

ENROLLED ORDINANCE 176-13

AMEND THE TEXT OF THE TOWN OF LISBON ZONING CODE BY REPEALING
AND RECREATING VARIOUS SECTIONS OF CHAPTER 11 RELATING
TO CONDITIONAL USES (RZ79)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Lisbon Town Board on February 22, 2021; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.


THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to repeal and recreate various sections of Chapter 11 relating to Conditional Uses, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ79, is hereby approved.

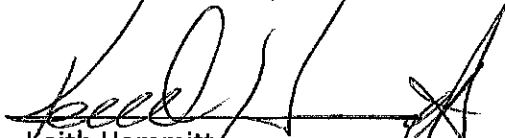
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.


BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.


AMEND THE TEXT OF THE TOWN OF LISBON ZONING CODE BY REPEALING
AND RECREATING VARIOUS SECTIONS OF CHAPTER 11 RELATING
TO CONDITIONAL USES (RZ79)

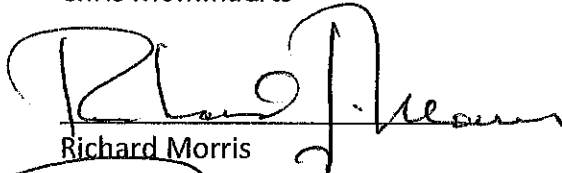
Presented by:
Land Use, Parks, and Environment Committee

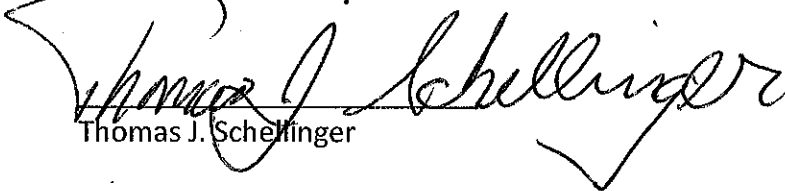

William A. Mitchell, Chair


Keith Hammitt


Thomas A. Michalski


Chris Mommaerts



Richard Morris


Thomas J. Schellinger

Absent

Steve Whittow

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: June 1 2021 
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date: 6/2/2021 
Paul Farrow, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Ordinance hereby recommends **approval** of **RZ79 (Text Amendment – Chapter 11, Conditional Uses)** in accordance with the attached “Staff Report and Recommendation”.

PARK AND PLANNING COMMISSION

April 15, 2021

William Mitchell (via Microsoft Teams)

William Mitchell, Chairperson

James Siepmann (via Microsoft Teams)

James Siepmann, Vice Chairperson

Robert Peregrine (via Microsoft Teams)

Robert Peregrine

Richard Morris (via Microsoft Teams)

Richard Morris

Thomas Michalski (via Microsoft Teams)

Thomas Michalski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

DATE: April 15, 2021
FILE NO.: RZ79 (x-ref. 1701E)
APPLICANT: Town of Lisbon Board of Supervisors
W234 N8676 Woodside Road
Lisbon, WI 53089

REQUEST:
Repeal and recreate various sections of the Town of Lisbon Zoning Code, Chapter 11 relating to Conditional Uses.

PUBLIC HEARING DATE: December 10, 2020

PUBLIC COMMENT:

A question was asked as to what the change was in the state law (Act 67) regarding Conditional Uses. Another resident commented, it was her understanding that Act 67's intent for uniformity in approving Conditional Use Permits. She noted that if the property is zoned for something as a Conditional Use, then you can only impose conditions rather than withholding approvals, so the Commission should be conscious of any rezoning requests and how that could impact the Town. She added that with the larger acreage of properties in Lisbon, maintaining the 500 foot notification range seemed appropriate for any surrounding property owners who could be impacted by Conditional Uses.

TOWN PLAN COMMISSION ACTION:

On December 10, 2020, the Town of Lisbon Plan Commission unanimously recommended to table a decision on the matter as it was the initial presentation of the amendments. The amendments were returned to the Plan Commission for further discussion on January 14, 2021, but again no action was taken. On February 11, 2021, the Town of Lisbon Plan Commission unanimously recommended approval of Ordinance 2021-06.

TOWN BOARD ACTION:

On February 22, 2021, the Lisbon Town Board of Supervisors unanimously approved Ordinance 2021-06.

STAFF ANALYSIS:

The state legislature enacted Act 67 in 2017, which established new standards for municipal review and approval of Conditional Use Permits (CUPs). In order to comply with the new state legislation, the Town of Lisbon drafted amendments to update Section 4 of the Lisbon Zoning Ordinance. The proposed amendments attempt to maintain the existing code requirements as much as possible, while updating the language to reflect new legal requirements for the review and approval process for CUPs (substantial evidence, etal), and other edits are proposed in order to simplify the ordinance for ease of use and administration. Minor changes have been made to several of the criteria for specific uses, but most criteria remain as is in the current ordinance.

County staff reviewed a draft of the amendments in January and provided initial comments. Specific amendments help to clarify the purpose of the CUs, the application requirements, the approval process, review criteria, the conditions of approval, and revise specific conditions for clarity and to better reflect the new state regulations. The Town also maintained the 500 foot hearing notification requirement and added a 'truck wash' use and requirements specific for that use, as they recently identified a need for this use which will assist the Town to better respond to proposals for this type of use.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends approval of the request. As noted above, the amendments to the conditional use section of the Town's Zoning Ordinance allows the code to comply with state legislation, updates the code language to reflect the new legal requirements for the review and approval process for CUPs, and simplifies the ordinance for ease of use and administration. The proposed text amendment complies with the town and county's comprehensive plans and all other aspects of the Town of Lisbon's Zoning Ordinance.

