

**CHAPTER 11  
TOWN OF LISBON ZONING ORDINANCE**

**SECTION 2 DEFINITIONS**

**(a) General interpretation**

For the purpose of this Ordinance, and when not inconsistent with the context, words used herein in the present tense include the past and future tenses, and the future tense includes the present; words in the singular number include the plural, and words in the plural number include the singular; the word "structure" includes buildings; the word "occupied" includes designed or intended to be occupied; the word "used" includes designed or intended to be used; the word "inhabit" includes intended to be inhabited; the word "shall" is always mandatory and not merely permissive; the word "may" is permissive; "town" refers to the Town of Lisbon, Waukesha County, Wisconsin; "town board" refers to the town board of supervisors of Lisbon; "plan commission" refers to the Town of Lisbon Plan Commission established under village powers pursuant to Chapter 62 Wisconsin Statutes which the Town of Lisbon adopted on April 5, 1949, the Town Park Commission established pursuant to Chapter 60 Wisconsin Statutes, or any other agency created by the town board and authorized by statute to plan land use; and reference to any officer such as "clerk/administrator," "building inspector," "engineer," or "attorney," means that officer appointed or otherwise officially designated by the town in such capacity, unless otherwise specifically designated; "county" refers to the County of Waukesha, Wisconsin; the words "code" and "Ordinance" are to be used interchangeably; the word "person" may be taken for persons, associations, partnerships or corporations; whenever a word or term defined in this ordinance appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof and any word appearing in parentheses between a word and its definition herein, shall be construed in the same sense as that word; the phrase "including, but not limited to" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like, kind, or character.

**(b) Specific words and phrases**

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

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

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

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

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

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**Administrative Officer** Any officer such as a Clerk, Building Inspector, Engineer, Attorney, or Zoning Administrator, or his agent, who is appointed, elected or is otherwise officially designated by the Town, and/or County and does not include any Committee, Commission, or Board or its individual members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Alley** A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those abutting properties whose frontage and primary access is on a street.

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

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

**Apartment** A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended, or designed to be occupied as a residence of a single family, individual, or group of individuals. Also see “residence inn” under the definition of “motel”.

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

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

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

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

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

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

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

**Automobile Graveyard** See “Junkyard”.

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

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

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

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

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

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

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

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

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

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

**Board of Appeals** A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the local zoning administrative official (Town of Lisbon Building Inspector), and to consider requests for variances and special exceptions as required under the terms of the zoning ordinance.

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

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

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used in the daily activities of property on water, and which has a large garage type door for primary access on the side of the building facing the water and is located on the same lot as the principal residence and is not for human habitation of any kind. New boathouses are not permitted in the Town of Lisbon, and only one boathouse is permitted on a lot.

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

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

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

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

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

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

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

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

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

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

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

**Buildings and Uses, Public/Semi- or Quasi-Public** Public and semi-public buildings, grounds, and uses in the sense of this Ordinance are structures principally of an institutional and/or non-profit nature and serving a public need such as: hospitals; schools, including private academic schools and nursery schools, day care centers, and their associated facilities; nursing/rest homes; libraries; museums; post offices; police and fire stations; public or private utilities; and other public services; but not including the operation of a public bar, restaurant, or recreational facility as a commercial enterprise.

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

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

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

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

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

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

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

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

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

**Carport** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than two (2) sides and attached to a principal residence or accessory building or structure. A carport shall be included in all FAR calculations.

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

**Certified Survey Map (also Minor Land Division)** Any division of land other than a subdivision as defined in this ordinance, which results in at least one (1) but not more than four (4) parcels of land, inclusive of the original remnant parcel. The map of the land division shall

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be prepared in accordance with Section 236 of the Wisconsin State Statutes and the Town of Lisbon Subdivision Control Ordinance and subsequent amendments thereto.

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

**Chicken Coop** See “*Accessory Building*” for Chicken Coops on lots less than ten (10) acres in size.

**Child Care Facilities/Center** See “*Day Care Center*”.

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

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

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

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

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

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

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

**Community Living Arrangement (also see Group Home)** Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under Section 48.60, group homes for children under 48.02 (7), and community based residential facilities under Section 50.01; but does not include day care centers, convalescent or nursing homes, general hospitals, special hospitals, prisons and jails (see further definition in Section 46.03 (22) of the Wisconsin State Statutes).

