section 15 (b) 8.

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6. Family home day care.
7. The keeping of poultry/fowl is permitted on any lot, except poultry/fowl are not allowed in recorded subdivisions on lots less three (3) acres.

**(c) Prohibited Uses**

1. Adult-Oriented Establishments
2. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels and Animal Boarding Places.
3. Bed and Breakfast Facility
4. Cemeteries and Mausoleums for the Burial of Human Remains Only
5. Churches, Synagogues, and Other Buildings for Religious Assembly
6. Commercial Vehicle Parking
7. Contractor's yards
8. Event Venue
9. Landing Fields and Take Off Strips
10. Landscaping Contractor Business
11. Lawn and Garden Business
12. Limited Family Automotive Repair
13. Limited Family Business and Home Manufacturing
14. Private Clubs and Resorts
15. Self-Service Storage (Mini-Warehouses)
16. Service Oriented Businesses
17. Truck Washes

**(d) Conditional Uses**

1. In law units, except in a planned unit development
2. Single family residential planned unit development only – five acre density
3. Wireless Telecommunications Mobile Service Facilities

**(e) Building Location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Thirty-five (35) feet minimum.
3. Shore Setback: Seventy-five (75) feet minimum.

**(f) Height Regulations**

1. Principal Building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory Building:
  - A. Farm: Sixty (60) feet maximum.
  - B. Other: Eighteen (18) feet maximum.

**(g) Area Regulations**

1. Floor Area: Minimum Required:
  - A. First floor: One thousand (1,000) square feet.

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B. Total: Sixteen hundred (1,600) square feet.

2. Lot size

A. Minimum area: Five (5) acre density, two (2) acre lot size. The overall density of parcels lying entirely within the upland corridor shall be not less than one dwelling

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unit per five (5) acres of corridor area, with no lot area being less than two (2) acres in size. On parcels which contain area outside of the upland corridor or partially within the upland corridor and in a zoning category requiring less than a five (5) acre lot, the five (5) acre density requirement shall not apply and the lot can be the size required for that adjacent zoning category as long as any land altering activity and/or building envelopes are located outside of the corridor area and appropriately restricted as such on the face of the Certified Survey Map, Subdivision Plat, or other appropriate document, and recorded in the office of the Waukesha County Register of Deeds office. The overall goal of this requirement is to obtain a maximum density of building activity within the upland corridor of not more than one (1) dwelling unit for each five (5) acres of upland corridor lands.

- B. For that portion of lands which is not zoned UC, but which lies within a larger parcel or tract of land partially zoned UC, those non UC zoned lands shall meet the minimum lot size required in the non UC zoning district.
- C. There are no minimum average lot width requirements for the Upland Corridor District.

3. Preservation of Open Space

- A. For parcels lying entirely within an upland corridor, no open space regulation shall apply. However, the areas of disturbance (all land altering activities and vegetative removal including building sites, septic areas, and driveway and parking areas) shall be no more than 15% of five (5) acres (32,670 square feet) in the upland corridor, no matter the size of the lot.
- B. For parcels that lie partially within and partially outside of the upland corridor, the area of disturbance shall be limited to that area outside of the upland corridor unless otherwise permitted by a building envelope on the certified survey map, subdivision plat, or other document recorded in the Waukesha County Register of Deeds office.

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**SECTION 10 PR PARK AND RECREATION DISTRICT**

**(a) Purpose and intent**

The Park and Recreation District is intended to provide for areas where the active and passive recreational needs, both public and private, of the Village residents can be met without undue disturbance of natural resources and adjacent uses. When applied to privately-owned recreational lands, this district is intended to avoid the conversion of such lands to other urban uses without adequate public review and approval. The district should be used for areas designated as parks on the adopted Village Land Use Plan/Comprehensive Development Plan or component or subsequent amendment thereto.

If a proposed park and recreation site does not comply with the Village's Land Use Plan/Comprehensive Development Plan, the Village shall carefully assess the proposal's impact on the environment, traffic, Village services, sewer use, water use, and surrounding properties prior to taking action.

All permitted and conditional uses proposed in this district shall be subject to review and approval of a site plan and plan of operation by the Village Plan Commission.

**(b) Permitted Uses**

1. Forest reserves for wildlife refuges and wilderness areas.
2. Flood control retention/detention areas.
3. Sledding/tobogganing without lights.
4. Biking, hiking, cross-country skiing, and snowshoeing trails.
5. Horseback riding trails.
6. Passive open space uses.
7. Picnicking areas.
8. Playgrounds without lights.
9. Existing residences.
10. All other municipally owned and operated recreational facilities/uses and parks not subject to a conditional use as listed below in Section 10 (e).

**(c) Permitted Accessory Uses**

1. Buildings and structures used in conjunction with the operation of a permitted use.
2. Signs displaying the name of the site or facility provided they are no greater than fifty (50) square feet in area. Signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
3. Parking in accordance with Section 3 (j).
4. Satellite dishes or other communication equipment apparatus.
5. Temporary Uses: Lands and buildings within the district may be used on a temporary basis for private and/or commercial uses not more than 1 week in duration. Such uses might consist of carnivals, rental of said buildings for private gatherings, use of buildings for temporary commercial displays, trade fairs or similar functions for the purpose of fundraising, or other special and unique events in conjunction with the permitted use. The village board must grant approval for such temporary uses and such approval is subject to any conditions

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that may be imposed.

6. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Village Plan Commission.
7. Parking and Driveway Setback and Offset
  - A. A minimum parking and driveway setback of twenty-five (25) feet from the base setback line shall be required (other than at the intersection of the driveway and the road right-of-way).
  - B. A minimum parking and driveway offset of not less than twenty (20) feet from a side or rear lot line shall be required.

**(d) Prohibited Uses**

1. Adult-Oriented Establishments
2. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels, and Animal Boarding Places.
3. Cemeteries and Mausoleums for the Burial of Human Remains
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Commercial Vehicle Parking
6. Limited Family Business and Home-Based Manufacturing
7. New residential uses
8. Private Clubs and Resorts
9. The keeping of livestock and poultry/fowl.

**(e) Conditional Uses**

Conditional uses as provided below and in Sections 4 (h) 17, 24, and 29. Lands zoned Park and Recreation may be included as park and recreation lands in planned unit developments in accordance with Section 4 (h) 21 of this chapter.

1. Public and private noncommercial play fields or athletic fields (soccer, baseball, softball, etc.) with lights.
2. Skating rinks and ice hockey arenas with lights.
3. Downhill skiing and snowboarding with lights.
4. Playgrounds with lights.
5. Golf courses and related facilities.
6. Swimming beaches.
7. Recreation Centers.
8. Nature Centers.
9. Tennis courts with lights.
10. Group or organized camps, campgrounds.
11. Art exhibits and fairs.
12. Boat rentals, boat liveries, and boat access sites.
13. Outdoor amphitheaters.
14. Golf driving ranges and miniature golf courses with lights.
15. Skateboard parks.
16. Sand volleyball courts with lights.
17. Outdoor basketball courts with lights.



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18. Sledding/tobogganing with lights.
19. Other indoor and outdoor recreational facilities and uses similar to the above.

**(f) Building Location**

1. A minimum building setback of not less than fifty (50) feet from the base setback line shall be required.
2. A minimum building offset of not less than fifty (50) feet from a side or rear lot line shall be required.
3. A minimum building shore setback of not less than seventy-five (75) feet shall be required.

**(g) Height Regulations:** Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure. No accessory building shall exceed thirty-five (35) feet in height.

**(h) Area Regulations:** Lots in the PR Park and Recreation District shall provide sufficient area for the principal structure and any accessory structures, off-street parking and loading areas, and all required offsets and setbacks. The Village Plan Commission shall determine the minimum lot size, minimum average width, maximum floor area ratio, and open space required in each specific case.

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**SECTION 11 AD-10 AGRICULTURAL DENSITY 10-ACRE DISTRICT**

**(a) Purpose and intent**

1. The purpose and intent of this zoning district is to allow the development of land at densities not greater than one (1) unit for each ten (10) acres, in order to protect and encourage the preservation of the rural character of the village, environmentally sensitive areas, and open spaces; provide for some marketability of such lands; and encourage more economical use of lands suited to limited and controlled residential development by permitting more intensive use of such lands without changing the overall rural character of the village or the population density of the village as set forth in the adopted Village of Lisbon Land Use Plan/Comprehensive Development Plan.
  - A. Preservation of Rural Character: The purpose and intent of this density transfer technique is to transfer residential density opportunities to promote the preservation of the rural character of the village by encouraging farm fields, pastures, orchards, and natural open spaces to be retained, either as common open spaces, or as part of a farm operation. Land determined to meet this criteria by the Village Plan Commission through the village's development process shall be termed "agricultural preserved land", and shall be designated as such on any development plan submitted to the village.
  - B. To achieve the optimum residential environment while recognizing the rural character of the Village. The density transfer technique is designed to permit variable lot sizes in the utilization of the most desirable terrain for housing sites while encouraging preservation of the agricultural lands determined to be most worthy of such preservation by the Village Plan Commission.
  - C. This district encourages the transfer of residential development rights from one area of a parcel to another, and from one tract of land to another in the same development, thereby allowing an increase in the density of development on suitable lands for development in exchange for establishing the preservation of the lands designated as "agricultural preserved lands".
  - D. The transfer of development rights may only take place between the RD-5 and the AD-10 districts in the same development. No lands zoned C-1 Conservancy/ Wetland may be counted toward the overall density to be provided for the receiving land.

**(b) Principals and Guidelines for the Review of the Proposed Development**

Where a development is to occur involving the transfer of development rights and establishment of "agricultural preserved lands", approval by the Village Plan Commission shall be required. The development proposed shall conform to the following standards:

1. The shape and arrangement of the "agricultural preserved lands" designated for agricultural use, should be consistent with practical requirements for an agricultural activity, and be of justifiable value for farm use, or as a contribution to the goal of preserving the rural environmental character. Mature vegetation shall not be removed.
2. The "agricultural preserved lands" shall be retained in accordance with one of the following methods:

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- A. Development would occur at the allowable densities with the larger, buildable parcels having the building site outside of the open “agricultural preserved lands” (transferring lands, preserved lands), which could be owned and retained by the party transferring the rights, if desired, and which would be, in any case, protected through a deed restriction or covenants recorded in the Waukesha County Register of Deeds office so noting that the development rights have been utilized for that part of the subject lands (e.g., has no development rights). No additional development rights would accrue to that site.
  - B. All lot owners within the developed area for which the “agricultural preserved lands” are protected could own an undividable interest in said “agricultural preserved lands” (the large open space area where the development rights have been transferred).
  - C. The “agricultural preserved lands”, when noted on the County’s adopted Park and Open Space Plan which is referenced in the Village of Lisbon’s Land Use Plan/Comprehensive Development Plan, may be retained in public ownership.
  - D. The landowner and/or his/her heirs and assigns who sold the development rights could retain those lands with the original farmstead; however, no development rights of that parcel beyond those available under this provision would be allowed to be transferred.
- 3. On a parcel that is zoned AD-10, the development density shall not exceed ten (10) acres for each dwelling unit.
  - 4. In order to encourage development in areas designated for residential growth on the adopted Village of Lisbon Land Use Plan/Comprehensive Development Plan, development rights may be transferred from this zoning district (AD-10) to an RD-5 district in the same development at a rate of 1 dwelling unit per ten (10) acres.
  - 5. Access to Village and County Roads: In order to preserve the rural character as well as the efficiency and safety of existing road systems, the inappropriate development of lots strung out along such roads with individual driveway accesses from each lot will be minimized. The purpose and intent of this provision is to control the density and encourage grouping of lots on an interior street, which will then access the existing road system.
  - 6. For the purpose of transferring residential development rights, the petitioner shall provide documentation at the time of submittal of the preliminary plat indicating that he or she is an owner of the subject property or has the authority under the terms of a written contract (Offer to Purchase), to make commitments on the transferring land.
  - 7. No building intended in whole or part for residential use shall be erected or relocated unless the lot on which it is located meets the required density factor, or has allocated to it, through the density transfer program, sufficient additional “agricultural preserved lands” to meet the required density factor for the district in which it is located. Where "transferred lands" are to be established, no C-1 zoned lands can be used. Where the total area, or the prorated factor involved, includes more than one zoning district, the density factor, as calculated using the entire project, shall apply. In any such case involving the establishment of "agricultural preserved lands", approval by the Village Plan Commission shall be required, pursuant to the purpose and intent and development standards set forth in this zoning district.

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8. Any land claimed, in addition to the actual described residential lots, for credit toward meeting the density factor requirement, shall have its status permanently established and guaranteed, either by dedication to the public, or by appropriate covenants running with the lands, through the conveyance of agricultural easements. Such covenants and easements shall be recorded in the office of the Waukesha County Register of Deeds and shall restrict the property against any development or use, except as is consistent with its “preservation as agricultural land” or as a form of common open space. The “preserved agricultural land” status of any parcel shall be indicated on the official zoning map for the Village of Lisbon.
9. In addition to requiring an appropriate open space or agricultural easement on the transferring lands in favor of the village, covenants shall be placed in the title of each dwelling unit, giving the owner enforceable rights to prevent the future development of the transferring lands.
10. Where the density calculation results in a fraction of .50 or greater, the density may be "rounded up" to the next whole number. Where the density calculation results in a fraction of .49 or less, the density may not be “rounded up” to the next whole number.
11. Relationship of Development to Agricultural Area: Consideration shall be given as to whether the development plans for roads, building sites, and "agricultural preserved lands" is based upon the careful consideration of the most appropriate relationship to the existing terrain conditions; suitable capacity for onsite sewage disposal systems; provisions for storm water drainage and retention; the potential impact upon surrounding areas; and the size, location, and the agricultural viability of the “agricultural lands being preserved”.
12. The portion of a tract of land from which development rights are transferred is hereby termed the "transferring land", and the tract to which the additional dwelling unit development potential is added is termed the "receiving land".
13. This zoning category is designed to control the intensity of use in relationship to the natural, physical, and ecological characteristics of the land, to implement the Village’s Land Use Plan/Comprehensive Development Plan, allow development where soils can accommodate sewage disposal systems, discourage intense development where there is an inability to provide appropriate municipal services, basic economic factors, and achievement of the desirable residential and environmental character, and preserve agricultural areas.
14. The density factor is expressed in terms of the amount of gross land area required for each dwelling unit. Such gross area includes the area of the lots and any other lands preserved in agricultural use where those areas are termed "agricultural preserved lands". The minimum lot size is expressed in terms of minimum area and average width for the actual privately owned lot intended as the home site.

**(c) Permitted Uses**

1. Single family dwelling with a minimum 440 square foot attached garage.
2. Agricultural or farm uses (including dairying, livestock, poultry raising, raising of crops, apiculture as defined in this chapter [also refer to Section 3(i)(5)(AA)], and truck farming) on parcels having a minimum of ten (10) acres, and subject to the following requirements:
  - A. The keeping of poultry/fowl is permitted on any lot. There shall be no more than one (1) livestock equivalent and twenty

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(20) poultry/fowl for the first three (3) acres of land, and one (1) livestock equivalent and twenty (20) poultry/fowl per one (1) acre of land thereafter. The keeping of poultry/fowl or livestock shall be done under maximum practical conditions of neatness and sanitation so as not to be detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of livestock or poultry/fowl must be under the same ownership. For additional regulations see Section (h)4.B.iii. below.

B. As of the date of adoption of this chapter, livestock *in recorded subdivisions* is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or UC zoned lands.

3. Accessory uses and buildings normally associated with an agricultural operation, including garages, stables, and poultry houses on lots at least three (3) acres in size. Buildings used for housing livestock or poultry shall maintain a minimum offset of fifty (50) feet from all adjacent lot lines.
4. Signs:
  - A. Sign not to exceed twelve (12) square feet in area, displaying the name of the farm or farm organization.
  - B. Signs, including subdivision signs, shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
5. Nurseries, greenhouses, and hatcheries. Retail sales of such produce is limited to that which is produced by the farm operator, and such retail sales are subject to the approval of a Site Plan and Plan of Operation as required in this chapter.
6. Temporary roadside stands subject to the following:
  - A. Off-street parking for a minimum of five (5) vehicles must be provided.
  - B. No such stands shall be closer than fifty (50) feet to the base setback line, or closer than twenty (20) feet to any lot line. No stand shall be permitted in a location where it would create a traffic hazard or nuisance. The access drive and parking area shall be located so as to minimize possible interference with the normal flow of traffic.
  - C. One temporary sign, not to exceed twenty (20) square feet in area, may be erected and said sign shall be at least ten (20) feet from the edge of the road pavement.
7. Home occupation and professional offices as regulated in Section 15 (b) 6.
8. Hobby kennels as regulated in Section 15 (b) 8.
9. Family home day care.

**(d) Prohibited Uses**

1. Adult-Oriented Establishments
2. Commercial Vehicle Parking
3. Limited Family Automotive Repair Business
4. Limited Family Business and Home-Based Manufacturing

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5. Service Oriented Businesses

**(e) Conditional Uses**

1. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels and Animal Boarding Facilities.
2. Bed and Breakfast Facility
3. Cemeteries and Mausoleums for the Burial of Human Remains Only
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Event Venue
6. In Law Units
7. Private Clubs and Resorts
8. Wireless Telecommunications Mobile Service Facilities

**(f) Building Location**

1. Setback: Fifty (50) feet minimum
2. Offset: Twenty (20) feet minimum
3. Shore Setback: Seventy-five (75) feet minimum.

**(g) Height Regulations**

1. Principal structure: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory Buildings:
  - A. Farm: Sixty (60) feet maximum
  - B. Other: Eighteen (18) feet maximum

**(h) Area Regulations**

1. Floor Area:
  - A. Minimum required first floor: One thousand (1,000) square feet. Total: Fifteen hundred (1,500) square feet.
  - B. Maximum floor area ratio: 10%.
2. Lot size:
  - A. Minimum required area: one (1) acre, ten (10) acre density.
  - B. Minimum average width: one hundred and fifty (150) feet.
3. Open space: Thirty thousand (30,000) square feet.
4. Density Division Standards and Lot Size:

The property must be developed in accordance with one of the two following methods:

The land may be divided into parcels with ten (10) acre minimum lot sizes as determined by the Village Plan Commission based on the factors presented. Farm fields must be preserved as determined by the Village Plan Commission based on the factors presented.

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- A. A parcel which is zoned AD-10, may be developed at no more than a ten (10) acre density per dwelling unit. No individual lot may be less than one (1) acre, have less than a minimum average width of one hundred and fifty (150) feet and shall have open space of at least thirty thousand (30,000) square feet.
- i. No more than 20% of the C-1 zoned areas may be calculated in the overall density. Where more than 50% of the site is zoned C-1, only that amount of acreage up to the 50% amount may be used to calculate the density.
  - ii. The location of the residential development on the site shall be approved by the Village Plan Commission and mature vegetated areas shall be preserved. Farm fields must be preserved as determined by the Village Plan Commission based on the factors presented.
  - iii. Where a parcel is zoned AD-10, and is developed at the minimum one (1) acre lot size as allowed in the zoning district, the keeping of poultry/fowl shall be regulated so that there are no more than four (4) poultry/fowl allowed on a one (1) acre lot. The keeping of poultry/fowl shall be done under maximum practical conditions of neatness and sanitation so as not to be detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of poultry/fowl must be under the same ownership. No poultry/fowl are allowed in a recorded subdivision on lots less than three (3) acres. No livestock are allowed on lots less than three (3) acres in size.
- B. Where AD-10 land is transferred to an RD-5 zoned district, development shall occur at a 1 dwelling unit per ten (10) acres of AD-10 zoned land, and no C-1 zoned areas may be calculated in the overall density.

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**SECTION 12 RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT**

**(a) Purpose and intent**

1. The purpose and intent of this zoning district is to allow the development of land at densities not greater than one (1) unit for each five (5) acres, in order to protect and encourage the preservation of the rural character of the village, environmentally sensitive areas, and open spaces; provide some marketability for such lands; and encourage more economical use of lands suited to limited and controlled residential development by permitting more intensive use of such lands without changing the overall rural character of the village or the population density of the village as set forth in the adopted Village of Lisbon Land Use Plan/Comprehensive Development Plan.
2. This district encourages the transfer of residential development rights from one area of the parcel to another, and from one tract of land to another in the same development, thereby allowing the increase in the density of development on suitable lands for development in exchange for establishing the preservation of the lands designated as "agricultural preserved lands".
3. Preservation of Rural Character: The purpose and intent of this density transfer technique is to transfer residential density opportunities to promote the preservation of the rural character of the village by encouraging farm fields, pastures, orchards, and natural open spaces to be retained, either as common open spaces, or as part of a farm operation. Land determined to meet this criteria by the Village Plan Commission through the village's development process shall be termed "agricultural preserved land", and shall be designated as such on any development plan submitted to the village.
4. The transfer of development rights may only take place between the RD-5 and the AD-10 districts in the same development. No lands zoned C-1 Conservancy/Wetland may be counted toward the overall density to be provided for the receiving land.
5. To achieve the optimum residential environment while recognizing the rural character of the Village. The density transfer technique is designed to permit variable lot sizes in the utilization of the most desirable terrain for housing sites while encouraging preservation of the agricultural lands determined to be most worthy of such preservation by the Village Plan Commission.

**(b) Principles and Guidelines for the Review of the Proposed Development**

Where a development is to occur involving the transfer of development rights and establishment of "agricultural preserved lands", approval by the Village Plan Commission shall be required. The development proposed shall conform to the following standards:

1. The portion of a tract of land from which development rights are transferred is hereby termed the "transferring land", and the tract to which the additional dwelling unit development potential is added is termed the "receiving land".
2. For the purpose of transferring residential development rights, the petitioner shall provide documentation at the time of submittal of the preliminary plat indicating that he or she is an owner of the subject property or has the authority under the terms of a written contract (Offer to Purchase) to make commitments on the transferring land.
3. In addition to requiring an appropriate open space or agricultural easement on the transferring lands in favor of the village, covenants shall be placed in the title of each dwelling unit, giving the owner enforceable rights to prevent the future development of the



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transferring lands.