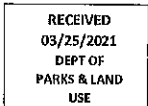
Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Senior Planner

Attachment: Town Ordinance No. 2021-06

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**ORDINANCE REPEALING AND RECREATING VARIOUS SECTIONS OF THE LISBON
CHAPTER 11 ZONING CODE RELATED TO CONDITIONAL USES,
IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN**

WHEREAS, The Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: Section 4 of the Lisbon Zoning Code is hereby repealed and recreated to read as follows:

SECTION 4 CONDITIONAL USES

(a) Purpose and Applicability

1. This Section provides for certain uses which, because of unique characteristics or potential impacts on neighboring lands, public facilities, or general welfare, warrant special consideration and review. Such uses are not permitted in zoning districts as a matter of right but may be approved in a particular zoning district with appropriate standards and limitations set forth in the Zoning Code. Such uses are classified as conditional uses and are subject to the following provisions.
2. These uses shall be allowed through the issuance of a Conditional Use Permit (CUP) approved by the Plan Commission unless otherwise designated herein, and after ensuring that the use can be appropriately accommodated on the specific property; that it will conform to the adopted comprehensive plan; that it can be constructed and/or operated in a manner that is compatible with the surrounding land uses and overall character of the neighborhood; and that the public interest, health, safety, and general welfare will be promoted.
3. No inherent right exists to receive a CUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique. Every CUP shall, at minimum, comply with all requirements contained in local ordinances, and State and Federal law. Mere compliance with the generally applicable requirements may not be sufficient and additional measures and conditions may be necessary to mitigate the impact of the proposed use.
4. The provisions of this Section apply to any application for a CUP. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but require individual review of their location, design, and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district.

5. Other conditional uses as determined by the Plan Commission may be acceptable in a particular zoning district if the requirements of Sections 3(d) and 4 are met.

(b) Application Requirements

Applications for a CUP may be made by a property owner or the owner's authorized representative, or by a municipality, lake management district, sanitary district, or similar agency on behalf of a larger property area where said proposal may benefit a larger group or entire community. Applications shall be made to the Town Clerk and include:

1. A map of the subject property showing all lands for which the conditional use is proposed, clearly dimensioned, and all other lands within 500 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map. The map shall clearly indicate the current zoning of the property and adjacent lands, the location and use of all existing and proposed buildings, sanitary systems and private water supplies on such land, the ordinary high water mark of any navigable waters within 100 feet of the boundaries of the subject property, a graphic scale and a north arrow, and shall be drawn to a scale of not less than 200 feet to one (1) inch, and properly dimensioned showing all lands within 500 feet of the subject property (including all lot dimensions);
2. A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
3. A Site Plan/Plan of Operation (SPPOO) for the subject property and proposed operation, in accordance with Section 3 and any other applicable sections of the Lisbon Code;
4. When required by the Town, the applicant shall provide a written legal description accurately describing the specific area on the property where the conditional use will operate and the CUP will be effective. As determined by the Plan Commission, the specific area that the conditional use will operate shall be the minimum size necessary to accommodate such use, and need not conform to lot, zoning lot or tax parcel boundaries;
5. Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use complies with this Section 4;
6. Additional information as may be required by local ordinances, the Plan Commission, Town Board, or the Waukesha County Environmental Health Division ("EHD");
7. Payment in full of all application fees established by the governing body, and execution of the Professional Services Reimbursement Form;
8. Where necessary to comply with the Waukesha County Shoreland and Floodland Protection Ordinance, and certain regulations established by the Wisconsin Statutes and the federal government, applications will be required to be submitted to the Waukesha County Planning and Zoning Division, the Wisconsin Department of Natural Resources ("DNR"), and the U.S. Army Corps of Engineers.

(c) Approval Process

1. Completeness review. The Town Clerk or its designee shall review the CUP application for completeness before review by the Plan Commission. If the

application is incomplete, the Town Clerk shall instruct the applicant of any further application materials needed. The applicant may re-submit the application until such time as the Town Clerk determines the application to be complete. An application may be withdrawn by the applicant at any time.

2. Referral to Plan Commission. The Clerk shall promptly refer any complete CUP application to the Plan Commission for review and approval, or for a recommendation to the Town Board if required.
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. Public Hearing. Upon receipt of a complete application, the Clerk shall establish a date for a public hearing 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 all lands within 500 feet of any part of the land included in such conditional use at least seven (7) days before such public hearing. Testimony of all interested parties will be recorded at the public hearing.
5. Plan Commission Action. As soon as practical after the close of the public hearing, the Plan Commission shall take action to grant, grant with conditions, or deny the application. Such decision shall be made in writing and shall include an accurate and complete description of the conditional use and all applicable findings of fact and conditions of approval, or if denied, the reasons for denial.
6. Town Board Action. If required for a particular use, the Town Board shall take action on the application following the Plan Commission's recommendation. If no Plan Commission recommendation has been received, the Town Board may proceed with determination without a recommendation. If additional time is necessary, such time may be extended with the applicant's written consent.
7. 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.
8. 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.
9. Appeals. Any person aggrieved by the grant or denial of a CUP may appeal any decision of the Plan Commission to the Board of Zoning Appeals, and any decision of the Town Board to the Waukesha County Circuit Court. Aggrieved parties must file their appeal with the Town Clerk within 30 days of the final action.