**Communication Tower** Any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The following types of towers are excluded from this definition but are regulated in the ordinance: residential/personal television and amateur (ham) radio towers, receivers, and antennas.

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

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

**Condominium** A legal form of ownership established in accordance with Chapter 703 of the Wisconsin State Statutes where an estate in real property consisting of an undivided interest in common in a portion of a parcel in real property, together with a separate interest in the space in a building on such real property such as an apartment, and may also include a separate interest in other portions of such real property. All condominium residents may own the land in common or a single entity such as a developer could own the land in common. Roads are generally private roads, and condominium associations are common. In a residential example, this form of property ownership has the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot. The real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Condominium Plat** see Plat, Condominium.

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

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

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

**Conventional Subdivision Plat** A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development in accordance with the definition of a subdivision in this ordinance and designed in accordance with the zoning ordinance

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

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

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

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

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

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

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

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

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

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

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

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

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

**Dry Land Access** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

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**Duplex (also two family dwelling)** One residential building housing two individual living units or single housekeeping entities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Flood** A temporary rise in water level that results in water overtopping the boundaries of its channel or land banks and inundating areas adjacent to the stream channel or lakebed.

**Flood Fringe** That portion of the floodplain outside of the floodway, which is covered by floodwater during the 100-year (regional) flood. The term "flood fringe" is generally associated with standing water rather than flowing water and is subject to inundation by the 100-year recurrence interval flood. For the purpose of this ordinance, the flood fringe is included in the Conservancy District.

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**Floodlands** Those lands, including the floodplains, floodways and channels, subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record. The purpose of the Shoreland and Floodland Overlay District is to encompass all shoreland and floodland areas in the Town of Lisbon.

**Floodplain, 100-year (also Regional Flood)** Land which has been or may be covered by floodwater during a 100-year (regional) flood event. Those floodlands, are subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record. The floodplain includes the floodway, flood fringe, shallow depth flooding, flood storage and coastal floodplain areas.

**Floodplain Setback** The horizontal distance between the closest point of a structure or building and the 100-year floodplain.

**Floodproofing** Floodproofing involves any combination of structural provisions, change or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating flood damage to properties, water and sanitary facilities, structures and contents of buildings in flood hazard areas. Such facilities shall be designed to withstand the flood velocities, forces and other factors associated with the one hundred-year recurrence interval flood, and which will assure protection of the property to the flood protection elevation. Such measures include, with limitation because of enumeration, the following:

- A. Installation of watertight doors, bulkheads and shutters.
- B. Reinforcement of walls and floors to resist pressures.
- C. Use of paints, membranes or mortars to reduce seepage of water through walls.
- D. Addition of mass or weight to structures to prevent flotation.
- E. Placement of essential utilities above the flood protection elevation.
- F. Pumping facilities and/or subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures and to lower water levels in structures.
- G. Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
- H. Construction to resist rupture or collapse caused by water pressure or floating debris.
- I. Cutoff valves or sewer lines or the elimination of gravity flow basement drains.

**Floodway** Those floodlands and floodplain, including the channel of a river or stream, required to carry and discharge the 100-year recurrence interval flood. The term "floodway" is generally associated with flowing water rather than standing water and is subject to inundation by the 100-year recurrence interval flood, and shall remain undeveloped and free of obstructions.

**Flood Profile** A graph showing the relationship of the floodwater surface elevation for a flood event of a specified recurrence interval to the streambed and other significant natural and man-made features along a stream.

**Flood Protection Elevation** An elevation two (2) feet above the height of the 100-year

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(regional) floodplain elevation as defined herein (*also see freeboard*).

**Flood, Regional** A flood having an average frequency of the 100-year recurrence interval flood.

**Flood Stage** The elevation of the floodwater surface above an officially established datum plane. In the Town of Lisbon, the datum plane used shall be mean sea level, 1929 adjustment.