4. This zoning category is designed to control the intensity of use in relationship to the natural, physical, and ecological characteristics of the land, to implement the Village's Land Use Plan/Comprehensive Development Plan, allow development where soils can accommodate sewage disposal systems, discourage intense development where there is an inability to provide appropriate municipal services, basic economic factors, and achievement of the desirable residential and environmental character, and preserve agricultural areas.
5. The density factor is expressed in terms of the amount of gross land area required for each dwelling unit. Such gross area includes the area of the lots and any other lands preserved in agricultural use where those areas are termed "agricultural preserved lands". The minimum lot size is expressed in terms of minimum area and average width for the actual privately owned lot intended as the home site.
6. No building intended in whole or part for residential use shall be erected or relocated unless the lot on which it is located meets the required density factor, or has allocated to it, through the density transfer program, sufficient additional "agricultural preserved lands" to meet the required density factor for the district in which it is located. Where "transferred lands" are to be established, no C-1 zoned lands can be used. Where the total area, or the prorated factor involved, includes more than one zoning district, the density factor, as calculated using the entire project, shall apply. In any such case involving the establishment of "agricultural preserved lands", approval by the Village Plan Commission shall be required, pursuant to the purpose and intent and development standards set forth in this zoning district.
7. Any land claimed, in addition to the actual described residential lots, for credit toward meeting the density factor requirement, shall have its status permanently established and guaranteed, either by dedication to the public, or by appropriate covenants running with the lands, in conveyance of agricultural easements. Such covenants and easements shall be recorded in the office of the Waukesha County Register of Deeds and shall restrict the property against any development or use, except as is consistent with its "preservation as agricultural land" or as a form of common open space. The "preserved agricultural land" status of any parcel shall be indicated on the official zoning map for the Village of Lisbon.
8. On a parcel, which is zoned RD-5, the development density shall not exceed five (5) acres for each dwelling unit.
9. In order to encourage development in areas designated for residential growth on the adopted Village of Lisbon Land Use Plan/Comprehensive Development Plan, development rights may be transferred from this zoning district (RD-5) to an AD-10 district in the same development at a rate of 1 dwelling unit per five (5) acres.
10. Where the density calculation results in a fraction of .50 or greater, the density may be "rounded up" to the next whole number. Where the density calculation results in a fraction of .49 or less, the density may not be "rounded up" to the next whole number.
11. The "agricultural preserved lands" shall be retained in accordance with one of the following methods:
  - A. Development would occur at the allowable densities with the larger, buildable parcels having the building site outside of the open "agricultural preserved lands" (transferring lands, preserved lands), and owned and retained by the party

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transferring the rights, if desired, and which would be, in any case, protected through a deed restriction or covenants recorded in the Waukesha County Register of Deeds office so noting that the development rights have been utilized for that part of the subject lands (e.g., has no development rights). No additional development rights would accrue to that site.

- B. All lot owners within the developed area for which the “agricultural preserved lands” are protected could own an undividable interest in said “agricultural preserved lands” (the large open space area where the development rights have been transferred).
  - C. The landowner or his/her heirs and assigns who sold the development rights could retain those lands with the original farmstead; however, no development rights of that parcel beyond those available under this provision would be allowed to be transferred.
  - D. The “agricultural preserved lands”, when noted on the County’s adopted Park and Open Space Plan which is referenced in the Village of Lisbon’s Land Use Plan/Comprehensive Development Plan, may be retained in public ownership.
12. Preservation of Agricultural Lands: The shape and arrangement of the “agricultural preserved lands” designated for agricultural use, should be consistent with practical requirements for an agricultural activity, and be of justifiable value for farm use, or as a contribution to the goal of preserving the rural environmental character. Mature vegetation shall not be removed.
13. Relationship of Development to Agricultural Area: Consideration shall be given as to whether the development plans for roads, building sites, and "agricultural preserved lands" is based upon the careful consideration of the most appropriate relationship to the existing terrain conditions; suitable capacity for onsite sewage disposal systems; provisions for storm water drainage and retention; the potential impact upon surrounding areas; and the size, location, and the agricultural viability of the “agricultural lands being preserved”.
14. Access To Village and County Roads: In order to preserve the rural character as well as the efficiency and safety of existing road systems, the inappropriate development of lots strung out along such roads with individual driveway accesses from each lot will be minimized. The purpose and intent of this provision is to control the density and encourage grouping of lots on an interior street, which will then access the existing road system.

**(c) Permitted Uses**

- 1. Single family dwelling with a minimum 440 square foot attached garage.
- 2. Agricultural or farm uses (including dairying, livestock, poultry raising, raising of crops, apiculture as defined in this chapter [also refer to Section 3(i)(5)(AA)], and truck farming) on parcels having a minimum of five (5) acres, and subject to the following requirements:
  - A. The keeping of poultry/fowl is permitted on any lot. There shall be no more than one (1) livestock equivalent and twenty (20) poultry/fowl for the first three (3) acres of land, and one (1) livestock equivalent and twenty (20) poultry/fowl per one (1) acre of land thereafter. The keeping of poultry/fowl or livestock shall be done under maximum practical conditions of neatness and sanitation so as not to be

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detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of livestock or poultry/fowl must be under the same ownership. For additional regulations see Section (h)4.B. below.

- B. As of the date of adoption of this ordinance, livestock in recorded subdivisions is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or UC zoned lands.
- 3. Accessory uses and buildings normally associated with an agricultural operation, including garages, sheds, stables, barns, and poultry houses on lots at least three (3) acres in size. Buildings used for housing of livestock and poultry shall maintain a minimum offset of fifty (50) feet from all adjacent lot lines.
- 4. Signs:
  - A. Signs not to exceed twelve (12) square feet in area, displaying the name of the farm or farm organization.
  - B. Signs, including subdivision signs, shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
- 5. Nurseries, greenhouses, and hatcheries. Retail sales of such produce is limited to that which is produced by the farm operator, and such retail sales are subject to the approval of a Site Plan and Plan of Operation as required in this chapter.
- 6. Temporary roadside stands subject to the following:
  - A. Off-street parking for a minimum of five (5) vehicles shall be provided.
  - B. No such stand shall be closer than fifty (50) feet to the base setback line, or closer than twenty (20) feet to any lot line. No stand shall be permitted in a location where it would create a traffic hazard or nuisance. The access drive and parking area shall be located so as to minimize possible interference with the normal flow of traffic.
  - C. One temporary sign, not to exceed twenty (20) square feet in area, may be erected and said sign shall be at least ten (20) feet from the edge of the road pavement.
- 7. Home occupation and professional offices, as regulated in Section 15 (b) 6.
- 8. Hobby kennels, as regulated in Section 15 (b) 8.
- 9. Family home day care.
- (d) **Prohibited Uses**
  - 1. Adult-Oriented Establishments
  - 2. Commercial Vehicle Parking
  - 3. Limited Family Auto Repair Business
  - 4. Limited Family Business and Home-Based Manufacturing
  - 5. Service Oriented Uses
- (e) **Conditional Uses**
  - 1. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels,

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- Commercial Kennels, and Animal Boarding Facilities.
- 2. Bed and Breakfast Facility
- 3. Cemeteries and Mausoleums for the Burial of Human Remains Only
- 4. Churches, Synagogues, and Other Buildings for Religious Assembly
- 5. In Law Units
- 6. Private Clubs and Resorts
- 7. Wireless Telecommunications Mobile Service Facilities

**(f) Building Location**

- 1. Setback: Fifty (50) feet minimum.
- 2. Offset: Twenty (20) feet minimum.
- 3. Shore Setback: Seventy-five (75) feet minimum.

**(g) Height Regulations**

- 1. Principal structure: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
- 2. Accessory buildings:
  - A. Farm: Sixty (60) feet maximum.
  - B. Other: Eighteen (18) feet maximum.

**(h) Area Regulations**

- 1. Floor area
  - A. Minimum required first floor: One thousand (1,000) square feet. Total: Fifteen hundred (1,500) square feet.
  - B. Maximum floor area ratio: 10%.
- 2. Lot size
  - A. Minimum: One (1) acre, five (5) acre density.
  - B. Minimum average width: One hundred and fifty (150) feet.
- 3. Open space: Thirty thousand (30,000) square feet.
- 4. Density Division Standards and Lot Size:

The property must be developed in accordance with one of the two following methods:

- A. The land may be divided into parcels with five (5) acre minimum lot sizes as determined by the Village Plan Commission based on the factors presented. Farm fields must be preserved as determined by the Village Plan Commission based on the factors presented.
- B. The land may be developed at a five (5) acre overall density, as long as no

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more than one (1) living unit for each five (5) acres would be allowed as determined by the Village Plan Commission based on the factors presented. No individual lot may be less than one (1) acre, have less than a minimum average width of one hundred and fifty (150) feet and shall have open space of at least thirty thousand (30,000) square feet. No more than 20% of the C-1 zoned areas may be calculated in the overall density. Where more than 50% of the site is zoned C-1, only that amount of acreage up to the 50% amount may be used to calculate the density. Farm fields must be preserved as determined by the Village Plan Commission based on the factors presented. The location of the residential development on the site shall be approved by the Village Plan Commission and mature vegetated areas shall be preserved.

Where a parcel is zoned RD-5, and is developed at the minimum one (1) acre lot size as allowed in the zoning district, the keeping of poultry/fowl shall be regulated so that there are no more than four (4) poultry/fowl allowed on a one (1) acre lot. The keeping of poultry/fowl shall be done under maximum practical conditions of neatness and sanitation so as not to be detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of poultry/fowl must be under the same ownership. No poultry/fowl are allowed in a recorded subdivision on lots less than three (3) acres. No livestock are allowed on lots less than three (3) acres in size.

- C. Where RD-5 land is transferred to an AD-10 zoned district, development shall occur at a 1 dwelling unit per five (5) acres of RD-5 zoned land, and no C-1 zoned areas may be calculated in the overall density.

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**SECTION 13 A-10 AGRICULTURAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for very low-density single-family residential development in predominantly rural areas in order to maintain, to some degree, the agricultural character of the property and the rural character of the area. These lands are best suited for small farm units, i.e., truck and hobby type farms, grazing, orchards, and other similar agriculturally-related activities in areas that have an existing pattern of scattered or low-density residential development. Such a district is intended to be used to implement the Village's Land Use Plan/Comprehensive Development Plan category entitled "Rural Residential, Other Agricultural and Open Lands".

**(b) Permitted Uses**

1. Any use as permitted in the C-1 Conservancy/Wetland District.
2. Farm dwellings. New single-family dwellings shall have a minimum 440 square foot attached garage.
3. Agriculture or farm uses on not less than ten (10) acres, including, but not limited to, horticulture, private greenhouses, floriculture, raising of crops, sustained yield forestry, silviculture, tree farming, orchards, nurseries, apiculture as defined in this chapter [also refer to Section 3(i)(5)(AA)] but not on lots less than one (1) acre in size, truck farming, viticulture, sod farms, gardening, hay baling, paddocks, stables, grain drying for grain originating on or in connection with a single farm operation as defined in this chapter, and dairy farming, livestock grazing, livestock raising (not including fur bearing animals) in accordance with Section 13(b)6, Section 13(b)7, and Section 13(b)12 below. Farm buildings housing livestock or poultry, barnyards, and feedlots, shall not be located within a floodland nor closer than one hundred (100) feet to any navigable water course nor closer than one hundred (100) feet to an existing adjacent dwelling or residentially zoned lot.
4. Signs not to exceed forty (40) feet in area displaying the name of the farm or farm organization. Signs shall be in accordance with Chapter 17, Signs, of the General Code of Ordinances.
5. Family home day care.
6. The keeping of hogs, male goats, or fur bearing animals shall not be permitted on less than twenty (20) acres.
7. The keeping of poultry/fowl is permitted on any lot. If the lot is less than ten (10) acres in size, the keeping of poultry and livestock shall be regulated so that there shall be no more than one (1) livestock equivalent and twenty (20) poultry/fowl for the first three (3) acres of land, and one (1) livestock equivalent and twenty (20) poultry/fowl per one (1) acre of land thereafter. The keeping of poultry/fowl or livestock shall be done under maximum practical conditions of neatness and sanitation so as not to be detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of livestock or poultry/fowl must be under the same ownership. As of the date of adoption of this chapter, livestock in recorded subdivisions is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or UC zoned lands.
8. Hobby kennels as permitted in the A-3 Agricultural/Residential Estate District.

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9. Home occupations as permitted in the A-3 Agricultural/Residential Estate District.
10. Quarters for household or farm employees provided, however, that such quarters shall be occupied only by individuals employed full time on the property and his/her immediate family.
11. Temporary roadside stands subject to the following:
  - A. Off-street parking for a minimum of five (5) vehicles shall be provided.
  - B. No such stand shall be closer than fifty (50) feet to the base setback line, or closer than twenty (20) feet to any lot line. No stand shall be permitted in a location where it would create a traffic hazard or nuisance. The access drive and parking area shall be located so as to minimize possible interference with the normal flow of traffic.
  - C. One temporary sign, not to exceed twenty (20) square feet in area, may be erected and said sign shall be at least ten (20) feet from the edge of the road pavement.
12. Accessory farm uses and buildings normally associated with an agricultural operation, including garages, stables, and poultry houses.
13. Agricultural business related uses

The following uses are permitted in the A-10 District subject to approval of a Site Plan and Plan of Operation by the Village Plan Commission. If the Site Plan and Plan of Operation are not approved, the use may not operate. In their consideration of approval, the Plan Commission shall determine the use will exist on appropriate lands within the community, and be thereon properly located and regulated:

- A. Warehousing, transfer, and transport services of agricultural commodities.
- B. Horticultural services and commercial greenhouses. Retail sales, including nursery stock and other agricultural crops, produce, and related commodities, are limited to that which is produced by the farm operator.
- C. Feed milling operations.
- D. Agricultural machinery sales and services.
- E. Cheese factories.
- F. Bulk milk collection, storage, and distribution facilities.
- G. Custom grain drying.
- H. Poultry and/or egg production.
- I. Any other similar agricultural business related use subject to approval of the village plan commission.

**(c) Prohibited uses**

1. Adult-Oriented Establishments

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**(d) Conditional uses**

1. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels, and Animal Boarding Places
2. Bed and Breakfast Facility
3. Cemeteries and Mausoleums for the Burial of Human Remains Only
4. Churches, Synagogues, and other buildings of Religious Assembly
5. Commercial Vehicle Parking
6. Contractor's Yard
7. Event Venue
8. Fur Farms, Pig Farms, Creameries, Condenseries, Wholesale Fattening of Livestock, Pea Vineries, Commercial Poultry and Egg Production, Commercial or Custom Grain Drying Operations
9. In Law Unit
10. Landing Fields and Take Off Strips
11. Landscaping Contractor Business
12. Limited Family Business and Home-Based Manufacturing
13. Private Clubs and Resorts
14. Testing laboratories (agricultural)
15. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

1. Road Setback: Fifty (50) feet minimum.
2. Offset:
  - A. Buildings used for agricultural business purposes that include the housing of livestock and/or animal waste storage, one hundred (100) feet minimum.
  - B. Buildings used for agricultural business purposes not involving livestock housing or animal waste storage, twenty (20) feet minimum.
  - C. For agricultural business related uses: The Site Plan and Plan of Operation will relate buildings, parking areas, and any loading dock facilities that may be necessary and accessory to the use, and shall be governed by suitable contemporary design criteria.
3. Shore Setback: Seventy-five (75) feet minimum.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory building: Farm - sixty (60) feet maximum.
3. Accessory structures: Farm - up to one hundred (100) feet maximum where the road setback and offset is equal to or exceeds the height of the structure itself.
4. Other: Eighteen (18) feet maximum.

**(g) Area regulations**

1. Floor area:



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- A. Minimum required for residential purposes: First floor: One thousand (1,000) square feet. Total: Eighteen hundred (1,800) square feet.
  - B. Maximum floor area ratio: Ten (10) percent of the site.
- 2. Lot size:
  - A. Minimum area: Ten (10) acres.
  - B. Minimum average width: Three hundred (300) feet.
- 3. Open space: Three acres minimum.

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**SECTION 14 A-5 MINI-FARM DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for very low-density single-family residential development in predominantly rural areas in order to maintain, to some degree, the agricultural character of the property and the rural character of the area. These lands are best suited for small farm units, i.e., truck and hobby type farms, grazing, orchards, and other similar agriculturally-related activities in areas that have an existing pattern of scattered or low-density residential development. Such a district is intended to be used to implement the Village's Land Use Plan/Comprehensive Development Plan category entitled "Rural Residential, Other Agricultural and Open Lands".

**(b) Permitted Uses**

1. Permitted Uses on lots greater than five (5) acres: Agriculture and farm uses limited to: Horticulture, private greenhouses, floriculture, orchards, viticulture, apiculture as defined in this chapter [also refer to Section 3(i)(5)(AA)], raising of crops, hay baling, paddocks, truck farming, and livestock raising (not including fur bearing animals), non-commercial poultry raising, and livestock grazing in accordance with Section 14(b)2C and Section 14(b)8 below.

Permitted Uses on lots less than five acres: Gardening, livestock grazing and livestock and non-commercial poultry raising (not including fur bearing animals) in accordance with Section 14(b)2C and Section 14(b)8 below, and apiculture as defined in this chapter [also refer to Section 3(i)(5)(AA)] but not on lots less than one (1) acre in size.

2. Permitted Accessory Uses
  - A. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
  - B. Private boathouses, provided no living quarters are included in said boathouse. Only one (1) boathouse per lot is permitted. New boathouses are prohibited.
  - C. Stables, barns, or poultry houses on lots at least three (3) acres in size, provided that no building housing livestock or poultry shall be closer than fifty (50) feet to any lot line.
3. Farm dwellings. New single-family dwellings shall have a minimum 440 square foot attached garage.
4. Signs not to exceed forty (40) feet in area displaying the name of the farm or estate. Signs shall be in accordance with Chapter 17, Signs, of the General Code of Ordinances (refer to Addendum A).
5. Family home day care.
6. Hobby kennels as permitted in the A-3 Agricultural/Residential Estate District.
7. Home occupations as permitted in the A-3 Agricultural/Residential Estate District.
8. The keeping of poultry/fowl is permitted on any lot. If the lot is less than ten (10) acres in size, the keeping of poultry and livestock shall be regulated so that there shall be no more than one (1)

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livestock equivalent and twenty (20) poultry/fowl for the first three (3) acres of land, and one (1) livestock equivalent and twenty (20) poultry/fowl per one (1) acre of land thereafter. The keeping of poultry/fowl or livestock shall be done under maximum practical conditions of neatness and sanitation so as not to be detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of livestock or poultry/fowl must be under the same ownership. As of the date of adoption of this chapter, livestock in recorded subdivisions is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or UC zoned lands.

9. Temporary roadside stands subject to the following:

A. Off-street parking for a minimum of five (5) vehicles shall be provided.

B. No such stand shall be closer than fifty (50) feet to the base setback line, or closer than twenty (20) feet to any lot line. No stand shall be permitted in a location where it would create a traffic hazard or nuisance. The access drive and parking area shall be located so as to minimize possible interference with the normal flow of traffic.

C. One temporary sign, not to exceed twenty (20) square feet in area, may be erected and said sign shall be at least ten (20) feet from the edge of the road pavement.

**(c) Prohibited uses**

1. Adult-Oriented Establishments

**(d) Conditional Uses**

1. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels, and Animal Boarding Facilities.
2. Bed and Breakfast Facility
3. Cemeteries and Mausoleums for the Burial of Human Remains Only
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Commercial Vehicle Parking
6. Contractor's Yard
7. Fur Farms, Pig Farms, Creameries, Condenseries, Wholesale Fattening of Livestock, Pea Vineries, Commercial Poultry and Egg Production, Commercial or Custom Grain Drying Operations
8. In Law Units
9. Limited Family Business and Home-Based Manufacturing
10. Private Clubs and Resorts
11. Testing Laboratories (agricultural laboratory use)
12. Service Oriented Businesses
13. Wireless Telecommunications Mobile Service Facilities

**(e) Building Location**

1. Setback: Fifty (50) feet minimum.
2. Offset:
  - A. Thirty (30) feet minimum.

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- B. Fifty (50) feet for any accessory building having livestock, fowl, poultry or other animals, except doghouses for house-hold type dogs (e.g., non-commercial in nature).

- 3. Shore Setback: Seventy-five (75) feet minimum.

**(f) Height Limitations**

- 1. Principal Building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
- 2. Accessory Building:
  - A. Farm: Sixty (60) feet maximum.
  - B. Other: Eighteen (18) feet maximum.

**(g) Area Regulations**

- 1. Floor Area:
  - A. Minimum required:
    - i. First floor: One thousand (1,000) square feet.
    - ii. Total: Eighteen hundred (1,800) square feet.
  - B. Maximum F.A.R. permitted: 15%.
- 2. Lot Size:
  - A. Minimum area: Five (5) acres.
  - B. Minimum average width: Three hundred (300) feet.
- 3. Open Space: Two acres minimum.

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**SECTION 15 A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT**

**(a) Purpose and Intent**

This District is intended to be a transition between rural, agricultural uses and low-density single-family suburban residential development. These lands provide for limited agricultural use and single family residential estate type dwellings.