(d) Review Criteria for Approval – General Standards

1. Substantial evidence. Any decision by the Plan Commission or Town 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, 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 a 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 the purposes already permitted, or substantially diminish the property values within the 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 Ordinance are met.

(e) Conditions of Approval

- 1. Standard conditions. In approving a CUP, the Town may impose such conditions or requirements, in addition to or that supersede any standard specified in this Ordinance, as it may deem necessary to protect the public interest and welfare. 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 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 stormwater management and erosion and sedimentation control.
 - K. Expiration dates on CUPs, except as provided by this ordinance or the Wisconsin Statutes. To continue or extend an expired CUP requires re-application and approval by the Plan Commission and/or Town Board.

- L. Posting of a performance guarantee acceptable to the Town Attorney and Town 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 Town 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 set forth in the CUP shall constitute a violation of this Ordinance 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 Town 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 Town 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 Ordinance, the Plan Commission may revoke the CUP and direct Lisbon staff and the Town 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 Ordinance.

(f) Amendments

- 1. 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 ordinance.

(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 Ordinance 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 Town'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 Town Board that originally approved the CUP, later determines that the use must be terminated, the owner of the premises shall be required 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 Town, 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 Town may require submittal of a new SPPOO under this ordinance.
4. Previously existing conditional uses. A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only with conditional use approval, shall automatically be granted conditional use status. The grant of conditional use status in such cases shall be based upon the existing conditions at that time, and any expansion of the use shall require a CUP amendment. Application may be made at any time for expansion of the conditional use or other change, and such application shall not prejudice the existing conditional use status as authorized above.

(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 ordinance:

- 1. Airports, Landing Fields and Take Off Strips: This conditional use is subject to the review and approval by the Federal Aviation Administration and/or the State of Wisconsin Bureau of Aeronautics, or a letter waiving their approval or indicating such approval is unnecessary.
- 2. Animal Hospitals, Veterinarian Clinics, Commercial Kennels (including "doggy day care" and pet sitting businesses): The following requirements shall be met:
 - A. In the BP zoning district, commercial kennels may not be part of the hospital or clinic operation, and all principal structures and uses shall be

located a minimum of 100 feet from any residential use.

- B. Animal hospitals and clinics not involved in the operation of a commercial kennel may be permitted on lots of not less than one acre and shall conform with building location, height regulations and area regulations of the district in which such facilities are located. A commercial kennel operation shall not be permitted on parcels of less than three acres and 300 feet of minimum average width.
 - C. No building other than one used only for residential purposes shall be closer than 50 feet to the lot line of an adjoining lot in a zoning district permitting residential use. Where the buildings are to be used to board or house dogs in a commercial kennel, including outdoor kennel runs, such structures and fenced runs shall not be closer than 100 feet to an adjoining lot line of any zoning district.
 - D. Off street parking shall be provided as required for Office Buildings and Customer Service Establishments.
3. Antique shops, gift shops, arts and crafts studios, and similar uses.
4. Automobile, Gasoline, and Service Stations and Convenience Stores associated with gasoline sales: The following requirements shall be met:
- A. No gasoline pumps or other accessory equipment shall be closer than 15 feet to the base setback line and 50 feet offset to the side and rear yards. Underground or aboveground storage tanks shall conform with state standards.
 - B. 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.
5. Bed and Breakfast Facility: The intent is to provide travelers/guests with temporary accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in any existing structure designed for and occupied as a single family residence. The following requirements shall be met:
- A. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located. For building with significant architectural or historical value, the architectural integrity and arrangement of existing interior spaces must be maintained and the number of guest rooms shall not be increased except as may be required to meet health, safety, and sanitation requirements. Off-street parking shall be provided at the rate of one parking space for each room rented and two 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.

- B. The number of rooms shall be limited to five sleep-in rooms or less, excluding those used by the occupants of the facility, and no room may contain more than (2) beds. There must be at least 500 square feet of gross interior floor area for each sleeping room. These facilities providing service to a greater number of guests are not considered "license exempt" under state law and must comply with state hotel/motel restaurant licensing procedures administered by the County or State Health Department. The issuance of such licenses shall not be considered as conferring non-conforming commercial status to the use that would either allow alteration of the facility or otherwise compel rezoning of the property for commercial use beyond the scope of this section.
 - C. One (1) on-premise sign may be allowed in and shall comply with the standards in Chapter 11 Section 5 Signs.
 - D. All necessary State and County permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast facility.
 - E. Room rentals to families or individuals shall not exceed 14 consecutive days during any 30-day period.
 - F. The bed and breakfast facility must be accessory to and contained within the single family dwelling occupied by the owner (e.g., not a manager) of said premises.
 - G. The only meal to be provided to travelers/guests shall be breakfast and it shall only be served to guests taking overnight lodging in the facility.
 - H. The 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 Lisbon Building Inspector. All conditions and requirements contemplated under this Section must be incorporated into the terms of the CUP.
6. Business Park and Shopping Center Uses: The following requirements shall be met:

- A. The proposed development shall have adequate drainage and stormwater retention facilities, sewage and water facilities. Restrictions may be placed on uses without public sewer.
7. Cemeteries and Mausoleums for the Burial of Human Remains Only: This conditional use is subject to the approval of the Town Board following the Plan Commission's recommendation.
8. Churches, Synagogues, and Other Buildings for Religious Assembly: The following requirements shall be met:
 - A. The floor area ratio shall not be more than 50%.
 - B. Such use 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 50 feet provided the minimum required setbacks and offsets are increased two 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.
9. Commercial Fish Ponds, Bait Ponds, or Fish Hatcheries: The following requirements shall be met:
 - A. The minimum lot area shall be at least five acres.
 - B. No building, other than one used only for residential purposes, shall be closer than 50 feet to the lot line of an adjoining lot in a district permitting residential use.
10. Commercial Truck Parking: The following requirements shall be met:
 - A. The minimum lot area shall be at least three acres.
 - B. Parking and storage of commercial or industrial type vehicles (trucks, construction vehicles, grading equipment, buses, semi-trailers and tractors, similar vehicles and related equipment, other trailers, etc.) may be allowed as long as the vehicle is owned or leased and operated by the owner or occupant of the premises. No such use shall be allowed on any parcel except as may front directly upon, and have access to, an arterial or collector street as defined in the Lisbon Code of Ordinances.
 - C. No more than three such vehicles and equipment may 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. All such vehicles and

equipment shall be fully operative and in active use. Where considered appropriate, two semi-trailers may be allowed, but no more than one semi-tractor or "cab" unit.

- D. The Plan Commission shall specify the area on the property where the vehicles shall be parked or stored. No such vehicle may be parked or stored closer than 50 feet to any adjacent lot line, and not closer than 100 feet from the base setback line. 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.
- E. If a CUP application involves the storage of 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.
- F. Notwithstanding anything contained herein to the contrary, the parking of agricultural equipment in an agricultural zoning district, and the parking of one panel van or pickup truck of a commercial nature in any zoning district, shall be permitted and shall not be subject to the requirements provided by this section.
- G. The requirements of Section 3 (j) (4) through (11) shall be met.

11. Contractor's Yard: The following requirements shall be met:

- 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 100 feet from the lot line of an adjoining lot permitting a residential use or at least 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 Lisbon Code of Ordinances, or within an established industrial park, where the roads can accommodate the heavy equipment.
- D. A planting screen at least six 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. The SPPOO must include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.

12. Fur Farms, Pig Farms, Creameries, Condenseries, Wholesale Fattening of

Livestock, Pea Vineries, Commercial Poultry and Egg Production, Commercial or Custom Grain Drying Operations: The following requirements shall be met:

- A. No building other than one used only for residential purposes shall be located closer than 100 feet to the lot line of an adjoining lot permitting a residential use. In all other cases a minimum offset of 50 feet shall be maintained.
- B. The Plan Commission shall determine that the method by which animal waste will be handled is in a safe and healthful manner.
- C. The minimum lot area shall be at least 20 acres.

13. In Law Unit: The following requirements shall be met:

- A. The EHD shall certify that the septic system will accommodate the proposed use and in accordance with the County's code and Chapter Comm 83 of the Wisconsin Administrative Code.
- B. Maximum living area of the in-law unit shall not exceed 800 square feet and shall not contain more than two bedrooms. There shall be an additional off street parking space for the in law unit. There shall not be more than one in-law unit per single family lot.
- C. The architecture of the residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single family residence. The principal living unit shall comply with all other applicable zoning district requirements. A common entrance to the residence and in law unit should be designed into the structure so that a separate front entrance off of the common entrance is available and the structure does not appear to be a duplex.
- D. The Plan Commission shall determine if it is appropriate to have an interior door between the in law unit and the principal residence.
- E. Prior to issuance of the Building Permit, 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. This Deed Restriction shall state that (i) the in-law unit is to be occupied by persons related by blood, adoption, or marriage to the family occupying the principal unit; (ii) the CUP is not transferable, unless approved by the Plan Commission without necessity of a public hearing; and (iii) the unit will be used as intended.

14. Land-altering Activities: Land-altering activities in excess of the limits set forth in Section 3(c) of this Ordinance may be permitted as a conditional use in any district, except the Conservancy/Wetland District. The UC district limits disturbance to 15% of the lot. The following requirements shall be met:

- A. Highway construction which may be exempted by Wisconsin Statutes by a written Memorandum of Understanding between the DNR and Wisconsin Department of Transportation for a specific highway project, new home construction and the attendant limited grading and filling necessary to achieve positive drainage away from the foundation, dredging as may be allowed in Section 3(c) of this Ordinance, and minor grading as defined in the Ordinance, shall be excluded from regulation under this provision, but may be regulated elsewhere in this Ordinance.
- B. 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.
- C. No such use shall create flooding, concentrated runoff, inadequate drainage, unfavorable topography, excessive erosion and sedimentation, or restrict navigation in navigable waters.
- D. Such use shall comply with any ordinances or regulations established by the Town and the County, and the Wisconsin Statutes, including Chapters 30, 87, and 281, and any federal regulations.
- E. Such use conforms to Section 3(c) of this Ordinance.
- F. If a rezoning is required, the procedure established in this Ordinance shall be complied with and the map amendment shall be approved in conjunction with the conditional use approval.
- G. Such use shall conform to Lisbon's Storm Water Management and Erosion Control Ordinance (refer to Addendum F and Section 3(c)(11)) and a permit under that ordinance must be issued prior to the issuance of the CUP.