**Floor Area** means the area of a room that has a ceiling height of at least 6'.

**Floor Area, Gross** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including basements, interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

**Floor Area, Gross Leasable (GLA)** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

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

**Floor Area Ratio (FAR), Total** The term floor area ratio or FAR shall be used to indicate the total floor area of all levels of all buildings (not including the basement as defined in this ordinance) permitted on a lot, expressed as a percentage ratio to the total area of the lot; i.e., an FAR of one hundred (100) percent allows a floor area equal to the total area of the lot, an FAR of fifty (50) percent allows a floor area of one-half the total area of the lot, etc. A floor area ratio of fifty (50) percent could be applied to a one-story building occupying fifty (50) percent of the lot or a two-story building occupying twenty-five (25) percent of the lot. If an overhang is in excess of 2 feet, the entire overhang shall be included in the FAR calculations.

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

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

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

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

**Frontage Road** A minor street auxiliary to, contiguous to, and parallel to the side of an arterial or collector street affording direct and controlled vehicular access to the abutting property. For the purpose of this ordinance, a frontage road shall be considered part of the established right-of-way

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width of the street or highway it is adjacent to and the base setback line shall be measured one half the width of the platted frontage road from the centerline of the platted frontage road.

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

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

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

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

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

**Grading Permit, Minor** A permit processed by the building inspector for land disturbing activities which are not associated with new construction and/or additions that do not exceed disturbance greater than three thousand (3,000) square feet in area and/or thirty (30) cubic yards in aggregate. A minor grading permit is not required for farming activities such as plowing or tilling of the soil.

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

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

**Guesthouse** An accessory structure used principally for the short-term occupancy of guests of the owners (not a housekeeping entity), normally not exceeding two (2) weeks in duration, and shall not be leased or rented for human occupancy.

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

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

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

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property.

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

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

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

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

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

**Hotel** See Motel.

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

**Human Habitation** The use of a building or structure for overnight living or longer periods of time, and including the aggregate of normal occupancy activities such as lounging, cooking, eating, sleeping, living, dining, bathing, sanitation, storage, etc.

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

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

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

**Industry** Those fields of economic activity including forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary

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services; and wholesale trade which engage in warehousing, wholesaling and distribution, processing, treatment, packaging, manufacturing, assembly, fabrication, repair and maintenance services.

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

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

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

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

**Junk** Includes, but is not limited to, garbage, waste, refuse, trash, tires, scrap materials such as metal, lumber, furniture, paper, cans, bottles, motor vehicle parts, or similar articles, and any motor vehicle or trailer which is unlicensed, inoperable, abandoned, disassembled, disabled, junked, or wrecked.

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

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

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

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

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**Lake, Navigable** Under Wisconsin law, includes all natural inland bodies of water of any size that are capable of floating any boat, skiff or canoe of the shallowest draft used for recreational purposes.

**Land Altering Activity/Disturbance** Any man-made alteration or disturbance of the land surface resulting in a change in the topography, removing existing vegetative cover or non-vegetative soil cover which changes the land surface, cutting of trees which changes the land surface, excavating, demolition, clearing and grubbing, soil removal, filling, grading, dredging, pit trench dewatering, and/or channel improvements in excess of three thousand (3,000) square feet in area and/or thirty (30) cubic yards in aggregate of disturbance, that may result in runoff and lead to an increase in soil erosion and may move sediment into water bodies. Agricultural land uses such as plowing, tilling, planting, growing, cultivating and harvesting of crops, growing and tending of gardens and harvesting of trees, and tree nurseries are not included in the above definition.

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

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

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

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

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

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

**Limited Family Business** see service oriented business.

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

**Lot** A parcel of contiguous land with described boundaries and abutting or having access via an approved easement to a street or other approved way, and exclusive of any land lying in public rights-of-way, mil tax roads, public streams or other public water body. Where such streams or

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public rights-of-way divide a single described parcel into two (2) or more parts, such severed portions shall be considered separate individual lots if such separate parcels individually meet the use regulations, building location, width, and area regulations of the zoning district in which they are located. Where such separate parcels do not meet those requirements and have been described as a single parcel of record, together such severed portions shall be considered to be a single lot for regulatory purposes under the provisions of this ordinance, and such severed areas shall constitute a single lot for computation of area regulations and other locational provisions of this ordinance.