**(b) Permitted Uses**

1. Single-family dwellings with a minimum 440 square foot attached garage.
2. Gardening, apiculture as defined in this chapter [also refer to Section 3(i)(5)(AA)], but not on lots less than one (1) acre in size, and livestock and non-commercial poultry/fowl raising, and livestock grazing as regulated in Section 15(b)3, Section 15 (b)4, and Section 15(b)5C below.
3. The keeping of poultry/fowl is permitted on any lot. The keeping of poultry/fowl and livestock shall be regulated so that there shall be no more than one (1) livestock equivalent and twenty (20) poultry/fowl for the first three (3) acres of land, and one (1) livestock equivalent and twenty (20) poultry/fowl per one (1) acre of land thereafter. The keeping of poultry/fowl or livestock shall be done under maximum practical conditions of neatness and sanitation so as not to be detrimental to the surrounding uses. All poultry/fowl shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of livestock or poultry/fowl must be under the same ownership. As of the date of adoption of this chapter, livestock in recorded subdivisions is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or UC zoned lands.
4. The keeping of hogs, male goats, or fur bearing animals shall not be permitted on less than twenty (20) acres.
5. The following accessory buildings and uses, subject to the conditions specified:
  - A. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
  - B. Private boathouses, provided no living quarters are included in said boathouse. Only one (1) boathouse per lot is permitted. New boathouses are prohibited.
  - C. Stables, barns, or poultry houses on lots at least three (3) acres in size, and provided that no building housing livestock or poultry shall be closer than fifty (50) feet to any lot line.
6. Home occupations/professional offices as defined in this chapter, when incident to the residential use and when situated in the dwelling, subject to the following conditions:
  - A. No name plate exceeding three (3) square feet in area shall be permitted.
  - B. Such home occupation or professional office shall not occupy more than twenty (20)

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- percent of the floor area of the residence.
- C. Such home occupation or professional office shall not employ more than one (1) person not a resident on such lot.
- D. Adequate off-street parking facilities shall be provided adjacent, or reasonably adjacent to the residence housing such occupation or office.
- E. Such permitted use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel or stone for commercial purposes.
- F. Such permitted use shall not include the use of any machinery, tools, or other appliances that can reasonably be construed as creating an abnormal nuisance to the surrounding property owners.
- G. Such permitted use shall be permitted subject to the condition that no materials or equipment used incident to the home occupation/professional office are stored on the premises except in those circumstances where the materials and equipment are stored within the residence.
7. A sign pertaining to the lease or sale of any building or land provided such sign does not exceed twenty (20) square feet in area. A sign not exceeding six (6) square feet in area may be maintained by the owner or occupant of any land or building for the purpose of displaying the name of the owner or occupant, or for the purpose of warning against trespasses. Signs shall be in accordance with Chapter 17, Signs, of the General Code of Ordinances (refer to Addendum A).
8. Hobby kennels may be permitted on parcels more than one acre in area if they are accessory to a single-family residence, but not including the operation of a commercial kennel unless a conditional use permit is obtained, provided such use has the specific approval of the village plan commission, meets all of the standards for the issuance of a commercial kennel conditional use provided in Section 4 (h) 2 A-C, and will not adversely affect the use of adjacent lands as may be determined by findings of the village plan commission. The Village Clerk shall notify landowners within 100 feet of the subject property and in any case to land owners immediately adjacent and across the street from such use, in writing by regular mail 10 days prior to the meeting at which this matter will be discussed. The village plan commission may establish conditions of approval as deemed appropriate to protect adjacent properties. The village may deny the request on the basis of a finding that such a use would be incompatible and a possible nuisance to surrounding uses and not in the public interest. Any person aggrieved by a decision of the plan commission relative to this provision may appeal such decision to the board of appeals for review and determination as provided for in Section 34 of this Chapter.

Where two (2) or fewer dogs are kept, such use shall be considered accessory to the principal use and shall not require special approval by the plan commission. In any case, if the keeping of any number of dogs accessory to the principal use becomes a nuisance to the neighborhood as may be determined by the village plan commission or village board, such use shall be terminated or the nuisance abated. Where necessary, the village plan commission or village board may take appropriate steps to abate such nuisance.

9. Family home day care.

**(c) Prohibited Uses**

1. Adult-Oriented Establishments

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**(d) Conditional uses**

1. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels, and Animal Boarding Places.
2. Bed and Breakfast Facility
3. Cemeteries and Mausoleums for the Burial of Human Remains Only
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Commercial Vehicle Parking
6. In Law Units
7. Limited Family Business and Home-Based Manufacturing
8. Private Clubs and Resorts
9. Service Oriented Businesses
10. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Thirty (30) feet minimum.
3. Shore Setback: Seventy-five (75) feet minimum.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory building: Eighteen (18) feet maximum.

**(g) Area regulations**

1. Floor area:
  - A. Minimum required
    - i. First floor: One thousand (1,000) square feet.
    - ii. Total: Sixteen hundred (1,600) square feet.
  - B. Maximum F.A.R permitted: Fifteen (15) percent.
2. Lot size:
  - A. Minimum area: Three (3) acres.
  - B. Minimum average width: Two hundred (200) feet.
3. Open space: Two (2) acres.

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**SECTION 16 R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for low-density suburban single-family residential development.

**(b) Permitted Uses**

1. Single-family dwellings with a minimum 440 square foot attached garage.
2. The keeping of usual household pets, but not the operation of hobby kennels or hutches unless the lot contains more than three (3) acres.
3. The following accessory buildings and uses, subject to the conditions specified:
  - A. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
  - B. Private boathouses, provided no living quarters are included in said boathouse. Only one (1) boathouse per lot is permitted. New boathouses are prohibited.
  - C. Barns or poultry houses on lots at least three (3) acres in size, and provided that chicken coops shall be no closer than twenty-five (25) feet to any lot line.
4. Home occupations as permitted in the A-3 Agricultural/Residential Estate District.
5. Signs as permitted in the A-3 Agricultural/Residential Estate District.
6. Family Home Day Care.
7. Chicken keeping and chicken coops in accordance with Section 3. (d) 10. The keeping of female chickens shall be done under maximum practical conditions of neatness and sanitation so as not to be detrimental to the surrounding uses. All female chickens shall be kept confined or enclosed and not permitted to run at large in recorded subdivisions. All lands to be utilized for the keeping of female chickens must be under the same ownership.
8. Apiculture as defined in this chapter [also refer to Section 3(i)(5)(AA)], but not on lots less than one (1) acre in size.

**(c) Prohibited Uses**

1. Adult-Oriented Establishments
2. The keeping of livestock equivalents

**(d) Conditional Uses**



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1. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels, and Animal Boarding Places
2. Bed and Breakfast Facility
3. Cemeteries and Mausoleums for the Burial of Human Remains Only
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Commercial Vehicle Parking
6. In Law Units
7. Limited Family Business and Home-Based Manufacturing
8. Private Clubs and Resorts
9. Service Oriented Businesses
10. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Twenty (20) feet minimum.
3. Shore setback: Seventy-five (75) feet minimum.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory building: Fifteen (15) feet maximum.
3. On waterfront lots, no principal building or structure shall contain more than three (3) stories when viewed from the waterfront.

**(g) Area regulations**

1. Floor area:
  - A. Minimum required:
    - i. First floor: One thousand (1,000) square feet.
    - ii. Total: Fifteen hundred (1,500) square feet.
  - B. Maximum F.A.R. permitted: Fifteen (15) percent.
2. Lot size:
  - A. Minimum area: One (1) acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.
3. Open space: Thirty thousand (30,000) square feet minimum.

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**SECTION 17 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for low-density single-family residential development.

**(b) Permitted Uses**

1. Any use as permitted in the R-1 residential district, except boathouses are prohibited.

**(c) Prohibited Uses**

1. Adult-Oriented Establishments

**(d) Conditional Uses**

1. Animal Hospitals with Commercial Kennels, Veterinarian Clinic Hospitals with Commercial Kennels, Commercial Kennels and Animal Boarding Facilities
2. Bed and Breakfast Facility
3. Cemeteries and Mausoleums for the Burial of Human Remains Only
4. Churches, Synagogues, and Other Buildings for Religious Assembly
5. Commercial Vehicle Parking
6. In Law Units
7. Limited Family Business and Home-Based Manufacturing
8. Private Clubs and Resorts
9. Service Oriented Businesses
10. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Twenty (20) feet minimum.
3. Shore setback: Seventy-five (75) feet minimum.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory building: Fifteen (15) feet maximum.
3. On waterfront lots, no principal building or structure shall contain more than three (3) stories when viewed from the waterfront.

**(g) Area regulations**

1. Floor area:
  - A. Minimum required:
    - i. First floor: One thousand (1,000) square feet.
    - ii. Total: Fourteen hundred (1,400) square feet.
  - B. Maximum F.A.R. permitted: Fifteen (15) percent.

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- A. Minimum area: Thirty thousand (30,000) square feet on public sewer.  
One-acre unsewered.

- B. Minimum average width: One hundred twenty (120) feet on public sewer.  
150 feet unsewered.

3. Open space: Twenty thousand (20,000) square feet minimum on public sewer.  
30,000 square feet unsewered

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**SECTION 18 R-3 TWO FAMILY RESIDENTIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for single family or two-family attached residential development.

**(b) Permitted Uses**

1. Any use as permitted in the R-2 residential district, except Family Home Day Care is not allowed in two-family attached dwellings. The keeping of poultry/fowl is permitted on any lot, except poultry/fowl are not allowed in recorded subdivisions on lots less three (3) acres.
2. One two-family attached dwelling, each unit with a minimum of a 440 square foot garage, maximum 600 square foot garage.

**(c) Prohibited Uses**

1. Adult-Oriented Establishments
2. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels, and Animal Boarding Places.
3. Bed and Breakfast Facility
4. Hobby kennels and hutches
5. Limited Family Automotive Repair Business
6. Limited Family Business and Home-Based Manufacturing
7. Service Oriented Businesses

**(d) Conditional Uses**

1. Cemeteries and Mausoleums for the Burial of Human Remains Only
2. Churches, Synagogues, and Other Buildings for Religious Assembly
3. Commercial Vehicle Parking
4. In Law Units
5. Private Clubs and Resorts
6. Wireless Telecommunications Mobile Service Facilities

**(e) Building location with or without sewer**

1. Setback: Fifty (50) feet minimum.
2. Offset: Twenty (20) feet minimum.
3. Shore setback: Seventy-five (75) feet minimum.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory building: Fifteen (15) feet maximum.
3. On waterfront lots, no principal building or structure shall contain more than three (3) stories when viewed from the waterfront.

**(g) Area regulations**

1. Floor area with or without sewer:
  - A. Minimum required:

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- i. First floor: One thousand (1,000) square feet for a single-family residence, 900 square feet in each unit for a two family attached residence.
    - ii. Total: Thirteen hundred (1,300) square feet for a single-family residence, eighteen hundred (1,800) square feet (total) for a two-family attached residence.
  - B. Maximum F.A.R. permitted: Fifteen (15) percent.
2. Lot size:
- A. Minimum area: Thirty thousand (30,000) square feet on public sewer.  
One-acre unsewered.
  - B. Minimum average width:  
  
Single family: One hundred twenty (120) feet on public sewer.  
150 feet unsewered.  
  
Two-family: 180 feet sewerer or unsewered.
3. Open space: Ten thousand (10,000) square feet minimum per unit on public sewer.  
15,000 square feet minimum per unit if unsewered.

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**SECTION 19 RM MULTI-FAMILY RESIDENTIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for mobile home parks in a residential setting that is compatible with adjacent land uses. This zoning classification is limited to those parcels designated on or before January 1, 2025. No additional parcels can be rezoned to RM after January 1, 2025.

**(b) Permitted Uses**

1. Single-family detached dwellings with a minimum 440 square foot attached garage.
2. Single-family attached dwellings, either side-by-side or up-and-down, each dwelling unit having its own attached garage a minimum of 440 square feet in size.
3. Mobile home parks existing prior to January 1, 2025, served by public sanitary sewer.
4. The following accessory buildings and uses, subject to the conditions specified below:
  - A. Detached private garages, and the garages shall not involve the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage. This use requires Village Plan Commission approval of building plans, site plans and a plan of operation.
  - B. A sign pertaining to the lease or sale of any building or land provided such sign does not exceed twenty (20) square feet in area. A sign not exceeding six (6) square feet in area may be maintained by the owner or occupant of any land or building for the purpose of displaying the name of the owner or occupant, or for the purpose of warning against trespasses. All signs shall be in accordance with Chapter 17, Signs, of the General Code of Ordinances.
  - C. Home occupations as regulated in the A-3 District.
  - D. The keeping of usual household pets, but not the operation of hobby or commercial kennels or hutches.
  - E. Private residential outdoor recreational facilities. This use requires Village Plan Commission approval of building plans, site plans and a plan of operation.
  - F. Guest Parking – there shall be one off street guest parking space for every two (2) dwelling units, provided reasonably close to the building(s), to be used exclusively by guests of the residents, unless additional parking spaces are determined to be necessary by the Village Plan Commission. The parking spaces shall be 10' x 20' and shall provide an area to maneuver. This use requires Village Plan Commission approval of building plans, site plans and a plan of operation.
  - G. Apiculture as defined in this chapter [also refer to Section 3(i)(5)(AA)], but not on lots less than one (1) acre in size.

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- H. The keeping of poultry/fowl is permitted on any lot, except poultry/fowl are not allowed in recorded subdivisions on lots less three (3) acres.

**(c) Prohibited Uses**

1. Adult-Oriented Establishments
2. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels and Animal Boarding Places
3. Bed and Breakfast Facility
4. Cemeteries and Mausoleums for the Burial of Human Remains Only
5. Churches, Synagogues, and Other Buildings for Religious Assembly
6. Commercial Vehicle Parking
7. Limited Family Automotive Repair Business
8. Limited Family Business and Home-Based Manufacturing
9. In Law Units
10. Private Clubs and Resorts
11. Service Oriented Businesses
12. The keeping of livestock equivalents.

**(d) Conditional Uses**

1. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

1. Setback: Fifty (50) feet minimum with or without sewer.
2. Offset: Twenty (20) feet minimum
3. Shore Setback: Seventy-five (75) feet minimum with or without sewer.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory buildings: Fifteen (15) feet maximum.

**(g) Area regulations**

1. Floor area with or without sewer:
  - A. Minimum required
    - i. First floor one family: One thousand (1,000) square feet per unit.
    - ii. Total - One family: Twelve hundred (1,200) square feet.
    - iii. First floor two families: Nine hundred (900) square feet per unit.
    - iv. Total – Two families: Eighteen hundred (1,800) square feet per unit.

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- B. Maximum F.A.R permitted: Thirty (30) percent.
- 2. Lot size with or without sewer:
  - A. Minimum area: One acre.
  - B. Minimum average width: One family: 150 feet.  
Two families: 180 feet
- 3. Open space with or without sewer: Minimum four thousand (4,000) square feet per unit.



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**SECTION 20 (Reserved)**

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**SECTION 21 (Reserved)**

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**SECTION 22 (Reserved)**

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**SECTION 23 P-I PUBLIC AND INSTITUTIONAL DISTRICT**

**(a) Purpose and Intent**

This district is intended to provide for those uses which serve a public need and are principally of an institutional, educational, medical, or governmental nature (whether public or privately owned, and either "for profit" or "not for profit", but not including the operation of a bar, restaurant, or recreational facility as a commercial enterprise). Group homes, as regulated by State Statute, shall not be included as they are either allowed in other districts or regulated pursuant to Section 4.

**(b) Permitted Uses**

The following uses are permitted by right subject to review and approval of the site plan and plan of operation by the Village Plan Commission:

1. Hospitals and clinics or rehabilitation facilities or centers.
2. Nursing home, rest home, homes for the elderly.
3. Public or private schools, colleges, and universities, and their associated gymnasiums, athletic fields, auditoriums, arenas, performance theaters, and assembly halls.
4. Mental health or substance abuse treatment, training, counseling, or rehabilitation facilities.
5. Residential treatment, training, or education facilities.
6. Municipal buildings and offices, including community centers and swimming pools.
7. Museums, exhibit halls, art galleries, and art centers.
8. Police and fire stations.
9. Libraries.
10. Penal reform institutions.
11. Military installations.
12. Public service yards.
13. Cemeteries and Mausoleums for the Burial of Human Remains Only.
14. Churches, Synagogues, and Other Buildings for Religious Assembly.
15. Other similar uses as determined by the Village Plan Commission.

**(c) Permitted Accessory Uses**

1. Garages and buildings for storage of vehicles and/or equipment, which is used in conjunction with the operation of a permitted use.
2. Signs displaying the name of the institution or facility provided they are no greater than fifty (50) square feet in area, and in accordance with Chapter 17, Signs, of the General Code of Ordinances, unless otherwise regulated in this subsection.
3. Parking and loading in accordance with Section 3 (j).
4. Satellite dishes or other communication equipment apparatus. Roof mounted equipment shall be located, screened, or painted to minimize visibility from streets and adjacent lands.
5. Temporary Uses: Lands and buildings within the district may be used on a temporary basis for private and commercial uses not more than 1 week in duration. Such uses might consist of carnivals, rental of said buildings for private gatherings, use of buildings for temporary commercial displays, trade fairs, or similar functions for the purpose of fundraising, or other special and unique events in conjunction with the permitted use. Approval must be granted by the village board for such temporary use, and such approval is subject to any conditions that may be imposed.

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6. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Village Plan Commission.
7. Dumpsters and other refuse type containers shall be secured from view from streets and adjacent properties.

**(d) Prohibited Uses**

1. Adult-Oriented Establishments
2. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels and Animal Boarding Places
3. Commercial Vehicle Parking
4. Limited Family Automotive Repair Business
5. Limited Family Business and Home-Based Manufacturing
6. Non institutional residential uses
7. Private Clubs and Resorts
8. Service Oriented Businesses

**(e) Conditional uses**

Conditional uses as provided in Sections 4 (h) 24 and 29. Lands zoned Public and Institutional may be included as public and institutional lands in planned unit developments in accordance with Section 4 (h) 21 of this chapter.

**(f) Building Location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Fifty (50) feet minimum.
3. Shore setback: Seventy-five (75) feet minimum.

**(g) Height Regulations**

1. Principal Buildings: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure, unless fire and emergency apparatus adequate to service a taller building is available to service the building on the subject parcel and verification of such apparatus' availability from the Village Fire Department is filed with the Village Building Inspector prior to issuance of a building permit, in which event the maximum height of a principal building on the subject parcel shall be the maximum height which such available apparatus can service (but such maximum height shall not be greater than sixty (60) feet).
2. Accessory Buildings: Eighteen (18) feet maximum.

**(h) Area Regulations**

Includes Lot Size, Minimum Average Lot Width, Maximum Floor Area Ratio, Minimum Open Space and Green Space Regulations: The use will dictate the size of the parcel, but in no case shall the lot size be less than one acre nor be less than 150 feet in width. The total floor area ratio shall not exceed thirty (30) percent. However, no more than 60% of the subject parcel shall be of impervious surfaces, consisting of roof tops, paved or gravel roads, driveways, surface parking, service or other areas, and 40% of the subject parcel shall be green space in vegetative cover or tillable soil.

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**SECTION 24 B-1 RESTRICTED BUSINESS DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for retail or customer service establishments of a restrictive nature.

**(b) Permitted Uses**

1. Any use as permitted in the R-3 residential district, except that residential use shall be permitted only in conjunction with or accessory to an otherwise permitted business use, and family home day care shall only be located in a single-family residence.
2. The following retail or customer service establishments of a restrictive nature are permitted, provided the location, building, and Site Plan and Plan of Operation, including signage, have been submitted to, and approved by, the plan commission as being in keeping with the character of the surrounding residential area.
  - A. Boarding, lodging, or rooming houses.
  - B. Delicatessen.
  - C. Florist shop.
  - D. Funeral home.
  - E. Anique Shops, gift shops, and arts and crafts studios.
  - F. Interior decorator.
  - G. Professional office or studio.
  - H. Tea room or coffee shop provided no alcohol is served.
  - I. Animal Hospitals and Vet Clinics, not including the operation of commercial kennels.
  - J. Any similar use subject to the approval of the plan commission.
3. Signs permitted subject to the following:
  - A. Non-illuminated signs and non-flashing but illuminated business signs. However, no sign shall include illuminating devices or be constructed of illuminated material or be specifically illuminated except by properly shielded cove or back lighting of a non-intermittent type on an opaque background, such source of light not to be more than two (2) feet from the vertical face to be illuminated.
  - B. No freestanding sign shall exceed a total height of twenty five (25) feet, as measured from the ground, and shall not exceed 50 square feet in area.

No ground sign shall exceed a total height of 10 feet, as measured from the existing grade, and said sign shall not exceed 50 square feet in area.
  - C. Only one (1) free-standing sign shall be permitted for each lot or parcel. However, the owner of a corner lot or parcel may, subject to plan commission review and approval, erect one freestanding sign for each abutting street.
  - D. All signs are subject to a Site Plan and Plan of Operation being submitted to, and approved by, the plan commission as to design, location, area, size, number, purpose and any other relevant factors affecting use of the property or any adjoining properties.

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- E. No sign attached to a building shall be higher than four (4) feet above the top of the roof line or in any case exceed thirty-five (35) feet in height.
- F. All signs shall be in accordance with Chapter 17, Signs, of the General Code of Ordinances, unless otherwise regulated in this subsection.

4. Accessory uses

- A. Dumpsters and other refuse type containers shall be screened from view from streets and adjacent properties.
- B. Roof mounted equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.
- C. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Village Plan Commission.