15. (Reserved)

16. Limited Family Business or Service Oriented Businesses: A CUP for limited family business/service oriented business ("LFB/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.

- A. The Plan Commission shall determine whether or not a business is considered a LFB/SOB. Examples of a LFB/SOB include, but not limited to, the following:
 - i. Non-health related professional office or studio (architect, lawyer, accountant, realtor, travel agent, photographer, insurance agent, salesman, interior decorator, artist, crafter, tailor, shoe repair, beautician, barber, housekeeping, woodworker, music or dance teacher, massage therapist, etc.).
 - ii. Small engine repair.
 - iii. Outdoor or indoor storage for off-season vehicles (boats, snowmobiles, etc.), or retail products (vending machine items).
 - iv. A business where the only part of the business located on the

property is the business office and/or the storage of the vehicles used for the business that are used at an off-site location.

- B. The following requirements shall be met:
- i. The main portion of the LFB/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 LFB/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 LFB/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 LFB/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 LFB/SOB is operated entirely within a building(s). The structures used in the LFB/SOB shall be considered to be residential accessory buildings and shall meet all of the requirements for such buildings. The design and size of the structures are subject to conditions in the CUP.
 - vi. The Plan Commission shall determine the total percentage of the buildings that may be devoted to the LFB/SOB. However, the total percentage used shall not exceed 20% of what is available.
 - vii. The LFB/SOB is run primarily for monetary gain or financial support.
 - viii. 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 LFB/SOB, although the limited sale of products as accessories to the LFB/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).
 - ix. The LFB/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 an abnormal nuisance to the surrounding property owners, the Plan Commission may consider termination of said business after a public hearing is held.
 - x. Adequate off-street parking facilities are provided adjacent, or reasonably adjacent, to the building that houses such business.
 - xi. A business nameplate sign shall not exceed three (3) square feet in area.
 - xii. The CUP shall automatically expire and terminate upon the sale of the property or its transfer to a non-occupant of the property.

17. Marinas and Boat Liveries: The following requirements shall be met:

- A. Such use shall be located at least 500 feet from the nearest public bathing beach or park.
 - B. Such use is designed and constructed so as to not interfere with adjacent riparian owners' uses of the water for swimming, fishing, or boating; nor interfere or obstruct the public's free navigation.
 - C. The minimum lot area shall be at least three acres with a minimum average lot width at least 300 feet.
 - D. Sewerage disposal field shall be located no closer than 100 feet from the ordinary high-water mark.
 - E. Fuel pumps shall be located two feet above the ordinary high-water mark. Fuel storage tanks shall be located no closer than 50 feet from the ordinary high-water mark, shall be located above ground, and shall be adequately screened and fireproofed. The offset requirements for fuel pumps shall be at least 20 feet from the side lot line and storage tanks shall be located no closer than 50 feet from any side lot line.
 - F. No lighting installation shall create a hazard to any type of vehicular traffic or nuisance to surrounding properties.
 - G. No pier may be permitted to extend beyond the pierhead line if established. The total length of all piers, and T's or L's extending from the pier may not exceed the total length of the lake frontage of the property and in no case greater than 150 feet from shore, unless DNR requirements are more restrictive.
 - H. Any other condition of operation such as long-term boat storage, launching, or other associated commercial activity may be included in the CUP in order to make the facility compatible with the neighborhood and the lake and to meet the spirit and intent of the Ordinance.
18. Mobile Home Parks and Trailer Camps: The following requirements shall be met:
- A. The provisions of all other trailer camp or mobile home ordinances shall be met. Reference Chapter 14, Mobile Homes and Mobile Home Parks, of the Lisbon Code of Ordinances (Addendum C).
 - B. No such use shall be allowed unless municipal sewage facilities are used and the minimum lot size per unit is one-half (1/2) acre having a minimum width of not less than 120 feet, offsets of 20 feet and a setback of 50 feet.
19. Motels and Hotels: The following requirements shall be met:
- A. The minimum lot area shall be at least three acres.

- B. No building shall be closer than 50 feet to the lot line of an adjoining lot in a district permitting residential use.
 - C. All provisions of the County Community Health Code shall be met.
20. Multiple Family Units: Multiple family units shall be defined as those units in buildings containing more than two dwelling units. The following requirements shall be met:
- A. The minimum lot area shall be at least one acre. The number of units shall be based on a maximum density of four (4) units per acre, exclusive of wetlands or 100-Year Floodplain or lands zoned C-1. The width of the lot shall be increased as the size of the lot increases in order to avoid excessively long and narrow lots and shall, however, be no less than 180 feet in width. The minimum amount of open space on the property shall be 4,000 square feet per unit.
 - B. Approval of sewer availability prior to any Plan Commission approval of the proposed conditional use.
 - C. The minimum total floor area per unit shall be 900 square feet.
 - D. Plan Commission review and approval of architectural building plans for the project is required.
 - E. There shall be two off-street parking spaces required for each unit. The location and arrangement of parking spaces shall be subject to Plan Commission approval.
 - F. A minimum 440 square foot garage is required for each unit. If more than two single-family dwelling units are attached, the garages may be detached from the dwelling units, otherwise they must be attached to the dwelling units.
 - G. The offset and landscaping requirements are subject to Plan Commission approval. However, the offset requirements shall not be reduced to less than 20 feet from any lot in an adjoining residential district. The road setback minimum shall be 50 feet, and the shore/floodplain/wetland/C-1 setback shall be a minimum of 75 feet. The maximum height shall not exceed 35 feet as measured in accordance with this ordinance. Additional height may be permitted if the offset and setback requirements are increased by one foot for each additional one foot in height beyond 35 feet.
 - H. Lisbon may allow multi-family development where the ownership is held in common under Chapter 703 of the Wisconsin Statutes (condominiums). Because of its multi-family nature, this development must also be served by

public sewer. Lisbon provides regulations to guide said development in accordance with Section 4(h)(20) or Section 33 of this ordinance.