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

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

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

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

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

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

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

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

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

**Lot Line, Shore** The abutting ordinary high water mark of navigable waters.

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

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

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

**Manufactured Home (see Modular Home)**

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

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

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

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

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

**Mobile Home Park (also see trailer camp)** Any plot or plots of ground upon which two (2) or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a

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charge is made for the accommodation (per 2001-2002 Wisconsin Statutes Section 66.0435(e)).

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

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

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

**Mottling** A mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled yielding a multicolored effect.

**National Flood Insurance Program** A program administered by FEMA that makes federally backed flood insurance available in communities that adopt and enforce floodplain management ordinances to reduce future flood damage.

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

**Navigable Waters** Those intermittent and perennial rivers, streams, ponds, natural inland lakes, sloughs, flowages and other waters shown on the U.S.G.S. Topographic Quadrangle 7.5 minutes series maps of Waukesha County (and as periodically updated) and those stream reaches shown on the large scale topographic mapping control survey project for Waukesha County conducted under Section 87.31 Wisconsin Statutes. Any water is considered navigable in fact if it meets the test outlined in state laws. Determinations of navigability are ultimately field determinations made by the WDNR and map delineations are merely the best representation of navigable conditions at any particular time. This definition also includes water bodies such as bays, springs, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface waters or ground waters, natural or artificial, public or private and within the State’s jurisdiction in accordance with State law.

**Navigational Structures** Those man-made objects constructed adjacent to or within floodlands and/or shorelands for the purpose of aiding navigation.

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

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foundation.

**Nuisance** An unreasonable occurrence for such length of time as to interfere with the comfort, enjoyment, and use of one's property, that may endanger personal or public health or safety, or is offensive to the senses.

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

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

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

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

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

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

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

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

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

**Ordinary High Water Mark (also High Water Elevation)** The average annual high water level of a pond, stream, lake flowage, or wetland referenced to an established datum plane or, where such elevation is not available, the elevation of the line on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, change in or destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics (topographic, geologic, vegetative, etc.). Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

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

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

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

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

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

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

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

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

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

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

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

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

**Personal Use Vehicle** Use and operation of a privately titled vehicle not directly associated with the conduct of business. Business services would include, but are not limited to, taxi, limousine, courier, etc.

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

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**Planned Unit Development (PUD)** is a development strategy, process or procedure that requires conditional use approval whereby a parcel of land is developed for a specific use in such a way as to provide specific benefits to the community (for example more efficient provision of public services such as roads and utilities), as well as the developer and future citizens who will reside with the development, and where the normal application of standards and requirements, primarily the lot sizes, are made more flexible, and which shall contain substantial amounts of common open space for aesthetics (rural character), natural resource or sensitive area preservation/protection (steep slopes, wetlands, floodplains, environmental corridors, etc.), or recreational purposes usually by clustering the lots (refer to Figure 1). For the purposes of this ordinance, a conservation subdivision shall be an interchangeable term with planned unit development and clustering. Owners of each lot may also own the building on the lot, or the development may be a condominium form of ownership.

**Planned Unit Development, Mixed** A Planned Unit Development that is a mixture of retail, service uses, industrial uses and/or residential uses. Buildings associated with open space and recreational uses, whether public or private, shall be considered part of the open space use.

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

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

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

**Plat, Condominium** A development proposal prepared under Chapter 703, Wisconsin Statutes which shall be reviewed in the same manner as a preliminary plat and a final plat in accordance with this ordinance and the Town of Lisbon Subdivision Control Ordinance.

**Plat, Final Subdivision** A map or plan of a parcel of land showing such data as the location, boundaries, dimensions, bearings, lot or unit location and designation, and ownership of individual properties in accordance with Chapters 236 and 703 of the Wisconsin State Statutes.

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

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

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

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

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

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

**Poultry Enclosure** A structure that houses fowl and poultry as defined in this ordinance. Poultry enclosures are subject to the setback, offset and height regulations of an accessory building within the zoning district in which they are located.

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

**Practical Difficulty** That circumstance where special conditions affect a particular property and make strict compliance with the dimensional standards of the ordinance governing area, setbacks, offsets, width, density, frontage, height or floor area ratio unreasonable and prevent a property from being utilized for a permitted purpose in conformance with the use regulations of the zoning district in which the property is located or would render conformity with such standards unnecessarily burdensome.