**(c) Prohibited Uses**

- 1. Adult-Oriented Establishments
- 2. Limited Family Automotive Repair Business
- 3. Limited Family Business and Home-Based Manufacturing
- 4. Service Oriented Businesses

**(d) Conditional Uses**

- 1. Bed and Breakfast Facility
- 2. Churches, Synagogues, and Other Buildings for Religious Assembly
- 3. Commercial Kennels
- 4. Cemeteries and Mausoleums for the Burial of Human Remains Only
- 5. Commercial Vehicle Parking
- 6. In Law Units
- 7. Private clubs and resorts
- 8. Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and similar uses.
- 9. Single Family, Mixed and Commercial Planned Unit Developments
- 10. Vehicle Fuel, Vehicle Charging, Vehicle Service Stations, and Convenience Stores Associated with the Same
- 11. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

- 1. Setback: Fifty (50) feet minimum.
- 2. Offset: Twenty (20) feet minimum
- 3. Shore setback: Seventy-five (75) feet minimum.

**(f) Height regulations**

- 1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.

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2. Accessory buildings: Fifteen (15) feet maximum

**(g) Area regulations**

1. Floor area required with or without sewer:

- A. Minimum required for residential purposes:

- i. First floor: Nine hundred (900) square feet per unit.
- ii. Total: Single family: Twelve hundred (1,200) square feet. A minimum 440 square foot attached or detached garage is also required.
- iii. Total: Two-family: 1,800 square feet. A minimum 440 square foot attached or detached garage is also required per unit.

- B. Buildings used for both residential and business purposes: Minimum fifteen hundred (1,500) square feet total.

- C. Maximum F.A.R permitted: Twenty (20) percent with or without sewer.

2. Lot size with or without sewer:

- A. Minimum area: One acre.

- B. Minimum average width:

- i. Single family: One hundred fifty (150) feet.
- ii. Two-family: 180 feet.

3. Open space with or without sewer: Fifteen thousand (15,000) square feet minimum per unit



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**SECTION 25 B-2 LOCAL BUSINESS DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for retail or customer service establishments serving the local area.

**(b) Permitted Uses**

1. Any use permitted in the B-1 restricted business district, except two family or multi family uses.
2. Any of the following retail and customer service establishments, normally serving the local area, are permitted provided the location, building, and Site Plan and Plan of Operation are submitted to and approved by the plan commission:
  - A. Art shop, arts and crafts studio.
  - B. Appliance store.
  - C. Bakery (not over ten (10) employees).
  - D. Barber shop.
  - E. Beauty shops, including hair care, face care, nail care, and therapeutic massage.
  - F. Bank, savings and loan office, security broker.
  - G. Clinic, medical and dental.
  - H. Clothing or dry goods store.
  - I. Confectionery store.
  - J. Drug store.
  - K. Furniture store.
  - L. Book and stationery stores.
  - M. Fruit and vegetable market.
  - N. Grocery or other food products store.
  - O. Hardware store.
  - P. Ice cream store.
  - Q. Jewelry store.
  - R. Meat and fish market.
  - S. Music and radio store.
  - T. News-stand.
  - U. Notion or variety shop.
  - V. Parking lot.
  - W. Pharmacy.
  - X. Radio and television sales and repair shop.
  - Y. Photography studio.
  - Z. Shoe store.
  - AA. Soda fountain.
  - BB. Tailor or dressmaking shop.
  - CC. Tanning booths.
  - DD. Telephone office and telephone exchange.
  - EE. Utility company office.
  - FF. Watch repair.
  - GG. Book or stationary store.
  - HH. Insurance office.
  - II. Real estate office.
  - JJ. Any similar use subject to the approval of the plan commission.
  - KK. Service contractor facilities for electricians, plumbers, roofers, carpenters, and subject to the Plan Commission's determination, similar trades and services, to be used as sales offices, showrooms, and accessory storage for associated equipment, vehicles, and

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supplies which may be allowed by the Plan Commission all which must be located inside of a building, otherwise authorized by the Lisbon Zoning Code, or screened to the Plan Commission's satisfaction. All such uses are subject to approval by the Plan Commission of a site plan and plan of operation which may contain conditions that the Plan Commission feels are necessary to satisfy the goals and objectives of the code.

LL. Theaters, arcades, video game parlors, and other indoor amusement places, where the entire space of the use and all other associated uses is under 10,000 sq. ft., all which must be located inside of a building, otherwise authorized by the Lisbon Zoning Code, or screened to the Plan Commission's satisfaction. All such uses are subject to approval by the Plan Commission of a Site Plan and Plan of Operation which may contain conditions that the Plan Commission feels are necessary to satisfy the goals and objectives of the code.

3. Garages for storage of vehicles used in conjunction with the operation of the business.

4. Signs as permitted in the B-1 Restricted Business District.

5. Accessory uses

A. Dumpsters and other refuse type containers shall be screened from view from streets and adjacent properties.

B. Roof mounted equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.

C. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Village Plan Commission.

**(c) Prohibited Uses**

1. Adult-Oriented Establishments
2. Limited Family Automotive Repair Business
3. Limited Family Business and Home-Based Manufacturing
4. Service Oriented Businesses

**(d) Conditional Uses**

1. Bed and Breakfast Facility
2. Cemeteries and Mausoleums for the Burial of Human Remains Only
3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Commercial Kennels
5. Commercial Vehicle Parking
6. In Law Units
7. Private clubs and resorts
8. Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and similar uses.
9. Testing laboratories
10. Vehicle Fuel, Vehicle Charging, Vehicle Service Stations, and Convenience Stores Associated with the Same
11. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

1. Setback: Fifty (50) feet minimum.

2. Offset:

A. Buildings used solely for commercial purposes: Ten (10) feet minimum.

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B. Buildings used in whole or part for residential purposes: Twenty (20) feet minimum.

3. Shore setback: Seventy-five (75) feet minimum.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.

2. Accessory buildings: Fifteen (15) feet maximum.

**(g) Area regulations**

1. Floor area:

A. Minimum required for residential purposes: Buildings used solely for residence purposes – first floor: Nine (900) square feet. Total: Twelve hundred (1,200) square feet. A minimum 440 square foot attached or detached garage is also required.

B. Buildings used for both residential and business purposes: Minimum fifteen hundred (1,500) square feet total.

C. Maximum F.A.R permitted: Fifty (50) percent.

2. Lot size:

A. Minimum area: One acre with or without sewer.

B. Minimum average width: One hundred fifty (150) feet with or without sewer.

3. Open space: Fifteen thousand (15,000) square feet minimum.

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**SECTION 26 B-3 GENERAL BUSINESS DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for business and trades of a more general nature and serving a larger trade area.

**(b) Permitted uses**

1. Any use as permitted in the B-2 local business district.
2. The following business and trades of a more general nature, normally serving a larger trade area, are permitted provided the location, building, and Site Plan and Plan of Operation are submitted to and approved by the plan commission:
  - A. Wholesalers and distributors.
  - B. Theaters, arcades, video game parlors, and other indoor amusement places.
  - C. Dry cleaning and dyeing establishments.
  - D. New and used automobile sales rooms and lots, sale of snowmobiles, personal watercraft, boats and marina equipment, along with repair and service shops for such equipment, storage yards and garages for said equipment, vehicles and supplies, and commercial truck parking, but in no case shall any of the above include the storage and/or sale of junked or wrecked vehicles, equipment, or parts.
  - E. Printing and publishing houses.
  - F. Dairies and bottling plants.
  - G. Laundries.
  - H. Lockers and cold storage plants.
  - I. Motels and hotels
  - J. Any similar use subject to the approval of the plan commission.
3. Signs as permitted in the B-1 Restricted Business District.
4. Accessory uses
  - A. Dumpsters and other refuse type containers shall be screened from view from streets and adjacent properties.
  - B. Roof mounted equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.
  - C. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Village Plan Commission, except when accessory to a Self Service Storage (Mini-Warehouse) Conditional Use where it requires the approval of a Conditional Use.

**(c) Prohibited Uses**

1. Adult-Oriented Establishments
2. Limited Family Automotive Repair Business
3. Limited Family Business and Home-Based Manufacturing
4. Service Oriented Businesses

**(d) Conditional Uses**

1. Bed and Breakfast Facility
2. Cemeteries and Mausoleums for the Burial of Human Remains Only
3. Churches, Synagogues, and Other Buildings for Religious Assembly
4. Commercial Kennels

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5. Contractor's Yard
6. Landscaping Contractor Business
7. Lawn and Garden Business
8. Outdoor Commercial Recreation Facilities and Uses
9. Private clubs and resorts
10. Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and similar uses.
11. Self Service Storage (Mini-Warehouses)
12. Testing laboratories
13. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset
  - A. Buildings used solely for commercial purposes: Ten (10) feet minimum.
  - B. Buildings used in whole or part for residential purposes: Twenty (20) feet minimum.
3. Shore setback: Seventy-five (75) feet minimum.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory buildings: Fifteen (15) feet maximum.

**(g) Area regulations**

1. Floor area:
  - A. Minimum required for residential purposes: Nine hundred (900) square feet total. A minimum 440 square foot attached or detached garage is also required.
  - B. Buildings used for both residential and business purposes: Minimum fifteen hundred (1,500) square feet total.
  - C. Maximum F.A.R. permitted: Fifty (50) percent.
2. Lot size:
  - A. Minimum area: One acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.
3. Open space: Fifteen thousand (15,000) square feet minimum.

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#### **SECTION 27 B-4 COMMERCIAL SPECIAL USE ZONING DISTRICT**

##### **Purpose and Intent**

This District is intended to provide for the orderly and attractive grouping of businesses at appropriate locations along the STH 164 and STH 74 highways and adjacent routes that lead into and out of the Village of Lisbon. This district is intended for those businesses and customer services which are logically related to and dependent upon highway traffic, or which are specifically designed to serve the needs of such traffic and/or serve surrounding residential and corporate neighborhoods. The District is designed for convenience or one-stop shopping and is intended to service the entire community. Sites will be developed free of outside storage and outside display of products unless otherwise approved subject to the conditional use provisions enumerated and contained within the zoning district. The zoning district is located along and adjacent to an arterial highway and should be buffered by means of landscaping and berms from adjacent residential uses. The Village and Village have agreed to cooperate on planning as part of the Boundary Stipulation and Intergovernmental Cooperation Agreement Between the Village of Sussex and the Village of Lisbon herein after referred to as “Border Agreement” and Village of Lisbon’s Land Use Plan/Comprehensive Development Plan. As a “special use” zoning district there are certain requirements and processes that are unique to development within this zoning district in comparison to other zoning districts in the Village of Lisbon.

##### **Joint Planning Committee Role and Authority in this Zoning District**

The Joint Planning Committee (JPC) shall exercise its rights and authority in this zoning district as granted in the “Border Agreement” and through the Village of Lisbon's Land Use Plan/Comprehensive Development Plan. The Village of Sussex and Village of Lisbon, in a cooperative manner to regulate and foster quality development and land uses, will utilize the following procedure:

*“Both the Village of Sussex and the Village of Lisbon desire to have a smooth visual transition from one community to the next. Therefore, any buildings approved in these Special Use Districts are to be constructed to match the design and feel of already existing businesses in the abutting areas of the Village of Sussex. To that end and as mentioned above, the Village of Lisbon, in the implementation of its Land Use Plan/Comprehensive Development Plan, will adopt zoning regulations and design standards comparable to those existing in the Village of Sussex for the Special Use Districts. Said zoning regulations and design standards shall be reviewed and approved by the JPC, whose approval shall not be unreasonably withheld. The design for specific buildings including, but not limited to, landscaping and parking, in these designated Special Use Districts shall be submitted to the JPC and must be approved by the JPC before building permits are issued.*

*Until zoning and design standards are approved by the JPC for the Special Use Districts, the current Village of Sussex zoning categories, BP-1 and B-5, and the Sussex design standards as referenced in Chapter 18 of the Land Division and Development Ordinance for the Village of Sussex Code, shall be used by the JPC in its review and approval of specific buildings in the Special Use Districts. If the JPC cannot reach agreement, the arbitration process as described in the “Border Agreement” shall be utilized to resolve the impasse.”*

##### **Review Process for Proposed Developments**

The review process for this zoning district shall be in accordance with the language contained in Section 27, and the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts Design Standards, and other Village ordinances as applicable (Exhibit Q).

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- (1) To encourage a commercial environment that is compatible with the residential character of the Village and the neighboring Village, building permits for permitted uses in this zoning district shall not be issued without review and approval of the Village of Lisbon Plan Commission, Village Board, and JPC as appropriate. Said JPC review and approval shall be concerned with site plan, architectural plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization. Village of Lisbon review and approval shall consist of all required plans per the Municipal Code of the Village of Lisbon.
- (2) Development that falls within this zoning district or special planning areas if not yet zoned shall be presented and reviewed by the Village Plan Commission under the normal process outlined in Chapter 11 of the Village of Lisbon's Village Code. Once the Village Plan Commission finds that the development is generally acceptable under the Zoning Code, the development shall be forwarded to the JPC for its consideration and comment on any rezoning, land division, conditional use (CU), or Planned Unit Development (PUD), or to the JPC for review and approval of the site plan, architectural plan, ingress and egress, parking, loading and unloading, landscaping, and open space utilization plans. After the consideration or approval (if such approval is granted) by the JPC as appropriate for the type of development action being reviewed the development proceeds back to the Village Plan Commission and continues the normal process outlined in Chapter 11 of the Village of Lisbon's Village Code.
- (3) The process for PUDs, CUs, and site plan and plan of operation review shall follow the process requirements outlined in Chapter 11 of the Village of Lisbon's Village Code except as limited in this zoning district. Where a conflict may occur, this zoning district shall apply as it is intended to guide development in this zoning district. Uses shall be limited to those described in this zoning district.

**(a) Permitted Principal Uses**

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

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

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19. Hardware, paint, or decorating stores.
20. Hobby shops.
21. Meat, fish, or poultry markets.
22. Optical stores.
23. Packaged beverage stores.
24. Photo and film pick-up stores, photography studios.
25. Realtors.
26. Shoe repair shops.
27. Shoe stores.
28. Shopping center
29. Soda and ice cream stores.
30. Sporting goods stores.
31. Tobacco stores.
32. Variety stores.
33. Video stores (non-adult oriented).
34. Family home day care in an existing residential dwelling
35. Other uses not specifically mentioned above may be permitted uses if the Village of Lisbon Plan Commission, Village of Lisbon Board, and JPC make the following findings:
  - a. The use is consistent with the intent and types of uses depicted above, and
  - b. The use is not listed as a conditional use, and
  - c. The use is not one of the prohibited uses in Section C below.
  - d. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.

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

**(b) Permitted Accessory Uses**

1. Garages for storage of licensed vehicles used in conjunction with the operation of a business.
2. Dumpsters and other refuse type containers shall be screened from view from streets and adjacent properties.
3. Roof mounted HVAC type equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.
4. Signs in accordance with the guidelines set forth in Chapter 17, Signs, of the General Code of Ordinances. Landscape and site plans for the signs must be submitted, reviewed, and approved by the plan commission to evaluate size, orientation, and compatibility with the entire site.
5. Off-street parking and loading areas provided detailed site plans, including landscaping and buffering, are submitted to and approved by the plan commission. Front, rear, and side yard pavement setbacks shall not be less than ten (10) feet. Shared drives and shared parking areas may be allowed between adjacent properties where appropriate and practical, through the use of cross-easements or other internal linkages between the properties, with approval of the plan commission.

**(c) Certain Incompatible Uses Prohibited**

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

1. Any new residential dwelling.
2. Car, truck, and trailer sales lots - new and used.
3. Outside bulk sales, bulk storage, or bulk display of materials or products.
4. Drive-in theaters.



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5. Commercial childcare facilities.
6. Residential, commercial, and mixed Planned Unit Developments.
7. Animal Hospitals with Commercial Kennels, Veterinarian Hospitals with Commercial Kennels, Commercial Kennels, and Animal Boarding Places.
8. Bed and Breakfast Facility
9. Two Family
10. Commercial Vehicle Parking
11. Limited Family Business and Home-Based Manufacturing
12. Cemeteries and Mausoleums for the Burial of Human Remains Only
13. Churches, Synagogues, and Other Buildings for Religious Assembly
14. Operations which generate noise levels which exceed the following when measured at the property line.

Octave Band Frequency (Cycles Per Second)	South Level (Decibels)
0 to 74	72
75 to 149	67
150 to 299	59
300 to 599	52
600 to 1199	46
1200 to 2399	40
2400 to 4799	34
4800 and above	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

15. Adult oriented establishments.

**(d) Conditional Uses**

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

1. Drive-Through Lanes
2. Private clubs and resorts.
3. Restaurants, Supper Clubs, Lake Resorts, Taverns, Dance Halls, Pool Halls, Bowling Alleys, and similar uses, including fast food and drive through restaurants.
4. Vehicle Fuel, Vehicle Charging, Vehicle Service Stations, and Convenience Stores Associated with the Same
5. Wireless Telecommunications Mobile Service Facilities
6. All outside storage areas shall be at least 600 feet from residential, park, and public and institutional zoning districts located in the Village of Sussex or Village. The Plan Commission, Village Board, and JPC may waive or reduce the 600-foot separation requirement. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Village Plan Commission review and approval. Screening may be a permanent opaque wall matching the building materials, fencing or landscaping as deemed appropriate by the Village Plan Commission. The height of the screening shall be sufficient to

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screen the product(s) in the outside storage area. Furthermore, no use shall be granted a modification of the separation requirement if the Village Plan Commission determines that the use will have a high risk of fire, explosion, noise, vibration, or odor.

7. Other uses not specifically mentioned above may be conditional uses if the Village Plan Commission, Village Board, and JPC make the following findings:
- a. The use is consistent with the intent and types of uses depicted for the zoning district, and
  - b. The use is not one of the prohibited uses in Section C above, and
  - c. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.

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

**(e) Building Location**

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

**(f) Height Regulations**

1. Principal structure: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory structure: Fifteen (15) feet in height.

**(g) Area Regulations**

1. Floor Area Ratio/Lot Coverage/Open Space:  
Maximum FAR of thirty percent (30%) unsewered, and fifty percent (50%) sewer. Not more than sixty-five percent (65%) unsewered, or seventy five percent (75%) sewer, of any lot shall be covered with buildings, surfaced pavement, driveways, parking, loading areas, or other covering materials which are impervious to surface absorption. Landscaped open space shall occupy not less than 35% (unsewered), or 25% (sewered) of the lot area.
2. Lot Size:  
One (1) acre minimum with or without sewer.
3. Lot Width:  
Minimum average lot width: 150 feet with or without sewer.

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**(h) Design Standards**

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

**(1) Parking and Storage**

- a. Surfacing. All off-street loading, driveways, parking areas shall be surfaced with an asphaltic or Portland cement pavement in accordance with Chapter 11 and the Village of Lisbon standards and specifications so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties. Surfacing of loading areas shall be completed before occupancy is granted. Storage areas shall be surfaced with an asphaltic or Portland cement.
- b. Landscaping. All public off-street parking areas which serve twenty (20) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Zoning Code shall be provided with accessory landscape areas totaling not less than seven and one-half (7 1/2) percent. The minimum size of each landscape area shall not be less than 150 square feet and landscaped areas shall be distributed evenly throughout the parking area. Location of landscape areas, plant materials, and protection afforded the plantings shall be reviewed by the Village Plan Commission, Village Board, and JPC. All Plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. Those parking areas for twenty (20) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six (6) feet.
- c. Openings for driveways shall provide adequate access to a public street. No driveway for any other use shall be less than 24 feet in width at the street right-of-way line nor shall it exceed 32 feet at the street right-of-way line.
- d. Storage. Parking spaces required to meet the minimum parking requirements of Chapter 11 shall not be used for the long term storage of motor vehicles, recreational vehicles, boats, commercial inventory, or equipment. Parking spaces shall not be used or leased to persons not using the principal use. Parking spaces are considered accessory to the principal use, unless prior approval for such shared or secondary use has been granted by the Village Plan Commission, Village Board, and JPC.
- e. Lighting shall be installed and maintained in accordance with the standards set forth herein:
  1. Type. Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement shall be required so as to facilitate compliance with this section.
  2. Orientation. Exterior lighting fixtures shall be orientated so that the lighting element (or a transparent shield) does not throw rays onto neighboring properties. No lighting sources shall be visible from outside its premises. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. No horizontal

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throw via outward projecting lenses or optics shall be permitted contributing as a point glare source. The intensity of illumination, measured at the property line, shall not exceed 0.2 foot-candles.

3. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset and where it is reasonable to expect pedestrian use shall provide artificial illumination in such areas at a minimum intensity to meet the standards set forth in the American National Standard Practice for Roadway Lighting and those standards set forth in the Illuminating Engineering Society of North America's Lighting for Parking Facilities.
4. Flashing, flickering, or other distracting lighting which may distract motorists is prohibited. Lighting which creates or becomes a public nuisance is not permitted.
- f. General Landscaping and Buffering other than outlined in Section H(1)b shall be developed per the Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- g. Building and Structures and Materials shall be developed per the Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- h. Other Site Planning and Design Issues shall be developed per Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- i. Signage Shall be developed per Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- j. Pedestrian Orientation shall be developed per the Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- k. Environmental Protection shall be developed per Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- l. Erosion Control  
Developments must follow the Village's Erosion Control Ordinance, Land Disturbance Ordinance, the Waukesha County Storm Water Management Regulations, Wisconsin Department of Natural Resources NR-216, NR-151 and applicable Chapter 30 regulations.

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### SECTION 28 B-P INDUSTRIAL/ BUSINESS PARK SPECIAL USE ZONING DISTRICT

#### **Purpose and Intent**

This zoning district is intended to provide for the orderly and attractive grouping of diverse office, retail, and customer service uses, and industrial uses of limited intensity where the appearance of such mixed uses is enhanced by pleasing building architecture and generously landscaped sites. Sites will be developed free of outside storage and outside display of products unless otherwise approved subject to the conditional use provisions enumerated and contained within the zoning district. The zoning district is located along and adjacent to an arterial highway and should be buffered by means of landscaping and berms from adjacent residential uses. The Village and Village have agreed to cooperate on planning as part of the Boundary Stipulation and Intergovernmental Cooperation Agreement Between the Village of Sussex and the Village of Lisbon herein after referred to as “Border Agreement” and Village of Lisbon’s Land Use Plan/Comprehensive Development Plan. As a “special use” zoning district there are certain requirements and processes that are unique to development within this zoning district in comparison to other zoning districts in the Village of Lisbon. This zoning district is initially comprised of the Lieds parcel of 44.98 acres located in the NE 1/4 of Section 25-8-19, initially administered to said site through a Declaration of Restrictions recorded in the Waukesha County Register of Deeds Office. Other parcels in the Village of Lisbon maybe subject to this zoning district per the Village of Lisbon’s Land Use Plan/Comprehensive Development Plan.

