

ARTICLE 9: PROCEDURES AND ADMINISTRATION

901 PURPOSE

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

902 AMENDMENTS TO THE TEXT OF THESE ZONING REGULATIONS

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

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

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

903 **AMENDMENTS TO THE OFFICIAL ZONING MAPS**

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

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

904 ZONING PERMITS FOR PERMITTED USES

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

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

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

905 ZONING PERMITS FOR CONDITIONAL USES

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

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

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

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

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

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

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

(11) FEES:

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

906 ZONING PERMITS FOR TEMPORARY USES

(1) PURPOSE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

909 ZONING CERTIFICATES OF OCCUPANCY

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

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

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

(3) ISSUANCE OF CERTIFICATE OF OCCUPANCY:

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

(4) FEE:

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

910 VARIANCES

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

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

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

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

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

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- b.** Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
 - c.** Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
 - d.** Violations by, or variances granted to, neighboring properties shall not justify a variance;
 - e.** The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
- 3.** In what manner do the factors identified in subsection 2 above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
- 4.** Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
- 5.** Would the granting of the proposed variance as depicted on the required site plan result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
- 6.** Have the factors which present the reason for the proposed variance been created by the act of the application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Ordinance. The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent.
- 7.** Does the proposed variance involve the regulation of land uses found in Article 4? The Variance procedure can not be employed to obtain a

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

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

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

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

911 **RESERVED FOR FUTURE USE**

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

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

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

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

913 **RESERVED FOR FUTURE USE**

914 **PLANNED UNIT DEVELOPMENT DISTRICT PROCEDURES**

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

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

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

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

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

- g. An initial draft list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and
3. **Requested Exemptions:** A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 - a. Land Use Exemptions;
 - b. Density and Intensity Exemptions;
 - c. Bulk Exemptions;
 - d. Landscaping Exemptions; and
 - e. Parking and Loading Requirements Exemptions;
 4. **Conceptual Plan:** A conceptual plan drawing (at 8½" x 11") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the "bubble plan" in addition to the 8½" x 11" reduction.
- (b) **Review by Plan Commission:** At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PUD.
 - (c) **Non-Binding Effect:** Points of discussion and conclusions reached in this stage of the process shall not be binding upon the Applicant or the Town, but shall be considered as merely an informal, non-binding basis for proceeding to the next step.

Rationale: The foregoing procedures are intended to give the Plan Commission several informal reviews of the concept plan before introduction of the formal petition for rezoning which accompanies the next step, the formal GDP application. Although time-consuming, this informal process is designed to give the Plan Commission lots of time to consider the PUD, and at the same time, give the applicant lots of feed-back so that the time and expense of the formal petition is minimized (or perhaps eliminated), by incorporation into the GDP of the comments and concerns raised during this preliminary informal process.

(7) STEP 3: GENERAL DEVELOPMENT PLAN (GDP):

- (a) **Purpose:** The purpose of this step is to evaluate whether the zoning for the proposed site should be changed from its current zoning to PUD zoning which will create zoning unique to the property. Therefore, the focus of this step is on the same types of issues which affect all changes of zoning, i.e. density, intensity, the mix of use and the arrangement of site design. The details of the PUD are generally reserved for Step 4, but in some cases those details may need to be also addressed in Step 3, depending upon the concerns of the Plan Commission. For example, in Step 3 a general discussion of landscaping exemptions is necessary, but in Step 4 a full and complete landscaping plan is required. However, if landscaping for the site is of particular concern, some of the

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

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

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

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

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

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

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

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

933 PLAN COMMISSION

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

934 SITE PLAN REVIEW COMMITTEE

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

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

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

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

937 RESERVED FOR FUTURE USE**938 FEES**

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

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

939 RESERVED FOR FUTURE USE

940 VIOLATIONS AND PENALTIES

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

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

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

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

s/ Jerry Walther, Town Chairman

Jerry Walther, Town Chairman

ATTEST:

s/Janet Hoile, Clerk

Janet Hoile, Clerk

Zoning Ordinance #53

Adopted by the Lisbon Town Board 02/06/2002

County Board Approval 02/19/2002

Publication March 02, 2002

FIRST AMENDMENT TO TOWN OF LISBON ZONING ORDINANCE

ORDINANCE #53-A-1

Adopted by the Lisbon Town Board 08/19/2004

County Board Approval 09/21/2004

Publication 09/29/2004

SECOND AMENDMENT TO THE TOWN OF LISBON ZONING ORDINANCE

ORDINANCE #53-A-2

Adopted by the Lisbon Town Board 12/21/2006

County Board Approval 01/19/2007

Publication 02/03/2007