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

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

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

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

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

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

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

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

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

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

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

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

**Regional Flood (also 100-year floodplain)** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the Flood Insurance Rate Map, the regional flood elevation is equivalent to the base flood elevation. A regional flood may also be determined by other studies approved by the WDNR.

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

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

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

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

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

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places used in connection therewith. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter shall not constitute such taverns to be restaurants. The term restaurant does not apply to churches, religious, fraternal, youth, or patriotic organizations, service clubs, or civic organizations which occasionally prepare or serve or sell meals or lunches to transients or the general public, nor shall it include any private individual selling foods from a movable or temporary stand at public farm sales, vending machines, or concession stands. This definition includes, but is not limited to, sit down, drive thru, carry-out, drive in, delivery, and fast food type restaurants. Refer to Section 254.61 (5) Wisconsin Statutes for additional detail.

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

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

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

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

**Riparian Area** The shore area adjacent to a body of water.

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

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

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

**Salvage Yard** Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, handling, purchase, sale, exchange, or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, glass, plastic, rubber, materials, tires, tools, cordage, machinery and appliances, furniture and bedding, motor vehicles or parts thereof, or other work materials or waste.

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**Sand or Gravel Pits** See quarrying.

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

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

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

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

**Service Station** A place where petroleum products (stored in underground tanks) for the operation of motor vehicles are offered for sale directly to the public. Light maintenance of motor vehicles, incidental washing, the sale of minor accessories, a convenience store, and a restaurant (generally fast food) are also characteristic of some service stations.

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

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

**Setback, Shore (also see floodplain setback and conservancy/wetland setback)** The horizontal distance between the closest point of a structure or building and the ordinary high water mark of navigable water.

**Shoreland(s) (also Shoreland area)** Those lands lying under, abutting and close to navigable water and within the following area: One thousand (1,000) feet from the ordinary high water mark of navigable lakes, ponds or flowages as listed in the Wisconsin Department of Natural Resources publication entitled "Surface Water Resources of Waukesha County" or as indicated as bodies of water on the U.S.G.S seven and one-half-minute quadrangle maps and as specifically noted on the Shoreland and Floodland Protection Zoning Maps of Waukesha County; three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain (as defined herein) whichever is greater. Rivers and streams shall be presumed to be navigable if they are designated as perennial or intermittent waterways on the seven and one-half-minute series U.S.G.S. quadrangle surveys. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, USDA County Soil Survey maps, topographic maps and other existing floodplain zoning maps may all be used in making a determination of floodland and/or shoreland

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delineation and said shoreland and floodlands have also been delineated on the zoning map which is hereinafter referred to and adopted as part of this ordinance. The purpose of the Shoreland and Floodland Overlay District is to encompass all shoreland and floodland areas in the Town of Lisbon.

**Shoreland and Floodland Overlay District** An overlay zoning district containing the shorelands and floodlands as defined herein.

**Shoreland Wetlands (also Conservancy/Wetlands, Wetland)** Those wetland areas that lie within the shoreland and floodland jurisdiction of this ordinance and that have been designated as such on the Final Wisconsin Wetlands Inventory Maps for Waukesha County prepared by the Wisconsin Department of Natural Resources. Wetlands are generally typified by site conditions where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**Shorelines** The intersection of the land surfaces abutting lakes, ponds, streams, flowages, and wetlands with the ordinary high water mark.

**Sign** Any structure or device that draws attention to, conveys or displays visual advertising, messages, directions, invitations, announcements, or information in the form of lettering, logos, colors, lights, pictures, symbols, illuminated neon tubes, or other media, and the supporting structure either on the lot or on any other premises.

**Sign, Abandoned** A sign that no longer advertises a bonafide business, product, owner, lesser, or activity, or a sign for which the required fees have not been paid, or a sign that has not been maintained and is determined to be hazardous.

**Sign, Awning** A sign painted, stamped, perforated, stitched or otherwise applied on the valance of an awning.

**Sign, Banner** A sign intended to be hung either with or without a frame, and which possesses characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric or other similar material.