#### **Joint Planning Committee Role and Authority in this Zoning District**

The Joint Planning Committee (JPC) shall exercise its rights and authority in this zoning district as granted in the “Border Agreement” and through the Village of Lisbon's Land Use Plan/Comprehensive Development Plan. The Village of Sussex and Village of Lisbon, in a cooperative manner to regulate and foster quality development and land uses, will utilize the following procedure:

*“Both the Village of Sussex and the Village of Lisbon desire to have a smooth visual transition from one community to the next. Therefore, any buildings approved in these Special Use Districts are to be constructed to match the design and feel of already existing businesses in the abutting areas of the Village of Sussex. To that end and as mentioned above, the Village of Lisbon, in the implementation of its Land Use Plan/Comprehensive Development Plan, will adopt zoning regulations and design standards comparable to those existing in the Village of Sussex for the Special Use Districts. Said zoning regulations and design standards shall be reviewed and approved by the JPC, whose approval shall not be unreasonably withheld. The design for specific buildings including, but not limited to, landscaping and parking, in these designated Special Use Districts shall be submitted to the JPC and must be approved by the JPC before building permits are issued.*

*Until zoning and design standards are approved by the JPC for the Special Use Districts, the current Village of Sussex zoning categories, BP-1 and B-5, and the Sussex design standards as referenced in Chapter 18 of the Land Division and Development Ordinance for the Village of Sussex Code, shall be used by the JPC in its review and approval of specific buildings in the Special Use Districts. If the JPC cannot reach agreement, the arbitration process as described in the “Border Agreement” shall be utilized to resolve the impasse.”*

#### **Review Process for Development within this Zoning District**

The review process for this zoning district shall be in accordance with the language contained in Section 28, and the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts Design Standards, and other Village ordinances as applicable (Exhibit Q).

1. To encourage a business park environment that is compatible with the residential character of the Village and the neighboring Village and that will maintain a campus like setting, building permits for permitted uses in this zoning district shall not be issued without review and approval of the Village of Lisbon Plan Commission, Village Board, and JPC as appropriate. Said JPC review and approval shall be concerned with site plan, architectural plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization. Village of Lisbon review and approval shall consist of all

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required plans per the Municipal Code of the Village of Lisbon.

2. Development that falls within this zoning district or special planning areas if not yet zoned shall be presented and reviewed by the Village Plan Commission under the normal process outlined in Chapter 11 of the Village of Lisbon's Village Code. Once the Village Plan Commission finds that the development is generally acceptable under the Zoning Code, the development shall be forwarded to the JPC for its consideration and comment on any rezoning, land division, conditional use (CU), or Planned Unit Development (PUD), or to the JPC for review and approval of the site plan, architectural plan, ingress and egress, parking, loading and unloading, landscaping, and open space utilization plans. After the consideration or approval (if such approval is granted) by the JPC as appropriate for the type of development action being reviewed the development proceeds back to the Village Plan Commission and continues the normal process outlined in Chapter 11 of the Village of Lisbon's Village Code.
3. The process for PUDs, CUs, and site plan and plan of operation review shall follow the process requirements outlined in Chapter 11 of the Village of Lisbon's Village Code except as limited in this zoning district. Where a conflict may occur, this zoning district shall apply as it is intended to guide development in this zoning district. Uses shall be limited to those described in this zoning district.

a. Permitted Uses

The following uses may occur on individual sites or as part of a larger planned development subject to the approval of a site plan and plan of operation:

- (1) The manufacture, fabrication, assembly, and/or processing of the following products; parts, supplies, or sub-assemblies of the same:
  - Apparel and findings and related products
  - Automatic temperature controls
  - Automotive upholstery
  - Baked goods and bakery products
  - Beverages, non-alcoholic, including bottling
  - Blank books, loose-leaf binders, and devices
  - Boot and shoe cut stock and bindings
  - Brooms and brushes
  - Canvas products
  - Cheese
  - Cleaning, dressing, and dyeing
  - Commercial bakeries
  - Computer hardware and software
  - Confections
  - Cosmetic and toiletries
  - Costume jewelry, novelties, buttons, and miscellaneous notions
  - Curtains and draperies
  - Dental equipment
  - Electrical appliances and electronic devices
  - Electrotyping and stereotyping
  - Engineering, laboratory, scientific and research instruments/equipment
  - Fabrics, broad and narrow woven
  - Felt goods
  - Flavor extracts and flavor syrups

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- Floor coverings limited to rugs and carpeting
  - Food locker plants, excluding slaughtering
  - Footwear
  - Fur products, packaging/assembly, excluding slaughtering or dressing
  - Glass and glass products
  - Graphics and/or graphic design
  - Handbags and other personal leather goods
  - Hat, caps, and millinery
  - Ice
  - Ice cream and frozen desserts
  - Jewelry
  - Knit goods, yarns and threads
  - Lace goods
  - Lamp shades
  - Leather, but not including tanning
  - Luggage
  - Manifold business forms
  - Mechanical measuring and controlling instruments
  - Men, Women, and Youth furnishings, work clothes, and garments
  - Morticians goods
  - Musical instruments
  - Office furniture
  - Ophthalmic goods
  - Optical instruments and lenses paper products
  - Orthopedic, prosthetic, and surgical appliances
  - Paper coating and glazing, and paper products/envelopes/greeting cards
  - Partitions, shelving, lockers, and office and store fixtures
  - Pens, pencils, and other office and artist materials
  - Pharmaceuticals
  - Photoengraving instruments
  - Photographic equipment
  - Pizza
  - Pleating, decorative, and novelty stitching and tucking for the trade
  - Raincoats and other waterproof outer garments
  - Robes and dressing gowns
  - Signs and advertising displays
  - Silverware and plated ware
  - Surgical and medical instruments
  - Textiles, dyeing and finishing
  - Toys, amusement, sporting, and athletic goods
  - Umbrellas, parasols, and canes
  - Venetian blinds and shades
  - Wallpaper
  - Watches, clocks, clockwork operated devices
- (2) Business and service facilities including:
- Accounting, auditing, and bookkeeping services.
  - Administrative and public service offices.
  - Advertising services

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- Bakeries
  - Banks and financial institutions, excluding drive-through facilities
  - Barber shops and beauty shops
  - Book stores, newspaper and magazine stores
  - Cabinet makers
  - Camera and photographic supply stores
  - Computer software development
  - Confectioneries
  - Grocery stores/Drug Stores
  - Corporate headquarters
  - Delicatessens
  - Dental and medical clinics
  - Duplicating and mailing services
  - Data processing centers
  - Electrician
  - Employment services
  - Hotels and motels
  - Interior decorators
  - Janitorial supplies
  - Machine shops
  - Office supplies and business machine stores
  - Parking lots and structures
  - Plumbing and heating services
  - Professional offices of an architect, engineer, lawyer, accountant, doctor, dentist, realtor, optometrist, clergy, or other similarly recognized profession
  - Public relations offices
  - Publishing, printing, and binding of books, newspapers, periodicals
  - Radio and television studios, not including transmitting towers
  - Real estate and insurance sales offices
  - Research and development facilities
  - Restaurants, including drive-in restaurants, but excluding drive-throughs
  - Security brokers, dealers, and associated investment services
  - Sheet metal services
  - Studios for photography, painting, music, sculpture, art, or dance
  - Travel agencies
  - Limited warehousing and storage facilities for distributors provided that such warehousing and storage does not exceed 50,000 square feet or have more than 5 overhead doors.
- (3) Other uses not specifically mentioned above may be permitted uses if the Village of Lisbon Plan Commission, Village of Lisbon Board, and JPC makes the following findings:
- a. The use is consistent with the intent and types of uses depicted above, and
  - b. The use is not listed as a conditional uses, and
  - c. The use is not one of the prohibited uses in Section D below.
  - d. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.

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



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b. Permitted Accessory Uses

- (1) Garages for storage of vehicles used in conjunction with the permitted uses.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, distribution, warehousing, and other uses normally auxiliary to permitted business park uses.
- (4) Indoor storage and sale of machinery and equipment associated with the permitted business park uses.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- (7) Bus/taxi shelters or waiting areas.
- (8) Refuse areas.
- (9) Signage in accordance Village Sign Ordinance Chapter 17 of the Municipal Code.
- (10) Factory outlets and retail sales of products made onsite in the principal industrial operation.

c. Conditional Uses

- (1) Business Uses The following commercial uses shall be conditional uses and may be permitted as specified:
  - a. Drive-Through Lanes
  - b. Outside Storage for commercial uses. All outside storage areas shall be at least 600 feet from residential, park, and public and institutional zoning districts located in the Village of Sussex or Village. The Plan Commission, Village Board, and JPC may waive or reduce the 600-foot separation requirement. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Village Plan Commission review and approval. Screening may be a permanent opaque wall matching the building materials, fencing or landscaping as deemed appropriate by the Village Plan Commission. The height of the screening shall be sufficient to screen the product(s) in the outside storage area. Furthermore, no use shall be granted a modification of the separation requirement if the Village Plan Commission determines that the use will have a high risk of fire, explosion, noise, vibration, or odor.
  - c. Vehicle Fuel, Vehicle Charging, Vehicle Service Stations, and Convenience Stores Associated with the Same
  - d. Wireless Telecommunications Mobile Service Facilities
- (2) Industrial Uses The following Industrial Uses shall be conditional uses and may be permitted as specified:
  - a. Animal Clinics or Hospitals, excluding commercial kennels, provided all principal structures and uses are not less than 100 feet from any residential use.
  - b. Outside Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar, and yeast or other industrial outside storage. All outside storage areas shall be at least 600 feet from residential, park, and public and institutional zoning districts located in the Village of Sussex or Village. The Village Plan Commission, Village Board, and JPC may waive or reduce the 600-foot separation requirement. In all cases, outside storage should be screened from all sides. All screening plans are subject to Village Plan Commission review and approval. Screening should be a permanent, predominantly evergreen, planting screen, the individual trees to be of such a number and so arranged that they will have formed a dense screen within ten years or by a fence or masonry wall or a combination of the above. Individual trees shall be capable of reaching a height of ten feet within two years. Furthermore,

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no use shall be granted a modification of the separation requirement if the Village Plan Commission determines that the use will have a high risk of fire, explosion, noise, vibration, odor, or if the use will generate traffic volumes in excess of those reasonably expected in a residential neighborhood.

- c. Construction Services (refer to Contractor's Yard) not listed as permitted uses above.

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- (3) Other uses not specifically mentioned above may be conditional uses if the Village Plan Commission, Village Board, and JPC make the following finding:
- a. The use is consistent with the intent and types of uses depicted for the zoning district, and
  - b. The use is not one of the prohibited uses in Section D below, and
  - c. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.

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

- d. Certain Incompatible Uses Prohibited The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:
- (1) Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, lampblack, poison, pulp, pyroxylin, and radium.
  - (2) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
  - (3) Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials.
  - (4) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
  - (5) Drive-in outdoor theaters.
  - (6) Junkyards.
  - (7) New residential dwellings.
  - (8) Bed and Breakfast facilities.
  - (9) Adult oriented establishments.
  - (10) Operations which generate noise levels which exceed the following when measured at the property line.

Octave Band Frequency (Cycles Per Second)	South Level (Decibels)
0 to 74	72
75 to 149	67
150 to 299	59
300 to 599	52
600 to 1199	46
1200 to 2399	40
2400 to 4799	34
4800 and above	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

- e. Lot Area and Width
- (1) Lots shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width.
  - (2) To achieve a campus-like appearance, lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

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- f. Building Height
- (1) No building or parts of a building shall exceed 60 feet in height.
- g. Setback and Yards
- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be a side yard of 25 feet on each side of all structures not exceeding 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet up to a maximum height of 60 feet.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet from the Conservancy or Conservancy Wetland and Floodplain zoning district boundaries, or less than 2 feet above the Regional Flood Elevation.
- (5) Service islands for gasoline service structures shall be considered principal structures and shall comply with building setback requirements. Canopies over a gasoline service island may extend into a front, side, or rear yard, but shall not encroach more than six (6) feet into any required yard and in no case, may a canopy extend into a street right-of-way.
- (6) Parking Setbacks shall be as follows for this zoning district: Arterial Roadway 30 feet from the right of way, other street yard 25 feet from the right of way. Parking Side and Rear Yard shall be a minimum of 5 feet from the property line. The actual setbacks, side yards, and rear yards for a particular site may need to be increased to address landscaping and buffering requirements for the site as determined by the Village Plan Commission, Village Board, and JPC.
- h. Design Standards: The following guidelines are specific standards that apply to this zoning district. In addition, development in this zoning district must follow the Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts and other general guidelines within Chapter 11 of the Lisbon Municipal Code which is the Village's Zoning Code (hereinafter referred to as Chapter 11) related to design issues. Where a conflict exists, this section and the Design Standards shall apply.
- (1) Parking and Storage
- a. Surfacing. All off-street loading, driveways, parking areas shall be surfaced with an asphaltic or Portland cement pavement in accordance with Chapter 11 and the Village of Lisbon standards and specifications so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties. Surfacing of loading areas shall be completed before occupancy is granted. Storage areas shall be surfaced with an asphaltic or Portland cement or reground asphaltic surface. If the storage areas are a reground asphalt product, the design shall require approval of the Village Engineer before installation to ensure compliance with maintenance and dust free standards.
- b. Landscaping. All public off-street parking areas which serve twenty (20) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this

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Zoning Code shall be provided with accessory landscape areas totaling not less than seven and one-half (7 1/2) percent. The minimum size of each landscape area shall not be less than 150 square feet and landscaped areas shall be distributed evenly throughout the parking area. Location of landscape areas, plant materials, and protection afforded the plantings shall be reviewed by the Village Plan Commission, Village Board, and JPC. All Plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. Those parking areas for twenty (20) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six (6) feet.

- c. Openings for driveways shall provide adequate access to a public street. No driveway for any other use shall be less than 24 feet in width at the street right-of-way line nor shall it exceed 32 feet at the street right-of-way line.
  - d. Storage. Parking spaces required to meet the minimum parking requirements of Chapter 11 shall not be used for the long term storage of motor vehicles, recreational vehicles, boats, commercial or industrial inventory, or equipment. Parking spaces shall not be used or leased to persons not using the principal use. Parking spaces are considered accessory to the principal use, unless prior approval for such shared or secondary use has been granted by the Village Plan Commission, Village Board, and JPC.
- (2) Lighting shall be installed and maintained in accordance with the standards set forth herein:
- a. Type. Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement shall be required so as to facilitate compliance with this section.
  - b. Orientation. Exterior lighting fixtures shall be orientated so that the lighting element (or a transparent shield) does not throw rays onto neighboring properties. No lighting sources shall be visible from outside its premises. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. No horizontal throw via outward projecting lenses or optics shall be permitted contributing as a point glare source. The intensity of illumination, measured at the property line, shall not exceed 0.2 foot-candles.
  - c. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset and where it is reasonable to expect pedestrian use shall provide artificial illumination in such areas at a minimum intensity to meet the standards set forth in the American National Standard Practice for Roadway Lighting and those standards set forth in the Illuminating Engineering Society of North America's Lighting for Parking Facilities.
  - d. Flashing, flickering, or other distracting lighting which may distract motorists is prohibited. Lighting which creates or becomes a public nuisance is not permitted.

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- (3) General Landscaping and Buffering other than outlined in Section H(1)b shall be developed per the Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (4) Building and Structures and Materials shall be developed per the Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (5) Other Site Planning and Design Issues shall be developed per Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (6) Signage Shall be developed per Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (7) Pedestrian Orientation shall be developed per the Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (8) Environmental Protection shall be developed per Design Standards of the Village of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (9) Erosion Control Developments must follow the Village Erosion Control Ordinance, Land Disturbance Ordinance, the Waukesha County Storm Water Management Regulations, Wisconsin Department of Natural Resources NR-216, NR-151 and applicable Chapter 30 regulations.

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**SECTION 29**            (Reserved)

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**SECTION 30 Q-1 QUARRYING DISTRICT**

**(a) Purpose and Intent**

This District is mainly intended to provide for limited A-3 agricultural/residential estate district uses and quarrying and quarry related operations.

**(b) Permitted Uses**

1. Any use as permitted in the A-3 agricultural/residential estate district, except family home day care and new residential dwellings of any type are prohibited. Signs shall be regulated in accordance with Section 30 (b) 7 below.
2. Quarrying, although permitted, shall be authorized as a conditional use under Section 4 (h) 21 of this Chapter. By placing a property in this zoning category, it has been determined that the subject area is appropriate for such quarrying designation and the issuance of a conditional use permit to authorize the quarrying of the site shall be conditional on compliance with the standards and regulations as set forth in Section 4 (h) 21.
3. The following related operations where accessory to the permitted quarrying operation, subject to the regulations of Section 4 (h) 21:
  - A. The manufacture of concrete building blocks or other similar blocks.
  - B. Production of ready-mixed concrete.
  - C. Production of asphalt.
  - D. Stone cutting and crushing.
  - E. Recycling of asphalt and concrete.
4. Commercial Truck Parking
5. Outdoor display subject to the approval of a Site Plan and Plan of Operation by the Village Plan Commission, except when accessory to a Self Service Storage (Mini-Warehouse) Conditional Use where it requires the approval of a Conditional Use.
6. Adult-oriented establishments in accordance with Section 3 (s).
7. Signs, either illuminated or non-illuminated, may be erected subject to Plan Commission approval as to design, location, area, size, number, purpose, and any other relevant factors affecting use of the property or any adjoining properties, and in accordance with Chapter 17, Signs, of the General Code of Ordinances.

**(c) Prohibited uses**

1. Animal Hospitals and Commercial Kennels, Veterinarian Hospitals and Commercial Kennels, Commercial Kennels, and Animal Boarding Places
2. Bed and Breakfast Facility
3. Cemeteries and Mausoleums for the Burial of Human Remains Only
4. Limited Family Automotive Repair Business
5. Limited Family Business and Home-Based Manufacturing
6. Planned unit developments
7. Service Oriented Businesses

**(d) Conditional Uses**

1. Churches, Synagogues, and Other Buildings for Religious Assembly
2. Contractor's yards
3. Private clubs and resorts



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4. Quarrying
5. Self Service Storage (Mini-Warehouses)
6. Testing laboratories
7. Wireless Telecommunications Mobile Service Facilities

**(e) Building location**

1. Setback:
  - A. Quarrying operations: As required by Section 4 (h) 21.
  - B. Other permitted uses: Fifty (50) feet minimum.
2. Offset:
  - A. Quarrying operations: As required by Section 4 (h) 21.
  - B. Other permitted uses: Twenty (20) feet minimum.
3. Shore Setback:
  - A. Quarrying operations: As required by Section 4 (h) 21.
  - B. Other permitted uses: Seventy five (75) feet minimum.

**(f) Height regulations**

1. Principal building: Forty-five (45) feet maximum if a two story and fully exposed on at least one side of the building. Thirty-five (35) feet maximum if a one story with or without an exposure, or a two story with no exposure.
2. Accessory buildings:
  - A. Quarrying operations: Sixty (60) feet maximum.
  - B. Other permitted uses: Fifteen (15) feet maximum.

**(g) Area regulations**

1. Floor area:
  - A. Minimum required for residence purposes:
    - i. First floor: Nine hundred (900) square feet.
    - ii. Total one (1) family: One thousand (1,000) square feet.
    - iii. Total two (2) families: One thousand eight hundred (1,800) square feet.
  - B. Maximum F.A.R. permitted:
    - i. Quarrying operations: As required by Section 4 (h) 21.
    - ii. Other permitted uses: Ten (10) percent.
2. Lot size:
  - A. Minimum area:
    - i. Other permitted uses: Three (3) acres.
    - ii. Quarrying operations: As required by Section 4 (h) 21.
  - B. Minimum average width:
    - i. Other permitted uses: Two hundred (200) feet.

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- ii. Quarrying operations: As required by Section 4 (h) 21.
- 3. Open space:
  - A. Quarrying operations: As required by Section 4 (h) 21.
  - B. Other permitted uses: One (1) acre minimum per unit.

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**SECTION 31 M-1 LIMITED INDUSTRIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for trades or industries of a restrictive character.

**(b) Permitted Uses**

1. Any use as permitted in a B-3 general business or A-3 agricultural/residential estate district, except that residential use shall be permitted only in conjunction with or accessory to an otherwise permitted business use, and two family uses, multi family uses, and family home day care facilities are prohibited. Signs shall be regulated in accordance with subsection 4 below. There shall be no limit on the number of bee colonies or bee hives in the M-1 district in accordance with the A-3 district apiculture requirements.
2. Trades or industries of a restrictive character which are not detrimental to the district or to the adjoining residential areas by reason of appearance, lighting, noise, vibrations, dust, smoke, fumes, odor, pollution, fire, or explosion provided the location, building plan, and a Site Plan and Plan of Operation have been submitted to and approved by the plan commission, but not including any use enumerated under Section 32 (b) 3 or any of the following prohibited uses:
  - A. Public and Commercial Disposal Operations for Noncombustible Materials.
  - B. Drop forges, foundries, refineries, tanneries, or any similar use, the normal operation of which causes objectionable noise, odor, dust, or smoke.
3. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Village Plan Commission, except when accessory to a Self Service Storage (Mini-Warehouse) Conditional Use where it requires the approval of a Conditional Use.
4. Signs as permitted in the B-1 Restricted Business District.
5. Lumber and building supply yards.
6. Transportation terminals.
7. Animal Hospitals and Vet Clinics.
8. Car, truck, and trailer sales lots - new and used.