21. Reserved.
22. Private Clubs and Resorts: Such conditional uses include, but are not limited to, private (not open to the general public) clubs and resorts such as outdoor/indoor recreational facilities, driving ranges, campgrounds, golf courses, racquet clubs, soccer clubs, swimming pools, beaches, yacht clubs, boarding stables, firing and archery ranges and gun clubs, recreational camps, riding academies, etc. In all cases, the following requirements shall be met:
 - A. No such use shall be permitted on a lot less than three acres in area except in the B-1 Restricted Business District.
 - B. No building, other than one used only for residential purposes shall be closer than 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, restaurant, or arcade, unless specifically authorized in the grant of a CUP.
23. Public and Commercial Disposal Operations for Noncombustible Materials: Disposal operations for inert clean fill materials, as defined in this ordinance and by the DNR, such as concrete, stone, brick, sand, dirt, gravel, and similar materials; gravel pit and quarry spoils; nonorganic materials as allowed by state law; and excavated materials; may be allowed. In all cases, the following requirements shall be met:
 - A. A detailed restoration plan shall be submitted to, and approved by, the Town Board following a recommendation from the Plan Commission.
 - B. The SPPOO and the Restoration Plan shall be approved or disapproved upon consideration of the effects on: topography, drainage, water supply, soil conditions, roads and traffic, present and ultimate land development and use, and any other factors involved in the specific operation.
 - C. Disposal operations are prohibited within the following areas unless written permission is obtained from the appropriate State of Wisconsin agency:
 - i. Within 1,000 feet of any navigable lake, pond, or flowage. The DNR shall determine if the water body is navigable.
 - ii. Within 300 feet of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater. The DNR shall determine if the water body is navigable. If the 100-year floodplain has not been established in the area of the proposed use, then a flood study shall be conducted, reviewed, and approved in

- conjunction with requesting the proposed conditional use.
 - iii. Within an area from which solid waste or leaching there from may be carried into any surface water, or may have a detrimental effect on the groundwater.
 - iv. Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway or the boundary of a public park unless written permission has first been obtained from the State of Wisconsin and the entity governing the public park.
- D. A license shall be obtained from the Town Board, who shall review the license for possible renewal on an annual basis (January 1) of each year. The fee shall be as established by Lisbon and may increase on a yearly basis. If required, a license shall also be obtained from the State of Wisconsin.
- E. Any organic materials shall be prohibited and shall be appropriately recycled.
- F. All state and federal laws relating to the use shall be adhered to.
24. Public and Semi-Public Buildings and Uses: The following requirements shall be met:
- A. The height limitation may be extended to a maximum of 50 feet provided the minimum required setbacks and offsets shall be increased two feet for every additional foot of height in excess of the permitted maximum height of that district.
25. Quarrying: The following requirements shall be met:
- 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 Town Board. Such permits shall be for an initial period as is deemed appropriate by Lisbon to the specific situation but not exceed five years, and may be renewed thereafter for periods not to exceed three years provided application thereof shall be made at least 60 days and no more than 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, 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 feet extending beyond the site to the nearest public street or highway or to a minimum distance of 300 feet on all sides.
- d. A restoration plan as required by Chapter 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 Town 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 Town Board: In addition to the general CUP requirements, the Town 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. and ii. 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, parking areas, office buildings, etc., but not including the restoration based on the approved plan, shall be permitted closer than 1,000 feet to a residential zoning district, unless approved by the Town Board after public hearing and upon proper notice as required in this section, and in accordance with Section 4(25)(B)(iii)a-h above, but in no case shall such quarrying operation, access roads, parking areas, etc. be permitted closer than 200 feet to any residential zoning district. Further, no part of the quarrying operation, including any accessory access roads, parking areas, office buildings, etc., shall be permitted closer than 75 feet to any shoreline, river, or stream, or 50 feet to any other environmentally sensitive area as defined in this ordinance.
 - ii. No quarrying operation shall be permitted, except in a Q-1 or M-2 district, if 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 200 feet, nor shall any parking area, stock pile, or office building be located closer than 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 200 feet, nor shall any access road, parking area, or office building be located closer than 50 feet 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 20 feet to any property line, except by agreement between abutting quarrying operations, or be in conflict with the provisions of Section 3(c)(5) relating to the preservation of topography.
- F. Operational Requirements:
- i. Fencing or other suitable barrier shall be erected and maintained around the property or around portions of the site where, in the determination of the Town Board, such fencing or barrier is necessary for the protection of the public, and shall be of a type approved by the Town Board.
 - ii. All machinery and equipment used in the quarrying operation shall be constructed, maintained, and operated in such a manner as to minimize dust, noise, and vibration. Access and haulage roads on the site shall be maintained in a manner to minimize dust by