**Sign, Billboard (also Off-Premise Sign)** A sign that identifies, advertises or communicates a message related to a property, person, activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Sign, Bulletin Board** A sign located on the premises of a charitable, religious, educational, institutional, or public body for the purposes of announcing events held on the premises. For the purpose of this ordinance, the Town of Lisbon's official bulletin boards may be located off-site.

**Sign, Canopy** A sign that is attached to, or made of, an awning, canopy, or other fabric, plastic, or structural protective cover located over a door, entrance, window, or outdoor service or recreation area.

**Sign, Changeable Message (also Electronic Message Board)** A sign such as a manual, electronic or electric controlled sign, message center, or reader board, where the copy or message can be electronically programmed and modified.

**Sign, Construction** A sign identifying individuals, companies, or agencies involved in the design, construction, wrecking, financing, or development of a building/lot, and/or identifying the future use of a building/lot.

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**Sign, Directional** A sign that directs the public to an establishment or organization off of the main traveled way, and/or a sign used solely to indicate driveway ingress and egress, and both of which contain no advertising material. A directional sign may be on premise or off premise.

**Sign, Directory** A sign that indicates the names of the occupants/tenants located on the premises.

**Sign, Double-Sided/Faced** A sign with copy on two parallel faces that are back-to-back and facing in opposite directions.

**Sign, Flashing** A sign whose illumination flashes on and off in a blinking manner with varying light intensity, color, direction, animation, wording, text, or that shows motion, the illusion of motion, or revolves creating the illusion of turning on and off. Illuminated signs that indicate the date, time and/or temperature are not considered flashing signs for the purpose of this ordinance if the remainder of the sign is kept at a constant intensity.

**Sign, Free Standing** A sign self-supported by one or more upright poles, columns, or braces placed in, upon or below the ground surface and not attached to any building or structure.

**Sign, Ground** A sign erected on the ground or on one or more freestanding supports or uprights on or attached to the ground and not attached to any building.

**Sign, Illuminated** A sign illuminated in any manner by an artificial light source, whether internal or external, whose primary purpose is to display or draw attention to said sign. For the purpose of this ordinance, illuminated signs include neon or other gas tube signs.

**Sign, Marquee/Arcade** A sign attached to, painted on, or supported by a marquee that has its copy manually changed to reflect changes on the premises.

**Sign, Off-Premise (see Billboard Sign)**

**Sign, On-Premise** A sign that identifies, advertises or communicates a message related to a property, person, activity conducted, a service rendered, or a commodity sold at the same location where the sign is located.

**Sign, Portable** A sign not permanently affixed to the ground, a building, or other structure, and which may be moved from place to place.

**Sign, Projecting** A sign, other than a wall sign as defined in this ordinance, that is attached to and projects from an exterior wall or face of a building or structure, and is normally double-faced.

**Sign, Real Estate** A sign that is used to offer for sale, lease, or rent, the premises upon which such sign is placed.

**Sign, Roof** A sign which is located on, against, or projects directly above a roof or roof eave, or on top or above the parapet or on a functional architectural appendage above the roof or roof eave, or which is painted on or fastened to a roof.

**Sign, Subdivision Entrance** A sign identifying the name of the subdivision at one or more of the entrances to the subdivision.

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**Sign, Temporary** An informational sign, display, banner or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended to be used only for a limited period of time as determined by the Town. For the purpose of this ordinance this includes decorative holiday displays, public demonstrations, and the like.

**Sign, Wall – Exterior** A sign painted directly on, or attached to, the exterior wall of a building, and parallel to the face of the building and supported throughout its length by the building.

**Sign, Wall – Interior** A sign or display attached to the interior wall of a building the purpose of which is to be readable from the exterior of building.

**Sign, Warning** A sign that is devoid of advertising material, whose sole purpose is to warn the public of the existence of, or potential for, danger.

**Sign, Window** A sign attached to, or painted, stenciled, or placed on, a window or door of a building that is intended for viewing from the exterior of the building.

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

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

**Special Exception** A special or unique situation or conditions, excluding a change in use or a use prohibited in a zoning district, which may be authorized by the board of appeals and is specifically set forth in the ordinance as a special exception and which may justify the waiver of the regulations applicable thereto and does not necessarily require the demonstration of an unnecessary hardship or practical difficulty. In making its determination, the Board of Appeals shall consider whether the proposed special exception would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this ordinance, as the board of appeals may deem necessary for the protection of adjacent properties and the public interest and welfare. The granting of a special exception shall not adversely affect adjacent property owners.