**(c) Accessory uses**

1. Dumpsters and other refuse type containers shall be secured from view from streets and adjacent properties.
2. Roof mounted equipment shall be located, screened and/or painted to minimize visibility from street and adjacent sites

**(d) Prohibited uses**

1. Adult-Oriented Establishments
2. Bed and Breakfast Facility
3. Limited Family Automotive Repair Business
4. Limited Family Business and Home-Based Manufacturing
5. Service Oriented Businesses

**(e) Conditional Uses**

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1. Cemeteries and Mausoleums for the Burial of Human Remains Only
2. Churches, Synagogues, and Other Buildings for Religious Assembly
3. Commercial Kennel
4. Contractor's Yards
5. Outdoor Commercial Recreation Facilities and Uses.
6. Private clubs and resorts
7. Self Service Storage (Mini-Warehouses)
8. Testing laboratories
9. Vehicle Fuel, Vehicle Charging, Vehicle Service Stations, and Convenience Stores Associated with the Same
10. Wireless Telecommunications Mobile Service Facilities

**(f) Building location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Ten (10) feet minimum.
  - A. **Exception**: where a lot abuts on a zoning district boundary line of a more restrictive zoning district permitting residential use, the following regulations shall apply:
    - i. Buildings or uses permitted in the more restrictive zoning district shall comply with the offset requirements of the more restrictive zoning district.
    - ii. Buildings or uses not permitted in the more restrictive zoning district shall provide a fifty (50) feet minimum offset and shall be screened from the more restrictive zoning district by a planting screen at least six (6) feet high and fifteen (15) feet in width.
3. Shore Setback: Seventy five (75) feet minimum.

**(g) Height regulations**

1. Principal building: Fifty (50) feet maximum.
2. Accessory building: Fifty (50) feet maximum.

**(h) Area regulations**

1. Floor area:
  - A. Minimum required for residence purposes: Nine hundred (900) square feet total.
  - B. Maximum F.A.R. permitted: Seventy (70) percent.
2. Lot size:
  - A. Minimum area: One (1) acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.
3. Open space: No requirement.

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**SECTION 32 M-2 GENERAL INDUSTRIAL DISTRICT**

**(a) Purpose and Intent**

This District is intended to provide for trades or industries of a general character.

**(b) Permitted Uses**

1. Any use as permitted in the M-1 Limited Industrial District.
2. Quarrying, subject to a conditional use and the regulations of Section 4 (h) 25.
3. Any other commercial or industrial use not otherwise prohibited by law, provided their location, building plan, and a Site Plan and Plan of Operation have been submitted to and approved by the plan commission, except the following uses are prohibited:
  - A. Cement, lime, gypsum, or plaster of paris manufacture.
  - B. Acid manufacture.
  - C. Manufacture of explosives, but not including the making of small arms ammunition.
  - D. Storage of explosives, except as incidental to a permitted use.
  - E. Fertilizer manufacture.
  - F. Offal or dead animal reduction.
  - G. Glue manufacture, fat rendering, or distillation of bones.
  - H. Stockyards, or commercial slaughter of animals.
4. Outdoor storage and/or outdoor display subject to the approval of a Site Plan and Plan of Operation by the Village Plan Commission, except when accessory to a Self Service Storage (Mini-Warehouse) Conditional Use where it requires the approval of a Conditional Use.
5. Signs as permitted in the B-1 Restricted Business District.
6. Animal Hospitals and Vet Clinics

**(c) Accessory uses**

1. Dumpsters and other refuse type containers shall be secured from view from streets and adjacent properties.
2. Roof mounted equipment shall be located, screened, and/or painted to minimize visibility from street and adjacent sites.

**(d) Prohibited uses**

1. Adult-Oriented Establishments
2. Bed and Breakfast Facility
3. Limited Family Automotive Business
4. Limited Family Business and Home-Based Manufacturing
5. Service Oriented Businesses

**(e) Conditional Uses**

1. Cemeteries and Mausoleums for the Burial of Human Remains Only
2. Churches, Synagogues, and Other Buildings for Religious Assembly

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3. Commercial Kennels
4. Contractor's Yards
5. Outdoor Commercial Recreation Facilities and Uses.
6. Private clubs and resorts
7. Quarrying.
8. Self Service Storage (Mini-Warehouses)
9. Testing laboratories
10. Truck Washes
11. Vehicle Fuel, Vehicle Charging, Vehicle Service Stations, and Convenience Stores Associated with the Same
12. Wireless Telecommunications Mobile Service Facilities

**(f) Building location**

1. Setback:  
Fifty (50) feet minimum, except that where the opposite frontage is in a residential or agricultural zoning district, then a one hundred (100) foot minimum setback shall be required.
2. Offset:  
Ten (10) feet minimum, except that where a lot abuts on a zoning district boundary line of a more restrictive zoning district permitting residential use, the following regulations shall apply:
  - A. Buildings or uses permitted in the more restrictive zoning district shall comply with the offset requirements of the more restrictive zoning district.
  - B. Buildings or uses not permitted in the more restrictive zoning district shall provide a one hundred (100) foot minimum offset from a restricted or local business zoning district, and a two hundred (200) foot minimum offset from a residential or agricultural zoning district, and shall be screened from the more restrictive zoning district by a planting screen at least six (6) feet high and fifteen (15) feet in width.
3. Shore Setback:                Seventy five (75) feet minimum.

**(g) Height regulations**

1. Principal building: Fifty (50) feet maximum.
2. Accessory buildings: Fifty (50) feet maximum.

**(h) Area regulations**

1. Floor area:
  - A. Minimum required for residential purposes: Nine hundred (900) square feet total.
  - B. Maximum F.A.R. permitted: Seventy (70) Percent.
2. Lot size:
  - A. Minimum area: One (1) acre with or without sewer.
  - B. Minimum average width: One hundred fifty (150) feet with or without sewer.

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3. Open space: No requirement.

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**SECTION 33 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

**(a) Purpose and Intent**

1. Planned Unit Development Overlay District (PUD) regulations are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of amenities, and preservation of the natural resources and open space.
2. The planned development procedure requires a high degree of cooperation between the developer and the Village. The procedure described herein is designed to give the developer general development plan approval before completing all of the detailed design work while providing the Village with assurances that the project will retain the character envisioned at the time of approval.

**(b) Identified objectives**

When reviewing requests for approval of a Planned Unit Development, the Village shall consider whether the objectives listed below will be served or achieved. Planned Unit Developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

1. Accommodation of a variety of housing types.
2. Promotion of integrated land uses allowing for a mixture of residential, commercial, public and industrial uses (Mixed Uses) along corridors and in transitional areas.
3. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
4. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
5. Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
6. Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses.
7. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.



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**(c) Relationship to other applicable regulations**

1. Permitted and accessory uses. Permitted and accessory uses in the planned development overlay district shall be the same as those permitted in the base zoning district or districts in which the PUD is located.
2. Mixed uses. A mix of different uses within a planned development overlay district may be permitted if the Plan Commission and Village Board determine that the mix of uses is compatible and necessary to achieve the objectives of the PUD.
3. Floor area and height. The PUD may provide for an increase in the maximum gross floor area, floor area ratio, and/or maximum building height allowed in the base zoning district for the purpose of promoting project integration and additional site amenities.
4. Building setbacks. The PUD may provide for a reduction of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the PUD.
5. Lot requirements. The Village Board may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space elsewhere in the Planned Unit Development. Such open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
6. Street layout. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive areas or environmental corridors as defined by Waukesha County or SEWRPC, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.
7. Density Bonus. The zoning district lot sizes and density for residential PUDs may be modified by applying up to a 30% maximum density bonus to the density otherwise permitted in each base zoning district; provided however, that the density bonus calculation and the sewer reduction provisions contained in the Zoning Code cannot both be applied to further increase the density bonus beyond the 30% maximum density bonus allowed for residential PUDs.
8. Base Zoning Districts. PUD Overlay Districts are not permitted over the Q1 District. PUD Overlay Districts may include C1 Conservancy Districts, provided however, that no portion of any building, lot or structure shall be allowed on lands designated in an underlying C1 Conservancy District.
9. Other exceptions. The Village Board may, in its discretion, authorize the waiver or modification of the restrictions applicable to the base zoning district, provided however, that such waiver or modification shall not authorize the uses which are inconsistent or in compatible with the use restrictions contained in the base zoning district or districts.

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**(d) Procedural Requirements**

1. Pre-petition meeting. Prior submitting a petition for approval of a PUD Overlay District, the applicant shall meet with Village Staff to discuss the scope and nature of the proposed development. The applicant must sign and submit the professional services reimbursement form prior to the pre-petition meeting.
2. Petition – General Development Plan (GDP). Following the pre-petition conference, the applicant shall file a petition with the Village Clerk for approval of a Planned Unit Development Overlay District – General Development Plan. Upon submission of a completed application form, GDP, and any petitions for modification of the Comprehensive Plan and changes in the base zoning district, and upon payment of the required fees, the Zoning Administrator shall forward the application to the Plan Commission for review and consideration.

The GDP shall include the following information:

- a. Total area to be included in the PUD, area of open space, residential density computations, proposed building square footage for commercial or industrial development, proposed number of dwelling units, population analysis, traffic analysis, availability of or requirements for municipal services and any similar data pertinent to a comprehensive evaluation of the proposed development required by the Village.
  - b. General summary of the estimated value of structures and site improvement costs, including landscaping and special features.
  - c. General outline of the organizational structure of a property owners' or management association proposed to be established to provide any necessary private services.
  - d. Proposed departures from the standards of development in the Village zoning regulations, other Village regulations, administrative rules, or universal guidelines.
  - e. Expected date of commencement and completion of physical development as set forth in the proposal.
  - f. Details describing the benefits the PUD will provide the Village of Lisbon such as natural resources, open space, aesthetics, economic or public benefits or facilities, etc.
  - g. Legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
  - h. Approximate location of public and private roads, sidewalks, paths, trails, driveways, and parking facilities.
  - i. Density of the project and the amount of open space and common areas.
  - j. Conceptual architectural rendering and design of buildings, if applicable.
  - k. General location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainage ways, and open space features, if applicable.
  - l. Conceptual provisions for stormwater management.
3. Changes in Comprehensive Development Plan or Base Zoning District.

If a change to the Village of Lisbon Comprehensive Development Plan (CDP) and/or the Base Zoning District is required in order to approve the PUD Overlay District, then the appropriate

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petition or petitions shall be filed simultaneously with the filing of the GDP.

4. General Development Plan Hearing and Referral.

- a The petition for a GDP approval, together with any changes required in the Comprehensive Plan and/or Base Zoning District, shall be submitted to the Plan Commission for its review and recommendation to the Village Board. CDP and zoning changes shall include those required by the County and other extraterritorial jurisdictions, as applicable. The GDP shall be in compliance with the applicable CDPs and zoning districts.
- b The Plan Commission shall conduct a public hearing in accordance with provisions of this Chapter, and, following the public hearing, shall report its findings and recommendation to the Village Board. In making its recommendation, the Plan Commission may include such conditions or requirements as the Plan Commission deems appropriate in order to preserve the spirit and intent of this Chapter.
- c Approval of the PUD Overlay District shall establish the basic right of use for the area in conformity with the GDP as approved, provided however, that the GDP shall be conditioned upon subsequent approval of a Specific Development Plan (SDP). The GDP shall not make permissible any of the uses as proposed until a SDP is submitted and approved by the Village Board. The PUD Overlay District/GDP approval date by the Plan Commission shall become the effective date of the PUD Overlay Ordinance.  
  
If a SDP is not submitted and approved by the Village Board within twelve (12) months of the effective date of the PUD Overlay District Ordinance, the PUD Overlay District Ordinance shall be null and void.

5. Specific Development Plan (SDP). The SDP shall be submitted to the Plan Commission, and upon review, the Plan Commission make such recommendations to the Village Board as the Plan Commission deems appropriate.

The SDP may be submitted for consideration concurrently with the GDP, and shall include the following materials and information:

- a The information required for approval of Site Plans as set forth in Section 3 of this Chapter. The nature and extent of the information required under the Site Plan regulations will vary, depending upon the nature of the proposed PUD. Village Staff shall provide assistance to the applicant in order to ensure that all materials and information that may be required or requested by either the Plan Commission or Village Board when reviewing the SPD are included in the application.
- b Such other materials and information as may be requested by Village Staff, taking into consideration the comments and recommendations of the Plan Commission and Village Board when reviewing the GDP.

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c. Plat or Certified Survey Maps.

Simultaneously with the submittal of the SPD, the applicant shall file with the Village, and any other jurisdiction required by Chapter 236 of the Wisconsin State Statutes, any Subdivision Plat and/or Certified Survey Map, the approval of which shall be required in order to approve the SPD. Such submittal shall be in conformance with the Land Division and Development Ordinances of the Village of Lisbon. Such submittal shall include all of the information required under the provisions of the Land Division and Development Ordinance of the Village of Lisbon.

6. Basis of Approval of Specific Development Plan Petition.

- a. Village Plan Commission Approval. The Village Plan Commission shall, after reviewing the information submitted in support of the request for SPD approval, as well as any Plat and/or Certified Survey Map submitted simultaneously with the plan, recommend to the Village Board that the SPD either be approved, approved conditionally, or rejected.
- b. Village Board Approval. Following referral from the Plan Commission, the Village Board shall either approve, approve conditionally, or reject the SPD. In the event that the Village Board approves the SPD conditionally, the conditions of approval shall be stated with particularity. If the Village Board rejects the SPD, the reason or reasons for the rejection shall be stated in writing and provided to the applicant.
- c. The recommendation of the Village Plan Commission and the decision of the Village Board shall be based upon the following criteria:
  - i. Whether the SPD is consistent with the Purpose and Intent of the Zoning Code, and the purpose and intent of the PUD Overlay District.
  - i. Whether the SPD reflects and incorporates consideration of the physical nature of the site with particular concern for the preservation of natural resources, open spaces, natural terrain as required by Ordinance including the CDP and to the greatest extent possible when not regulated by Ordinance.
  - ii. Whether the general character and intensity of the use produces an attractive environment appropriate to the uses proposed and is compatible with existing developments in the surrounding area, including developments in neighboring and adjacent municipalities, and is generally consistent with the development policies and practices of the Village.
  - iv. Whether adequate municipal services, including the availability of schools and the provision of fire and police services, will be available to support the development, whether adequate municipal water and sanitary sewer facilities are available to support the development, or in the alternative whether the development will proceed using private wells and septic systems

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- v. Whether the applicant and/or developer has provided adequate financial guarantees to ensure that all public improvements are completed in a timely manner, and in accordance with all existing regulations and ordinances of the State, County and Village; whether, if appropriate, adequate deed restrictions have been drafted and will be recorded, and a Home Owners Association or similar Association charge with responsibility of maintaining common areas of the proposed Development has been established.
- vi. Whether any Plat or Certified Survey map has been approved by the Village and all other approving authorities.
- vii. Whether the developer has entered into a Development Agreement, approved by the Village Attorney, the purpose of which is to ensure the implementation, completion and continued maintenance of the development as established by the PUD Overlay District Ordinance, the GDP and the SDP.
- viii. Whether the development will include dedication of lands for parks or other municipal purposes, or alternatively, whether the developer will pay fees in lieu of the dedication.
- ix. Whether the development is subject to, or contingent upon, approval of any adjoining municipality as a result of the contractual obligations imposed by Border Agreements, and if so, whether those approvals have been obtained.

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**SECTION 34 BOARD OF APPEALS**

**(a) Establishment**

1. Authority: This chapter incorporates Section 62.23(7)(e) of the Wisconsin Statutes as it presently exists, or any amendments or revisions thereto. Pursuant to the statutes as it presently exists as of the date of the adoption of this chapter, the board of appeals shall consist of 3 members to be appointed by the Village President, subject to confirmation by the Village Board. Not more than one village board supervisor may be a member of the board of appeals. The initial terms of the members of the board of appeals are one, 2 and 3 years, respectively, starting from the first day of the month next following the appointment. The first appointed shall be for a term of one (1) year, the next for two (2) years, and the next for three (3) years. Successors shall be appointed or elected at the expiration of each term and their term of office shall be 3 years and until their successors are appointed or elected. Members of the board of appeals shall reside within the village and outside the limits of incorporated areas. The board of appeals shall choose a chairperson and vice-chairperson, and may also designate a secretary or other positions as needed. The Village President shall appoint 2 alternate members of the board of appeals, subject to confirmation by the Village Board, for staggered 3-year terms. The chairperson of the Village Board shall designate one of the alternate members as the first alternate and the other as 2nd alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of appeals refuses to vote because of a conflict of interest or is absent. Vacancies shall be filled for the unexpired terms of any members whose positions become vacant by an alternate or by appointment of the Village President, subject to confirmation by the Village Board. The members of the Board of Appeals shall be removable by the Village President for cause upon written charges and after a public hearing is held. The members of the Board of Appeals shall receive such compensation for performance of its duties as determined by the Village Board.

**(b) Rules**

1. General: The chairperson will hold office for one (1) year and until his or her successor is appointed. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.  
  
The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, of failing to vote indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall be immediately filed in the office of the board of appeals and shall be a public record.
2. Meetings: Meetings of the board of appeals shall be held at the call of the chairperson and at such other times as the board of appeals may determine, and said meetings shall be open to the public. Meetings where the board of appeals may go into closed session shall be noticed as such, including the reason for closed session.
3. Procedural: The board of appeals shall adopt bylaws or other rules governing its procedure as are deemed necessary, consistent with this chapter.
4. Cooperation with the Village of Lisbon Building Inspector: The board of appeals shall keep the Village Building Inspector informed as to any matters brought before it and shall call upon the Building Inspector for such information as is pertinent to the matters under consideration.

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5. Notification: The Wisconsin Department of Natural Resources shall be notified of any decision of the Board of Appeals in the shoreland and floodland areas of the Village of Lisbon within ten (10) days from the date of the decision.

**(c) Powers**

1. Defined: The Board of Appeals shall have the following powers as defined by statute:
  - A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 62.23(7)(e) Wisconsin Statutes, or of this chapter.
  - B. To hear and decide variances to the terms of this chapter upon which such board of appeals is required to pass under this chapter.
  - C. To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will 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.
  - D. To grant variances for renewable energy resource systems if said system cannot meet normal locational requirements of this chapter for accessory structures. If the board of appeals denies an application for a variance for a renewable energy resource system, the board of appeals shall provide a written statement of its reasons for denying the application. In this paragraph, "renewable energy resource systems" means a solar energy system, a waste conversion energy system, a wind energy system or any other energy system that relies on a renewable energy resource.
2. Additional requirements: In making its determination, the Board of Appeals shall consider whether the proposed variance would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of physical, social, or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this chapter, as the board of appeals may deem necessary for the protection of adjacent properties and the public interest and welfare.
3. Performance standards: In order to reach a fair and objective decision, the Board of Appeals may utilize and give recognition to appropriate performance standards which are available in model codes or ordinances, or which have been developed by planning, manufacturing, health, architectural, and engineering research organizations.
4. Enforcement of decision: In exercising the above-mentioned powers, such board of appeals may in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; and may issue or direct the issuance of a permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district; of rezoning; of allowing a variance which would have the effect of intensifying a use in a manner contrary to what a similarly situated property would be allowed; of permitting, without the approval of the Village Board, any building within the base setback area as established by Section 3 (g) 1 of this Chapter; or of granting exceptions to Chapters COMM 83, NR115 or NR116 of the Wisconsin

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Administrative Code, the Waukesha County Sanitary Ordinance and any other state or local ordinance. All variances shall be utilized and the building permit issued, where required, within two (2) years of the date of filing of the decision of the Board of Appeals or the variance decision shall expire, and the entire process shall recommence in the event a variance is sought in the future. The date of filing shall be the day following the date of the original decision of the Board of Appeals regarding the subject matter.

5. Required vote: A majority vote of the members of the board of appeals present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated. A quorum shall consist of a simple majority of the entire Board. If a quorum is present, the board of appeals may take action by a majority vote of the members present. On all votes where the Board is equally divided, the question shall be deemed lost.
6. Further appeal: Any person or persons, jointly or severally, aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board, or bureau of the municipality, may appeal from a decision of the board of appeals within thirty (30) days after the filing of a decision in the office of the Board of Appeals in the manner provided in the Wisconsin Statutes.

**(d) Appeals**

1. How filed: Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision in relation to the administration or enforcement of this chapter by the administrative officer. Such appeal shall be taken within twenty (20) days from the date of the decision of the Building Inspector or other administrative officer appealed from by filing with the officer from whom the appeal is taken, and with the board of appeals, a notice of appeal specifying the grounds thereof and together with the proper fee as established under Section 37 (b) 5 of this chapter. The officer from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.
2. Stay: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whose decision the appeal is taken certifies to the board of appeals, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
3. Hearing: Each appeal shall be heard within a reasonable time and not to exceed ninety (90) days from the time the appeal was filed with the board of appeals. Notice of hearing shall be given by publishing in a newspaper of general circulation in the vicinity of the appeal at least once each week for two (2) consecutive weeks and not less than seven (7) days from the date of hearing which includes the date of publication, but not the date of the hearing. Written notice shall be given to the state department of natural resources not less than ten (10) days prior to the hearing if the appeal is in a shoreland and floodland area. Written notice shall also be given to the administrative officer appealed from and by regular mail to the petitioner, the clerk of the village, the owners of each parcel of land within three hundred (300) feet of the land in question, and any other specifically interested parties. At the hearing, any party may appear in person, by agent, or by attorney.



