

## ARTICLE 4: LAND USES

### 401 GENERAL INFORMATION

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

### 402 REGULATIONS APPLICABLE TO ALL LAND USES

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

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

### 403 NONCONFORMING USE REGULATIONS

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

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

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

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

(b) **Regulations:**

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

(2) **DUPLEX:**

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

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

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

(8) **MOBILE HOME:**

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

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

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

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

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

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

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

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

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

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

**406 AGRICULTURAL/OPEN LAND USES**

**(1) CULTIVATION:**

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

**(2) HUSBANDRY:**

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

**(3) INTENSIVE AGRICULTURE:**

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

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

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

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

**(5) AGRICULTURAL SERVICE:**

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

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

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

**(7) COMMERCIAL ANIMAL BOARDING**

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

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

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

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

**(9) MUNICIPAL WELL FACILITY.**

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

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

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

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

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

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

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

**(4) INDOOR MAINTENANCE SERVICE:**

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

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

**(5) OUTDOOR DISPLAY:**

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

**(6) OUTDOOR MAINTENANCE SERVICE:**

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

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

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

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

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

**(8) INDOOR COMMERCIAL ENTERTAINMENT:**

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

**(9) OUTDOOR COMMERCIAL ENTERTAINMENT:**

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

**(10) COMMERCIAL ANIMAL BOARDING:**

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

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

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

**(11) COMMERCIAL INDOOR LODGING:**

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

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

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

**(14) CAMPGROUND:**

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

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

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

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

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

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

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

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

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



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

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

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

**(2) OUTDOOR STORAGE:**

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

**(3) PERSONAL STORAGE FACILITY:**

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

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

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

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

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

**(5) WASTE DISPOSAL FACILITY:**

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

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

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

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

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

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

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

**(2) TOWERS:**

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

**(3) EXTRACTION USE:**

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

**412 ACCESSORY LAND USES**

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

**(1) Commercial Apartment**

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

**(2) Farm Residence**

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

## Article 4: Land Uses

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

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

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

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

**(10) Home Occupations:**

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

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

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

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

**(16) Private Residential Kennel:**

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

**(17) Private Residential Stable:**

## Article 4: Land Uses

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

(18-22) open at this time

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

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

(24-30) for future use

#### 413 **TEMPORARY LAND USES**

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

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

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

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

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

414 (for future use)