- surfacing or treatment as directed by the Town Engineer.
 - iii. The crushing, washing, refining, or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of the permit or as otherwise provided in a Q-1 or M-2 district.
 - iv. In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone, and similar architectural or structural stone, and the storing or stock-piling of such products on the site shall be considered a permissible part of the operation, provided such production does not require the use of crushing or other heavy machinery, except as may be otherwise specifically authorized under the terms of the grant of the permit or as otherwise provided in a Q-1 or M-2 district.
 - v. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the quarrying operation shall not be permitted, except as otherwise provided in a Q-1 or M-2 district.
 - vi. The washing of sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity or where the quantity of water will, in the opinion of the Town Engineer, seriously affect the supply of other uses in the area.
 - vii. Landscaping shall be provided where deemed necessary by the Town Board to screen the operation so far as practical from normal view, to enhance the general appearance from the public right-of-way. Such planting shall be started as soon as practicable, but no later than one year after quarrying operations have begun and shall be done according to the recommendations 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 Town 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 Town Board and through the issuance of a special permit which shall be renewable at 30-day intervals.
- G. Restorative requirements: In order to ensure that the area of the quarrying operation is restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a permit, submit to the Town Board a copy of a plan for such restoration that meets the requirements of NR 135 and any other applicable ordinances and that has been approved by the Waukesha County Land Resources Division who is the governing body responsible for the administration and enforcement of the restoration plan.
- H. Exceptions:

- i. The provisions of this section, Section 4(h)(25), shall not apply to the removal of sod.
- ii. When the operation is limited to the removal of topsoil, the Plan Commission may, consistent with the intent of these regulations, modify any or all of the provisions of this section, Section 4(h)(25), provided, however, that in no case shall such operation be permitted closer than 10 feet to any property line, or to a depth in excess of 18 inches, or so as to adversely affect the drainage of the area.
- iii. The provisions of this section, Section 4(h)(25), shall not apply to an operation which is incident to a legitimate use of the premises; provided, however, where such operation involves the commercial disposal of the material removed, the approval of a CUP by the Plan Commission shall be required and such operation shall be limited to a maximum period of six 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 100 feet, or the offset be less than 100 feet for quarrying operations, or 20 feet for any access road, parking area, or office building except as may be otherwise provided by Section 4(h)(25)(E).

26. Restaurants, Supper Clubs, Lake Resorts (open to the general public), Taverns, Dance Halls, Pool Halls, Bowling Alleys, and Similar Uses: The following requirements shall be met:

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

27. Testing Laboratories (Experimental or Analytical): Agricultural laboratory testing is allowed as a conditional use in the A-10 and A-5 zoning districts. Medical, biological, food processing, and industrial design and manufacturing laboratory testing is allowed as a conditional use in the B-2, B-3, Q-1, M-1, and M-2 zoning districts. The following requirements shall be met:
- A. The minimum lot size shall be at least three acres.
 - B. The minimum offset for a building housing only testing facilities shall be 50 feet where the zoning upon the adjoining lot permits residential use.
28. (Reserved)
29. Communication Towers and Related Facilities. This conditional use includes any plant or equipment used to carry wireless, mobile, broadband, video, radio, or other commercial telecommunications services by radio signal or other electromagnetic waves, such as towers, antennas, equipment buildings, parking area, and other accessory development. The purpose and intent of this Section is to strike a balance between the expansion of technology relating to communication towers and antennas and the Town's interest in protecting residential areas and land uses from the potential adverse impacts of towers and antennas, minimizing the total number of towers throughout the community, encouraging the joint use of new and existing tower sites as a primary siting option rather than construction of additional single-use towers, minimizing the visual impact of towers and antennas, and avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. The following requirements shall be met:
- A. All towers, antennas, and equipment shall meet and conform with all applicable standards and requirements in the Wisconsin Statutes governing uses contemplated by this section. Towers and antennas of any height shall conform with all other applicable local, state, and Federal requirements.
 - B. All new towers and related facilities shall be located so as to minimize their visibility and the number of tower sites. The applicant shall make a good faith effort to achieve co-location between the applicant and an existing tower location elsewhere in the Town. No tower shall be installed closer than one-quarter mile from another tower, unless it is a tower situated on a multi-tower lot or there is a clear need for a new tower and co-locating it on an existing site is infeasible.
 - C. A CUP shall not be granted 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.
 - D. All new towers and related facilities shall be designed to blend into the surrounding environment to the greatest extent feasible and all the

following measures shall be implemented:

- i. Towers shall be constructed out of metal or other nonflammable material;
 - ii. Equipment rooms, utilities, and equipment enclosures shall be constructed out of nonreflective materials (visible exterior surfaces only) to all extent possible and, where possible, shall be sited below the ridge line or designed to minimize their impact;
 - iii. Equipment buildings, shelters, and cabinets shall look like a building or facility typically found in the area and shall be located, designed, and screened to reduce visual impacts to the extent feasible considering the technological requirements of the proposed use, the need to be compatible with neighboring residences, and the character of the community; and
 - iv. The Town may require reasonable special design, such as materials, architectural features, and color where findings of particular sensitivity are made. For example, proximity to historic or aesthetically significant structures, views, and/or community features.
- E. The Plan Commission may impose any other condition or requirement of approval that is consistent with the standards and requirements in the Wisconsin Statutes governing uses contemplated by this section or other applicable local, state, or federal law.
30. Outdoor Commercial Recreation Facilities/Uses. This category includes those facilities and uses listed in Section 10 of this ordinance, and such facilities and uses open to the public, including but not limited to, amusement parks, water parks, batting cages, paintball ranges, laser tag ranges, orienteering, trampolines, racquet sports, athletic courts, stadiums, indoor/outdoor recreational facilities, etc. No such conditional use shall include the operation of a commercial facility such as a bar, restaurant, or arcade except as may be specifically authorized in the grant of a CUP pursuant to Section 4(h)(26).
31. Outdoor Storage and Display.
32. Drive-Through Facilities.
33. Truck Terminals (of any size), Warehousing, Distribution Centers, Storage Facilities for Distributors, and Mail-Order Centers over 50,000 square feet or with more than five overhead doors.
34. Factory Outlets and retail sales of products made onsite in the principal industrial operation.
35. General Sale of Industrial Products.
36. Self Service Storage (Mini-Warehouses): The following information shall be

submitted for review and approval, and the following requirements shall be met:

- A. The use must be located on a collector or arterial street as defined in the Lisbon Code of Ordinances. In no case shall the use be located on a minor street as defined in the Code of Ordinances.
- B. The use must be served with adequate public services as approved by the 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 Town 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. A Parking, Circulation, and Maneuverability Plan shall be submitted and include snow removal areas.
- J. A Waste Disposal and Recycling Plan shall be submitted. All containers shall be enclosed with lids that remain closed at all times and all containers shall be totally concealed or screened from public view with fencing, walls, and/or landscaping/planting screens.
- 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.

37. Truck Washes: The following requirements shall be met:
- 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 Town 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. 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.
 - C. The use shall comply with all standards for wastewater treatment and water quality performance standards in Section 3(f) and other applicable sections of this ordinance.

SECTION 2. In addition, the following sections of the Lisbon Zoning Code related to Conditional Uses are repealed and recreated to read as follows:

SECTION 3 GENERAL PROVISIONS

3(d) Use Regulations

3. Unclassified Uses: Any use not specifically listed as a permitted use or conditional use, shall be considered to be prohibited except as hereinafter provided. Where deemed appropriate, the Plan Commission shall have the authority to authorize uses not specifically enumerated herein (e.g., unspecified conditional use) under the terms of Section 4 ~~(h)~~-28 of this Ordinance and shall state, in writing, the justification for allowing or denying said application for conditional use.

SECTION 30 Q-1 QUARRYING DISTRICT

30(d) Conditional Uses

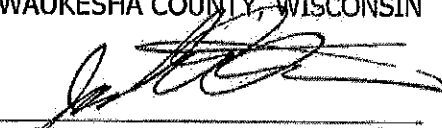
- 1. Public and semi public buildings and uses
- 2. Contractors yards
- 3. Churches, Synagogues, and Other Buildings for Religious Assembly
- 4. Public and Commercial Disposal Operations for Noncombustible Materials
- 5. Private clubs and resorts
- 6. Commercial fish or bait ponds or hatcheries
- 7. Communication towers
- 8. Testing laboratories
- 9. Quarrying
- 10. Self Service Storage (Mini-Warehouses)
- 11. Truck washes

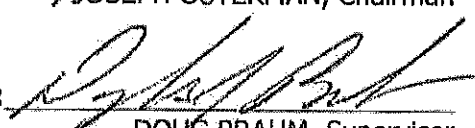
SECTION 3: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.


SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.


PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 29th day of February, 2021.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

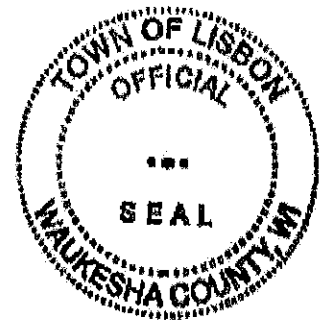
BY: 
JOSEPH OSTERMAN, Chairman

BY: 
DOUG BRAHM, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor



ATTEST:

BY: 
ELISA M. CAPPOZZO, Town Clerk

VOTING RESULTS

AYE 25
 NAY 0
 ABSTAIN 0
 ABSENT 0

Ordinance 176-O-013

Ordinance 176-O-013: Amend the Text of the Town of...

Passed By Majority Vote

D1 - Fott	AYE
D2 - Zimmermann	AYE
D3 - Morris	AYE
D4 - Batzko	AYE
D5 - Dondlinger	AYE
D6 - Walz	AYE
D7 - LaFontain	AYE
D8 - Michalski	AYE
D9 - Heinrich	AYE
D10 - Swan	AYE
D11 - Howard	AYE
D12 - Wolff	AYE
D13 - Decker	AYE

D14 - Mommerts	AYE
D15 - Mitchell	AYE
D16 - Crowley	AYE
D17 - Paulson	AYE
D18 - Nelson	AYE
D19 - Cummines	AYE
D20 - Schellinger	AYE
D21 - Gaughan	AYE
D22 - Wysocki	AYE
D23 - Hammitt	AYE
D24 - Whitlow	AYE
D25 - Johnson	AYE

May 25 2021 - May 25 2021 07:09:58 PM