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4. Decision: The decision on any appeal variance or interpretation shall be made within fifteen (15) days after completion of the hearing thereon unless such time is extended with the mutual consent of the board of appeals and the petitioner. At such time as a decision is made, the petitioner and the department of natural resources (when in a shoreland and floodland area) shall be notified in writing within ten (10) days of the date of the decision.

(e)

**Filing requirements**

1. Fee: A variance petition submitted by other than a governmental body or agency shall be accompanied by the proper fee as established under Section 37 (b) 5 of this Chapter, payable to the Village of Lisbon to help defray administrative and professional costs of such petition.
2. Data required: In addition to all information required on the application form, the petitioner shall supply the following to the Village Clerk:
  - A. A minimum of fourteen (14) copies, or the number required by the Deputy Village Clerk, of a map accurately drawn to scale of not less than one hundred (100) feet to the inch showing all lands within 500 feet of the subject property, the land in question, its location, the length and direction of each boundary thereof, and the location and existing use of all buildings on such land.
  - B. The names and complete mailing addresses, including zip codes, of the owners of all properties within three hundred (300) feet of any part of the land included in the request.
  - C. Any further information that may be required by the zoning administrator or Board of Appeals to facilitate the making of a comprehensive report to the Board of Appeals.

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**SECTION 35 ZONING TEXT AND MAP AMENDMENTS**

**(a) Authority**

Pursuant to the provisions of the Wisconsin Statutes, the Village Board may, after the submittal of a proposal to the Plan Commission for review after notice and public hearing as hereinafter provided, amend, supplement, or change the boundaries of the zoning districts or the regulations as established in this chapter, or which may subsequently be established. Such proposal may be initiated by the Village Board on its own motion, by recommendation of the Plan Commission, or the Village Administrator.

**(b) Procedure; filing of petitions.** All petitions for any change in the text or map of the zoning code submitted by any person or agency other than the village board or the village plan commission shall be prepared on printed forms provided by the village. Such petition shall be filed with the village clerk-treasurer and shall be accompanied by a fee established by resolution, payable to the village to defray the cost of advertising, investigation and possible changes in the text or map of this zoning code.

**(c) Data required.** In addition to all information required on the petition form, the petitioner shall supply the following:

1. A plat of survey drawn to a scale of not less than 200 feet to the inch, showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on such land, and the principal use of all properties within 300 feet of such land. The number of copies shall be a minimum of 14 or as determined by the village board.
2. The names and addresses of the owners of all property within 300 feet of any part of the land included in the proposed change.
3. When a petition for change of zoning of any lands in the village is filed requesting a change of zoning to a classification other than residence, conservancy or agricultural, the applicant shall submit a detailed proposed development plan for the lands involved. Such development plans shall be filed in triplicate and shall show the architectural design of the building to be constructed, the type of materials to be used in such construction, size of each building proposed to be constructed, the location of each building with reference to each other and with reference to boundary lines of lands involved, the nature and type of business or industry to be conducted on said premises and within the building proposed to be constructed thereon, roadways and driveways to be constructed, parking areas to be provided, public highways or highways adjacent to the lands involved, drainage facilities to be provided, the location, size and type of all signs or advertising media to be constructed on the site, construction schedules to be followed, and any further information which may be required by the village plan commission to facilitate the making of a comprehensive report to the village board.

**(d) Procedure.**

1. The village clerk shall schedule a public hearing to be held jointly by the village plan commission and the village board. Publication and notice of the time and place of said hearing shall be provided as set forth in Section 36.
2. The village clerk- shall transmit without delay one copy of such notice and one copy of the development plan, where required, to the village plan commission and village board.
3. Upon completion of the public hearing, the plan commission will consider the testimony taken at the public hearing, along with the detailed development plan submitted to them by

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the applicant along with any other pertinent information regarding the proposed amendment. It shall review all pertinent technical information and make a recommendation to the village board relative to whether or not the proposed amendment should be approved, modified and approved, or denied.

4. Upon receipt of the plan commission's recommendation relative to the proposed amendment, the village board shall consider such recommendation and shall either approve, approve and modify, or reject the amendment.
5. In case of protest against such change duly signed and acknowledged by the owners of 20 percent or more either of the areas of land included in such proposed amendment, supplement or change, or by the owners of 20 percent or more of the area of the land directly opposite hereto extending 100 feet from the street frontage of such opposite land, or in the event that such change is contrary to the recommendation of the village plan commission, such amendment, supplement or change shall require a  $\frac{3}{4}$  vote of the members of the village board.
6. If approved, the village board shall cause to be drafted an ordinance amending the zoning code.

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**SECTION 36                      GENERAL PUBLIC HEARING PROCEDURES**

**(a)      Purpose**

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this chapter.

**(b)      Procedure**

1.      Publishing and notice.

- A.      Such notice of public hearing shall be given not less than ten days prior to the date of such hearing. The notice shall be published as a Class 2 notice under Wis. Stats. ch. 985, such notice shall be published once during each of the two weeks prior to such hearing, in the newspaper of general circulation within the village and posted in at least three (3) public places in the Village of Lisbon.
- B.      When the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, or the granting of a variance, notice of the public hearing shall be posted in the vicinity of such proposed change, use, or variance where practical, and the Village shall mail notices by regular mail to the owners of all lands within five hundred (500) feet of any part of the land included in such conditional use, or three (300) hundred feet of any part of the land included in such proposed change or variance, at least ten (10) days before such public hearing. The failure of such notice to reach any property owner, provided such failure be not intentional, shall not invalidate any ordinance amendment, conditional use, or variance decision.
- C.      The village clerk shall notify the plan commission without delay of all public hearings. A notice of public hearing shall also be sent to each village board member and posted at the village hall.

2.      Information. Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held.

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**SECTION 37 GENERAL ADMINISTRATION AND ENFORCEMENT OF THE ZONING  
CODE, VIOLATION/CITATION PROCEDURES AND PENALTIES**

**(a) Enforcement officer**

1. Village Building Inspector designated: The Village Building Inspector, or its designee, is hereby designated as the enforcement officer for the provisions of this chapter under the direction of the Village Board of Trustees.
2. Responsibilities: The Village Building Inspector, or its designee (e.g., the Village Clerk, deputy clerk, village planner, etc.), shall oversee the administration of this chapter, hold the necessary public hearings, and make recommendations to the village plan commission and/or the village board relative to zoning matters, where required in this chapter.
3. Appeal: Any person or persons jointly or severally aggrieved by any decision of the zoning agency, or any taxpayer, or any officer, department, board, or bureau of the village, may appeal from a decision of the zoning agency within thirty (30) days after the filing of the decision in the office of the zoning agency by seeking the remedy available by certiorari. No appeal shall be taken from a decision of the zoning agency to the village board of appeals.

**(b) Zoning administrator**

1. Designation: The Village Building Inspector is designated as "zoning administrator" for the administration and enforcement of the provisions of this chapter and the zoning administrator has the authority to designate staff under its direction to perform delegated tasks and duties (for example, the Village clerk, deputy clerk, planner, etc.).
2. Duties: In the administration and enforcement of this chapter the zoning administrator shall perform the following duties:
  - A. Issue the necessary building and occupancy and use permits provided in the provisions of the code, and ensure any applicable building codes have been complied with, and make, or cause to be made, the necessary inspections.
  - B. Keep an accurate record of all building and occupancy and use permits issued.
  - C. Keep accurate records and maps of the zoning code and any amendments or changes thereto. Unless the Village determines otherwise at a future date, the zoning maps will be updated and master files kept in the office of the County Planning and Zoning Division.

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- D. Inspect and process any reported violation of this chapter and keep accurate records of the same.
3. Authority: In the enforcement of this chapter, the zoning administrator shall have the power and authority for the following:
- A. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
  - B. Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy and use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this chapter, such revocation to be in effect until reinstated by the zoning administrator or the zoning board of appeals.
  - C. In the name of the village and with authorization of the Village Board, refer to the Village Attorney for commencement of any legal proceedings necessary to enforce the provisions of this chapter or the building codes. The collection of forfeitures provided for herein shall occur through the established procedures of the Village of Lisbon and/or the Waukesha County Clerk of Courts and Waukesha County Department of Administration, Collection Division. The issuance of citations provided for under this chapter shall not require such authorization or referral as noted above, and may be issued by the Zoning Administrator directly.
4. Deputies: To expedite local administration of this chapter, the zoning administrator may designate one or more deputies for the purpose of field inspection and verification of the conditions shown on the application for building and occupancy and use permits. The deputies shall be authorized to accept application for building and occupancy and use permits and shall promptly make any necessary inspection to verify the correctness of the application and file the application with the Village Clerk. The deputies shall also make the necessary inspection as provided in Section 3.03 (3) (B) of this chapter before an occupancy and use permit shall be issued.
5. Fee schedule: The fees referred to in other sections of this chapter shall be established by the annual Village Budget adopted by the Village Board and as may from time to time be modified. The processing fees are related to costs involved in handling and processing building permit applications and other approval processes including but not limited to site plan and plan of operation reviews, conditional use petitions, appeals to the board of appeals, zoning amendments, public notices, and agendas, even if the project or use is not approved. The owner of the subject property shall also submit payment, upon receipt of a statement from the Village, for any professional services, fees, charges, expenses, and costs associated with permit and approval reviews, inspections, preparation of required documents, attendance at meetings, enforcement in the event of violation, etc. at the rate charged to the Village for such fees and costs by the professional staff, even if the project is not approved. Nonpayment of the professional fees, charges, expenses, and costs within 30 (thirty) days may cause the expenses to be placed on the tax roll for the subject property, and may also be cause for termination of the project or use.

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**(c) Violations**

1. Penalties: Any person, firm, company, or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall be subject to a fine as listed in the Fee Schedule Appendix included herein for each offense, together with the costs of the (legal) action, and in default of the payment thereof, shall be imprisoned in the County Jail of Waukesha County, for a period of not to exceed six (6) months, or until such fine and the subsequent costs have been paid. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such. Abatement and remediation of the violation, and restoration of environmental damage shall also be required in addition to any forfeitures levied. Failure to abate a violation may result in the Village Attorney filing a summons and complaint against the property owner in circuit court, and/or other legal action may be taken to bring the property into compliance, including the issuance of citations.
2. Enforcement by injunction: Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the village or one (1) or more owners of real estate situated within an area affected by regulations of this chapter. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctive proceedings.
3. Declared nuisances: Any building erected, structurally altered, or placed on a lot, or any use carried on in violation of the provisions of this chapter is hereby declared to be a nuisance per se, and the village may apply to any court of competent jurisdiction to restrain or abate such nuisance.
4. Enforcement by Citation: When the village elects to use the citation method of enforcement of the Wisconsin Statutes for violations of this Zoning Code, including those for which a statutory counterpart exists, the following applies:
  - A. In addition to all law enforcement officers, the issuance of citations is expressly limited to the zoning administrator or his/her designee. The authority delegated to such official or employees to issue citations may only be granted or revoked by the Village Board.
  - B. The citation shall contain the following information:
    - i. The name and address of the alleged violator.
    - ii. The factual allegations describing the alleged violation.
    - iii. The time and place of the offense.
    - iv. The section of the chapter violated.
    - v. A designation of the offense in such a manner as can be reasonably understood by a person making a reasonable effort to do so.
    - vi. The time at which the alleged violator may appear in court.
    - vii. A statement that, in essence, informs the alleged violator:
      - a. That a cash deposit based on the schedule established by the Village Board, from time to time, be made to, deposited with, and filed in the office of the Village Clerk, prior to the time of the scheduled (circuit) court appearance.
      - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned or the citation requests a court appearance.

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- c. That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment crime lab assessment and drug/law enforcement assessment, and any applicable domestic abuse or consumer information assessments of, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.
  - d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment or an action may be commenced to collect the forfeiture, penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment, and any applicable domestic abuse or consumer information assessments.
  - e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered.
- viii. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subparagraph vii above has been read. Such statement shall be sent or brought with the cash deposit.
- ix. Such other information as the Village deems necessary.
- C. The schedule of cash deposits including penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment, and any applicable domestic abuse or consumer information assessments for use with citations issued under this section shall be as adopted by the Village Board from time to time and such schedule shall be on file in the office of the Zoning Administrator and Village Clerk. Receipts shall be given for cash deposits.
- D. Procedures relating to the options of an alleged violator and default are contained in the Wisconsin Statutes.
- E. This section does not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance regulation or order.



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**SECTION 38 VALIDITY**

**(a) Interpretation**

In this interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Lisbon, and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Lisbon, or granted by the Wisconsin State Statutes.

**(b) Severability and non-liability**

The several sections, subsections and paragraphs of this chapter are hereby declared to be severable. If any section, subsection, paragraph or subparagraph of this chapter shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the chapter, or of the section of which the invalid portion or paragraph may be a part.

The Village does not guarantee, warrant, or represent that only those areas designated as floodlands on the zoning map will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village of Lisbon Village Board, its officers, officials, agencies, or employees for any flood damages that may occur as a result of reliance upon and conformance with this Chapter.

**(c) Repeal**

All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

**(d) Effective date**

This chapter shall be in full force and effect upon passage and publication by the village board and said publication to consist of posting copies thereof in public places in the village pursuant to state statutes.

The Zoning Map is not attached to the Zoning Code, but an official copy is on file at the Village Hall and is current as of the date of the most recent revision noted on the Zoning Map.

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**EXHIBIT Q      VILLAGE GATEWAY DESIGN STANDARDS**

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

# Design Standards

FOR  
VILLAGE OF LISBON

Lisbon-Sussex “Planning Gateway Areas”  
(herein referred to as the “Gateway Areas”)

Adopted \_\_\_\_\_

## DESIGN STANDARDS

### **Design Goals:**

The Village of Lisbon (Village) has adopted a Land Use Plan to guide future development and redevelopment in the Village. The Plan's goals seek to maintain a small-town atmosphere, and the use of green-space in such developments. These design standards are intended to define and enforce criteria for quality development that meets the goals stated above. The following design standards are established to apply to all new structures and uses, and to changes or additions to existing structures and uses in the Gateway Areas. These parcels are mapped on Exhibit P of the current Intergovernmental Agreement between Lisbon and Sussex.

### **Design Objectives:**

In order to assure that development projects conform to the goals in the Land Use Plan, the Village hereby adopts these design review standards to guide planning decisions by the Village Plan Commission, and Village Board for areas within the Gateway Areas.

### **Design Policy:**

All proposed development projects shall be initially reviewed by the Village Plan Commission for recommendations and acceptance or rejection. The project shall materially adhere to the standards outlined in this document. Any variances from these standards must be approved by JPC, Village Plan Commission and Village Board, as applicable, based upon findings by the Village Engineer, and Village Administrator or his/her designee. All of the sections listed in the Design Contents must be satisfactorily met before approval will be given to the project.

Some design standards may be more stringent based on standards found in other duly adopted plans or other Plans the Village Board may pass from time to time.

<b>Design Contents:</b>	<b>Pages</b>
SECTION 1 SITE PLANNING	3-4
SECTION 2 LANDSCAPING	5-8
SECTION 3 PARKING	9-10
SECTION 4 BUILDINGS AND STRUCTURES	11-12
SECTION 5 SIGNAGE	13-14
SECTION 6 PEDESTRIAN ORIENTATION	15-16
SECTION 7 LIGHTING	17
SECTION 8 ENVIRONMENTAL PROTECTION	18
SECTION 9 DESIGN STANDARDS AMENDMENT	19
SECTION 10 DEFINITIONS	20-21
SECTION 11 ADDITIONAL DESIGN STANDARDS AREAS OUTSIDE OF THE JPC JURISDICTION	22

## **SECTION 1 SITE PLANNING**

**Purpose:** The intent of this section is to develop quality site plans that promote green space, pedestrian access, and quality of life enhancements. The standards apply for all areas of the Special Use Districts, but the reader should be aware that specific plans may require more specific standards.

### **1.1 Development Concepts**

- (A) Developments shall be designed as visible commercial, business or industrial sites, with defined public use activity centers, perimeters composed of roadways or common open spaces, and a strategy for transitioning vehicle, bicycle, and pedestrian circulation. Differing uses shall be clearly defined by attractive measures of transitioning traffic flow from the perimeters to the center. The developer shall provide convenient and attractive pedestrian and vehicular connections between all areas including retail/business, and recreation uses and the transition strategy shall include the use of landscape buffers, pedestrian walkways, and/or architecturally similar building designs.

### **1.2 (Intentionally Blank)**

### **1.3 Traffic and Utilities**

- (A) Entry points shall be consolidated to minimize traffic conflicts, congestion, and to create an easily identifiable circulation system. A traffic study maybe required to determine the proper circulation pattern.

The Village Engineer shall determine the need for a Traffic Study based on site specific conditions.

- (B) Appropriate distances shall be maintained, as determined by the government agency with jurisdiction for the road, between intersections along arterial streets for safety and ease of traffic flow.
- (C) Intersections on local roads shall be no less than 250 feet apart for safety and ease of traffic flow unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (D) Snow storage areas shall be delineated on the site plan to ensure snow can safely be removed from parking and driving areas without damaging landscaping or illegally placing snow in the public right of way.
- (E) Development shall incorporate opportunities for future public transit services.
- (F) All Utilities shall be placed underground unless such placement is found to be unrealistic as determined by the Village Plan Commission and JPC based on studies conducted by, and recommendations submitted by the Village Engineer.

- (G) When designing storm water facilities the designer of the facilities shall think about the impact of water coming onto the site from other areas, how the sites design will impact water quality after flowing across the site, and how water will leave the site. Attention to how the facilities can positively affect the quality of the site design should also be taken into consideration.
- (H) Lighting shall be incorporated into developments so that it does not impose on adjacent land uses. The lighting used shall be consistent with the architectural theme of the building and of the neighboring buildings. The lighting structure shall be as minimal in height as possible. The lighting shall follow the Land Use Plan or other Plans as may be approved from time to time by the Village. See Lighting Section 8 for more information.

#### 1.4 Open Space and Recreation

- (A) Sidewalks, walkways, pathways and or bike paths shall be installed by the Developer in any areas designated in the Comprehensive Land Use Plan or other plans as may be approved from time to time by the Village.

## **SECTION 2 LANDSCAPING**

**Purpose:** The intent of this section is to develop quality landscaping that promote green space, protect established trees, and create other quality of life enhancements. The standards apply for all areas of the Special Use Districts, but the reader should be aware that specific plans may require more specific standards.

### **2.1 Landscaping and Buffering Standards**

- (A) Berms shall be used to screen high traffic areas from residential homes, break up the visibility from the roadway of large areas of parking, and create separation from dissimilar uses that are adjacent to each other. Berms shall be built with side slopes not exceeding one foot vertical by three feet horizontal unless otherwise approved by the Village Plan Commission and shall be maintained with grasses or alternative landscaping satisfactory to the Village Plan Commission and JPC. The buffering shall be in harmony with terrain adjacent to the development site. The developer shall have provisions for ongoing maintenance such as mowing and weed management of the berms.
- (B) Extensive landscaped areas and open spaces shall be in place to reduce the visual intensity of developments in a manner that is consistent with the low intensity countryside character desired in the Village's Land Use Plan. Use buffers and screens, either with landscape, structural, or earthen features to separate vehicular and pedestrian areas, and to beautify/screen parking lots and buildings from the view of the street or other neighboring parcels.
- (C) Determining Required Land Use Buffer and Landscape Design: An appropriate land use buffer and landscaping shall be provided between uses based on the intensity of the uses. The greater variance of intensity between adjacent land uses, the higher level of buffering and landscaping shall be provided. Definitions of intensity factors used to determine buffering are defined in the tables shown below.

1. The first step in determining the buffer and landscaping required is to calculate the numerical difference between the land use intensity (LUI) factors of the two adjoining uses from Table 1.

*Example A: If a general commercial project is proposed on a site that borders existing lands zoned for residential density of four to eight units per acre, the calculated Land Uses Intensity difference would be (General Commercial LUI Factor = seven) minus (Res. four to eight units per acre LUI Factor = three) equals an LUI difference of four.*

2. The second step in determining a land use buffer and landscape requirement is to adjust the numerical difference between land use intensities for any intervening road, drainage or utility right of way or easements that separate the sites. The difference between LUI factors shall be reduced as noted on Table 2.

*Example B: If the general commercial project from Example A was separated by a*

*local road from the residential density of four to eight units per acre, the adjusted LUI Factor would be (LUI Difference = four) minus (Local Road deduction = one) equals adjusted LUI Difference of three.*

3. The resulting final land use intensity difference is then used to determine the buffer and landscape design type in Table 3.

*Example C: Using the adjusted LUI difference of three from Example B the required buffer width would be 20 feet between the proposed project and existing residential property.*

*Example LUI Calculation*

$$\begin{array}{ccccccc} \text{(General Commercial <.65 ISR)} & \text{minus} & \text{(Residential 4-8 units/acre)} & \text{minus} & \text{(Local Road)} & \text{=} & \text{(Adjusted LUI)} \\ 7 & - & 3 & - & 1 & = & 3 \end{array}$$

4. The following guidelines can be used to help determine the appropriate buffer and landscape design.
  - a. The buffer and landscape requirements are calculated per each side of a parcel (North, East, West, and South) and may often times be different for each side of a parcel depending upon the adjacent uses or roadways in any particular site.
  - b. The total landscaping requirements once determined for each side can be added together for the site and allocated on the site as deemed appropriate by the Village Plan Commission to accomplish the goals of beautifying/screening parking, accessory structures, and dock doors, and enhancing buildings. Buffer distances must be maintained in each side as required by Table 3 to protect the separation required in that side of the property.
  - c. The lineal feet measurement used in Table 3 is calculated by measuring the entire length of the property line on each side of a parcel. The lineal feet measurement of a side is reduced by the portion of the length of the primary building facing that side where no parking lot is found on a perpendicular tangent between the building and the property line on that side and when the building has no dock doors on that side of the building.
  - d. In no case shall a landscaping requirement be less than zero.
  - e. Parking lots may have special buffering and landscaping requirements as listed in Section 3 Parking.