**Specified Anatomical Areas** means:

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

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

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or

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female breasts;

- B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, anilingus.
- C. Showing of human genitals in a state of sexual stimulation or arousal.
- D. Excretory functions during a live performance, display or dance of any type.

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

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

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

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

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

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

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

**Streambank and Shoreline Stabilization Structures (SSSS) (formerly known as rip rap seawalls)** Mechanical erosion and sediment control structures, devices, or landscaping practices which afford protection measures to stream banks and lake shorelines from the adverse effect of wind, waves, and water, and which abate the depletion of the soil and land area adjacent to the water (i.e., rock riprap). These structures require permits as well as DNR approval.

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

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

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

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

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

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

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

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

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

**Structural Analysis** is a science that uses the principles of mechanics in analyzing the impact of loads and forces and their effect on the physical properties of materials (primarily shape) in the form of internal stress and strain.

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

**Structure, Accessory** See "*Accessory Use or Accessory Structure*".

**Structure, Legal Non-Conforming (also Legal Non-Conforming Building)** A building, structure, (including signs) or portion thereof, lawfully existing at the time of the passage of this ordinance (July 14, 1958), but which does not conform in one or more respects to the regulations of this ordinance.

**Structure, Principal** See "*Building, Principal*".

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

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

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

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

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

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

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

**Swimming Pool, Private** A structure, above, at, or below ground level, or an artificial pool of water, designed to hold water more than eighteen (18) inches deep used or intended to be used for the purpose of swimming or bathing by the owners/occupants of the property and family and authorized/invited guests. This definition includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 200 cubic feet in area and/or designed to have less than 18 inches of water depth and which are dismantled and removed for the winter are not included in this definition and are not regulated herein. This definition does not include retention or detention ponds, or hot tubs. This definition does include inflatable or soft-sided and/or temporary pools that are in excess of 200 cubic feet in area and/or that are designed to have more than 18 inches of water depth and that are erected and removed each year.

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

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

**Town Board** The Town of Lisbon Town Board of Supervisors.

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

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

**Trailer** See "Mobile Home."

**Trailer Camp (also see Mobile Home Park)** Wisconsin Statute Section 66.058 (1) "Mobile home park means any plot or plots of ground upon which two (2) or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations."

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

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

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

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

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

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

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

**Use, Legal Non-Conforming** A use or activity which was lawful prior to the adoption, revision or amendment of this zoning ordinance (July 14, 1958), but which fails, by reason of such adoption, revision or amendment, to conform to the present regulations established by this zoning ordinance.

**Use Permit** A permit issued by the Building Inspector/Zoning Administrator, specific to the approval of a Site Plan and Plan of Operation, and upon compliance with all conditions of a Site Plan

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and Plan of Operation approval, authorizing the recipient to use the property in accordance with the zoning and building code requirements.

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

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

**Variance** An authorization granted by the Board of Appeals to construct or alter a building, structure or the land in a manner that deviates from this Zoning Ordinance thus allowing a means of obtaining relief from the strict enforcement of the zoning restrictions. The issuance of a variance shall not have the effect of allowing a use of property that is not allowed in the Zoning District in which the property is located and is otherwise prohibited, and shall not allow the intensification of a use which would otherwise not be allowed other property having a similar condition or situation. The Board of Appeals shall not grant use variances. All variances shall be granted in compliance with statutory criteria.

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

**Waiver** An authorization granted by the Town Plan Commission and the Town Board to deviate from the standards of the subdivision control ordinance of the town.

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

**Wayside Market** Any structure or land used for the sale of agricultural or horticultural products.

**Wetland (also see Shoreland Wetlands)** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. These areas may appear on the Town Zoning Map, Town Land Use Plan Map, the Waukesha County zoning maps for the Town of Lisbon, the WDNR Wetland Inventory Map, and/or may have to be delineated in the field.

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

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

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

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

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

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

**Zoning Ordinance** Chapter 11 of the Town of Lisbon General Code of Ordinances.