## **Land Use Intensity Charts and Diagrams**

(The Chart is shaded to represent the example from page 5.)

**Table 1 – Land Use Intensity Factor**

Land Use	LUI Factor	Land Use	LUI Factor
Office: Less than .60 ISR and 2 stories or less	5	General Commercial: Less than .65 ISR	7
Office: .60 - .65 ISR and 2 stories	6	General Commercial: .65 ISR or greater	8
Office: Over .65 ISR or over 2 stories	7	Heavy Commercial	9
Residential : Less than 4 units per acre	1	Warehouse/Light Manufacturing	8
Residential: 4-8 units per acre	3	Manufacturing	9
Residential: 9-20 units per acre	6		

Notes to Table 1.

1. Impervious surface ratio (ISR) is the amount of land covered by buildings, overhangs, porches, canopies and pavement to the amount of land covered by landscaping.
2. Office includes office and medical office uses, and the office fronts of office/warehousing buildings. Special uses in office zones shall require additional buffering, based on their intensity.
3. "General Commercial" is defined as uses that do not have outside activities such as night use drive-up windows, gasoline sales, significant late night parking lot activity or similar impacts adjacent to the lower intensity land use. (i.e. Hardware Store, Non-Drive Thru Restaurants, Drug Stores).
4. "Heavy Commercial" is defined as all other commercial uses not included in note three. (i.e. Department Stores, Movie Theatres, Grocery Stores).
5. For vacant land, the land use intensity shall be assumed to be based on current zoning or land use plan designation, whichever is the most intense.

**Table 2. Intervening Right Of Way Credit**

Right-Of-Way or Easement Width	Reduction of LUI Difference
<b>Local Road</b>	<b>1</b>
<b>Collector Road</b>	<b>2</b>
<b>Arterial Road</b>	<b>4</b>
<b>Limited Access HWY</b>	<b>6</b>
<b>Utility or Drainage Easement (feet)</b>	
<b>20 to 50</b>	<b>1</b>
<b>51 to 100</b>	<b>2</b>
<b>101 to 150</b>	<b>3</b>
<b>151 or more</b>	<b>4</b>

**Table 3. Land Use Buffer/Landscape Design**

Buffer Type Planted/100 Lin. Ft. of Buffer				
(LUI Diff.)	Width (ft.)	Shade Trees	Evergreen Trees	Shrubs
<b>0-3</b>	<b>20</b>	<b>2</b>	<b>6</b>	<b>20</b>
<b>4</b>	<b>30</b>	<b>3</b>	<b>8</b>	<b>25</b>
<b>5</b>	<b>40</b>	<b>3</b>	<b>10</b>	<b>35</b>
<b>6-8</b>	<b>50</b>	<b>6</b>	<b>14</b>	<b>45</b>

## 2.2 Other General Landscaping Guidelines

- (A) Ample green space at least 30 feet in width along arterial roadways and 25 feet in width along other right-of-ways, except where smaller setbacks are required by other Plans as may be approved from time to time by the Village. Development bordering federal, state, and county highways shall also meet this requirement and include landscape plantings.
- (B) Improve roadway visual quality through the use of vegetation and streetscape amenities consistent with neighboring properties and within the Special Use Districts. There shall be streetscape amenities along arterial streets consistent with overall styles as documented in the Village Design Standards, Land Division Ordinance, or other duly adopted Village Ordinances or Plans. Some examples of streetscape amenities include benches, monuments, decorative lighting, etc.
- (C) All entranceways must have a landscaped area to include a monument sign of stone, marble, brick, or similar type materials including a landscaped plan approved by the Village Plan Commission. The monument sign may be placed in the landscape terrace area if deemed appropriate by the Village Plan Commission.
- (D) (Intentionally Blank)
- (E) Commercial, Business or Industrial developments shall include one or more planting areas that shall feature natural landscaping materials, such as vegetation (trees, bushes, etc.) stone, brick or wood, to soften the visual impact of principal buildings on the site and to enhance the desired small village feel of the development. Planting areas are to be placed near the main entrances to the principal structures on the site.

### **SECTION 3 PARKING**

**Purpose:** The intent of this section is to develop quality parking that promotes public safety, pedestrian friendliness, and quality of life enhancements. The standards apply for all areas of the Special Use Districts but the reader should be aware that specific plans may require more specific standards.

- (A) Parking facilities shall include a 30 feet setback from the right of way on arterials, other street yard setbacks are 25 feet from the right of way. Side and rear yard setbacks are a minimum of 5 feet to property line.
- (B) Parking facilities over 1 acre shall include public activity center features at major access points to key buildings and shall be designed for orderly egress and ingress.
- (C) Parking lot, street way, and walkway lighting shall not impact upon adjacent residential areas, but shall be well lit to provide safe transportation.
- (D) Promote shared parking facilities to minimize visual impacts of expansive lots. Shared parking facilities shall have a shared parking facility agreement.
- (E) Parking facilities shall include the use of strategically placed islands of natural landscaping material to break up expanses of paving. This will:
  - 1. Create multiple small parking lots in the place of a few large lots to increase the visual quality of public areas.
  - 2. Divide up the "seas" of parking by designing individualized parking precincts for the various uses in a mixed use neighborhood.
  - 3. Maintain and end island area next to the last parking stall in the row to provide adequate turning and maneuvering room.
- (F) Parking facilities shall maintain safety and pedestrian comfort within parking and circulation areas. To accomplish this:
  - 1. Parking lots shall not directly abut buildings on a site, but shall be transitioned by a pedestrian walkway at least five feet in width. The transition shall also include landscaping or amenities to present a safe and attractive border to the parking lot.
  - 2. Parking lots in all districts containing more than 20 spaces shall provide clearly defined pedestrian walkways between the parking area and buildings located on the site. Pedestrian walkways shall be provided at a minimum of one walkway for each six lanes of parking. More stringent requirements may be required if the Village determines it to be appropriate for pedestrian safety reasons.
- (G) Commercial parking lots shall not be located in the street yard. A variance may be granted by the Village Board if the public good would not be served by having only side or rear yard parking. The variance shall allow for no more than 10% of the total parking spaces to be

allowed in the street yard and those spaces must be blocked from the street view by a combination of landscaped berms, evergreen trees, and shrubs. Acceptable view blockage shall be based on site topography, views from adjacent sites, and locations of landscaping and structures on the site.

## **SECTION 4 BUILDINGS AND STRUCTURES**

**Purpose:** The intent of this section is to develop quality buildings that reflect the development patterns of the area while still promoting a modern appeal that meets the needs of citizens and quality of life enhancements that citizens have come to expect in the Village. The standards apply for all areas of the Special Use District, but the reader should be aware that specific plans for certain areas may require more specific standards.

### **4.1 General Building Materials and Architectural Details**

- (A) Village standards will take precedence over any national or regional branding.
- (B) Building facades shall not be capped by long unbroken structural lines or repeating of monotonous design. Building facades that use varying setbacks are encouraged.
- (C) Building material and architectural details shall maintain continuity and rhythm with each other to develop an appropriate building character for each designated area. To accomplish this:
  - 1. The exterior of all buildings shall be made of natural materials, (wood, brick, stone, or decorative masonry block, etc.) and no metal exteriors are allowed.
  - 2. Facades of buildings shall maintain no more than 50% of each length of elevation without some type of window, door openings, or architectural articulation to prevent large expanses of unbroken wall. All four sides of a building shall be articulated for four sided architecture.
  - 3. Roof material that is visible should be dimensional shingles and color to be consistent with building color. Metal roofs shall only be considered in rare occasions for commercial buildings if the metal roof is deemed to be significantly tied to the style of architecture for the building and fits with the small village feel of the Village. Metal roofs shall be limited to entrance features such as canopies and gables visible from the street frontage.
  - 4. At street corners the buildings should have well designed entrances angled towards the center of the intersections with tall building features and unique signage visible in all directions.
- (D) Refuse structures, mechanical equipment, loading docks, etc. should be screened and designed to have very limited impact on neighboring properties. Refuse structures shall be constructed of material that matches the building exterior so as to blend with the overall architecture of the site and must have a gate.

### **4.2 Commercial, Business and Industrial Structures Building Materials and Architectural Details**

- (A) Commercial, Business and Industrial Structures shall use the traditional architectural features found in the area, including but not limited to; use of natural stone products, gable roofs, parapets and etcetera. To accomplish this:

1. Commercial clusters shall provide a common small village theme emphasizing a sense of community. Any branding shall be minimized and adjusted so as to not distract from the architectural themes of the Village.
  2. Structures with side or rear public exposure shall include use of the same architectural features found on the front of the building.
  3. Structures shall provide a human scale along street corridors by encouraging store front windows, covered walkways, and highlighted entrances.
- (B) Commercial structures shall not be flat roofed rectangular commercial structures. They may have facades with articulated lines to delineate sections.
- (C) Refuse containers, mechanical equipment, loading docks, etc. should be screened and designed to have very limited impact on neighboring properties.

#### 4.3 (Intentionally Blank)

## **SECTION 5 SIGNAGE**

**Purpose:** The intent of this section is to develop quality signs that promote the development patterns of the area and assist with the architectural feel of the neighborhoods the signs will be located in. The standards apply in the Special Use Districts, but the reader should be aware that specific plans may require more specific standards.

### **5.1 General Signage Architectural and Design Standards**

- (A) Village standards will take precedence over any national or regional branding.
- (B) Signs shall be coordinated with the architecture of the building and with each other if multiple signs exist on one site so as to present a consistent, planned image. Any specific branding must be interwoven into the architecture of the building so as to not detract from the architectural feel of the Village. Buildings with more than one tenant shall coordinate the "tenant" signs into one consistent image.
- (C) Maintain appropriate scale of signs consistent with their use, i.e. larger signs for vehicular traffic areas, and smaller signs for pedestrian use area.
- (D) Limit the number of lettering styles, colors and pieces of information that are permitted on signs to promote legibility.
- (E) All signs shall be properly maintained according to Village Ordinances.
- (F) Signs shall not cause a distraction or otherwise impair the safety of drivers of pedestrians. To accomplish this:
  - 1. Illuminated signs shall not produce glare that impacts neighboring buildings, or driver's ability to safely drive.
  - 2. Neon signs shall not be used for primary signage. Secondary signage may be granted if tastefully designed, minimal in size and not distracting to the overall architectural feel of the building.
  - 3. Signs shall not be flashing, rotating, contain exterior moving parts, contain reflective elements that distract motorist except time and temperature signs are allowed.

### **5.2 Ground and Monument Signage Architectural and Design Standards**

- (A) Ground signs should be constructed and framed with natural materials such as brick or stone, and the address must appear on sign. Framing shall include a base and side pillars although in some cases only one side pillar may be required if the design of the sign fits with the architectural feel of the building it is representing. The sign face itself is not required to be of that natural material, but is encouraged. The Village Plan Commission may determine that other material is appropriately comparable or if the alternative material is specifically allowed within the Special Use District.

- (B) Monument Signage develops focal points in the community that create a sense of place and promote the Village's development patterns. Development projects shall highlight the entry points and boundaries of the related areas with monument signage.
- (C) Monuments shall be constructed and framed with natural materials such as stone or brick. Framing shall include a base and side pillars unless otherwise approved by the Village Plan Commission. For Commercial, Business and Industrial Monuments the address of the complex shall be listed on the sign.
- (D) Monument sign lettering and logos shall be constructed of cast metal or sandblasted natural material unless otherwise approved by the Village Plan Commission.
- (E) Lighting of monument signs shall use either ground mounted floods or overhead indirect lighting featuring a decorative shed roof.
- (F) Ground and Monument signage encourage a sense of place and roadside character through the placement and architectural link with landmark buildings, architectural facades, and public spaces.



## **SECTION 6 PEDESTRIAN ORIENTATION**

**Purpose:** The intent of this section is to provide for development that promotes "livability" through green space, pedestrian access, and quality of life enhancements. It is also the intent of the standards to enhance the pedestrian experience, encourage walking, and promote safety. The standards apply to Special Use Districts, but the reader should be aware that specific plans for certain areas may require more specific standards.

- (A) Developments shall provide for pedestrian connections between private buildings, the public sidewalk and trail systems. To accomplish this:
1. Where, upon recommendation from the Village of Lisbon Plan Commission and JPC, the developer shall provide a 6 feet wide pedestrian way along the frontage of development where said development abuts on a State Trunk Highway or County Trunk Highway. Said walkway shall be hard surfaced per the Village of Lisbon Paving Specifications.
  2. Pedestrian walkways within a development shall be linked to any existing or planned public walkway or sidewalk abutting the development.
  3. Parking lots shall have clearly defined and accented pedestrian ways to accommodate safe passage from parked vehicles and connections to offsite walkways or bike paths.
  4. Walkways paralleling driveways and parking lots in commercial areas shall be at least five feet wide to provide for easy passage of two pairs of walkers.
  5. Walkway designs should not force pedestrians to back track past stores in order to exit the area.
  6. Bicycle parking spaces shall be provided within business and office districts in convenient and secure locations.
  7. Installation of dedicated Village sidewalks must have a minimum width of 6 feet.
- (B) Developments shall provide for pedestrian-scale public spaces and amenities at the entrance to buildings. To accomplish this:
1. Information and directory signs shall be provided for pedestrians.
  2. Developments shall include special paving and vegetation to highlight commercial building entrances and vehicular/pedestrian intersection crosswalks. Crosswalks adjacent to building entrances that service over 50 parking spaces shall be of a contrasting pavement treatment.
  3. Businesses are encouraged to provide attractive store fronts and outdoor cafes along walkways. Pedestrian corridors shall avoid use of blank building walls, parking lot intrusion, and unattractive design features along the walkway.

4. Amenities such as drinking fountains, benches, and bike racks should be incorporated in walkways/pedestrian areas within parking lots.
- (C) Developments shall enhance pedestrian safety. To accomplish this:
1. Pedestrian walkways shall be separated from auto roadways.
  2. Pedestrian ways shall be visually open, and well lighted to promote a feeling of personal safety.
  3. Pedestrian crossings shall not require crossing more than two lanes. Where pedestrian crossings exceed two lanes, a safety island or other crossing device shall be used to minimize the traffic lanes needing to be crossed at one point.
  4. Vehicle speeds shall be reduced at pedestrian crossings by use of a combination of signage, curb extensions, rumble strips, or other traffic control devices.
  5. Attractive and safe pedestrian areas should be created by placing buildings close together and focused towards public areas. Walking distances between parking and popular destinations should be minimized.

## **SECTION 7 LIGHTING**

**Purpose:** The intent of this section is to provide quality lighting that promotes safety and aesthetics. The standards apply for all areas of the Special Use Districts, but the reader should be aware that specific plans for certain areas may require more specific standards.

- (A) Decorative lighting fixtures shall be used to illuminate and highlight all walkways and sidewalks in business, office, industrial districts, and areas adjacent to the development that are designated for walking paths, sidewalks, or other pedestrian pathways.
- (B) Exterior lighting shall be architecturally integrated with the building style, material and colors.
- (C) Exterior lighting of the building and site shall be designed so that light is not directed off the site and the light source is shielded for direct offsite viewing. Decorative light fixtures, (i.e., visible light) 12' or less in height may be permitted upon approval of the JPC and Village Plan Commission.
- (D) Fixture mounting height shall be appropriate for the project and the setting. The mounting height for small parking lots and service areas shall not be higher than 18 feet. A fixture mounting height more than 18 feet, deemed to be appropriate for the project, scale and setting, may be permitted upon approval of the Village Plan Commission or Village Board, as applicable.
- (E) Light poles shall be no higher than 18 feet and the bases shall be buried. Where bases must be exposed they shall be painted to blend in with the surroundings or have a decorative base. Light poles more than 18 feet in height, deemed to be appropriate for the project and setting, may be permitted upon approval of the Village Plan Commission or Village Board, as applicable.
- (F) Where commercial lighting standards are necessary for public safety the development shall also utilize accent lighting on the perimeter of the development.
- (G) The placement of light poles within raised curb planter areas is encouraged except where lighting will be obscured by vegetation.
- (H) The use of vandal resistant well lighting is encouraged for lighting of monument signs.

## **SECTION 8 ENVIRONMENTAL PROTECTION**

- (A) Isolated Natural Resource Areas, and Primary and Secondary Environmental Corridors designated by the SEWRPC, Waukesha County and/or the Village of Lisbon Land Use Plan shall not be utilized for density requirements. These designated areas shall not be disturbed.
- (B) Wetlands, Streams, and Areas designated as navigable streams by the State of Wisconsin Department of Natural Resources must be protected. Wetland restoration and protection plans must be submitted to Village Staff and other agencies as required for approval before any land division or development plat or certified survey map is approved. A Stream restoration plan addressing aesthetics, drainage, and erosion must be approved by the Village Engineer and other agencies as required prior to execution of any land division or building permit on a subject property.

## **SECTION 9 DESIGN STANDARDS AMENDMENT**

Any Design Standards modification shall follow the following procedures.

1. Written request from the Plan Commission of either the Village of Sussex or the Village of Lisbon subsequent to a majority vote by said Plan Commission shall be received by certified mail of the second community.
2. Within 45 days of receipt of request for Design Standards modification a meeting of the JPC shall be held.
3. Upon a favorable recommendation of the JPC and Plan Commission of each community the Design Standards modification shall be forwarded to the Village and Village Boards for consideration.
4. With a majority vote of each board of the request to modify a Design Standard, said design modification shall be deemed approved.

## **SECTION 10 DEFINITIONS**

Active and passive parks – Active parks have higher intensity uses like softball, playgrounds, soccer, etc. Passive parks have low intensity uses like walking, sitting, nature watching, etc.

Arterial streets – These roads are main thoroughfares that connect large parts of the community with each other. Traffic is often heavier and faster than on other roads and arterials generally connect to highways and other roads that lead out of the community.

Battlemented parapets – This architectural feature is a low wall with open spaces "windows" projecting from the edge of a platform, terrace, or roof.

Bartizans – This architectural feature is a turret which is projected at an angle from a tower, a parapet or near a gateway.

Cubic – An architectural style with 2 stories without or with dormers on the next story, a small, front porch and pyramidal roof.

Curb extensions – This is a design where the curb is extended into the road to provide a shorter distance for a pedestrian to cross the traffic way.

DBH – is the diameter measured about the trunk of the tree at 4.5 feet above the grade. If a trunk splits than the measure is measured just below the split.

Human Scale – Development structures that are designed to emphasize the quality and functionality of a place from a pedestrian perspective.

Impervious surface ratio (ISR) – the ratio of impervious surfaces like asphalt, or buildings to pervious surfaces like grass on a specific parcel.

Isolated Natural Areas/Primary and Secondary Environmental Corridors – are areas designated by the Village of Lisbon, County, or State as areas that have concentrated aesthetic, cultural, recreational, and ecological value and should be preserved as natural open spaces.

Landscape Island is an area of green space dividing two sections of road. Most often found at the entryway to a development or subdivision the landscape island is an important indication of changing uses.

Land Use Buffering Chart – The chart used to determine the size and style of landscaping needed to prevent intrusion of light, noise, odor, etc from affecting a neighboring lot.

Land Use Intensity (LUI) Factors – These factors correlate land uses with level of impact from light, noise, odor, etc. The factors can then be used to determine the appropriate amount of buffering needed to make the corresponding land uses from having too great an impact on each other.

Mitigation (trees) – Mitigation is the process of replanting trees to help offset the removal of existing trees.

Navigable Streams – streams, or bodies of water determined by the Wisconsin Department of Natural Resources to be at least occasionally navigable by a boat or canoe.

Parking Precincts – small areas of parking separated from each other to prevent large expanses of parking.

Pedestrian – Scale – See human scale.

Planting Areas – Areas that feature natural landscaping materials, such as vegetation (trees, bushes, etc.), stone, brick or wood.

Protected Tree – “Protected trees” are herein defined as trees, shrubs, and all other woody vegetation on land within the Village’s municipal boundary that have a DBH of 3 inches or greater and a height of 8 feet or greater.

Protected Tree Preservation Plan – A plan that outlines the preservation of protected trees on a site.

Safety Island – An island found in the middle of a road or parking lot used to provide refuge for pedestrians when crossing traffic. Safety islands are often landscaped to promote the aesthetics of the road and can be used to slow down traffic as well.

Sills – The members forming the lower side of an opening, as a door sill or window sill.

Streetscape Amenities – Structures or landscaping that beautifies and enhances the functionality of the areas along the roadway. Examples of streetscape amenities include benches, monuments, decorative lighting, etc.

Street yard – A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots and double frontage lots have two (2) such yards.

Lisbon Land Use Plan – The Village’s adopted plan for managing and improving aspects of the community as it grows. A large part of the plan relates to land uses. The plan also includes a focus on transportation, economic development, environmental protection, among other areas.

Water Tables – The water table is a projecting course of molded brick between the upper and ground floors. The walls above the water table step back several inches.

**SECTION 11**  
**ADDITIONAL DESIGN STANDARDS AREAS**  
**OUTSIDE OF THE JPC JURISDICTION**

The Village of Lisbon will also apply these same design standards to an area south of the JPC jurisdiction immediately on the southeast corner of STH 74 (Redford Blvd.) and CTH K (Lisbon Road) in the SE ¼ of Section 35, Village of Lisbon, and more specifically described on the attached Exhibit E (Quarry Corners - southern portion).

The Village of Lisbon will also apply these same design standards to an area west of the JPC jurisdiction immediately on the southwest corner of STH 74 (Main Street) and CTH V (Townline Road) in the NE ¼ of Section 25, Village of Lisbon, and more specifically described on the attached Exhibit F (Lieds - western portion).