

MORRISON TOWNSHIP
ZONING ORDINANCE
ADOPTED DECEMBER 1986
CELEBRATING 150 YEARS
1855-2005

Amended 12/9/2015 for Farmland Preservation

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ARTICLE I. TITLE AND AUTHORITY

TITLE

This ordinance shall be known, cited, and referred to as:
THE TOWN OF MORRISON ZONING ORDINANCE, BROWN COUNTY,
WISCONSIN.

AUTHORITY

The Town of Morrison, pursuant to Section 60.29 (41), 60.18 (12), 60.74, 61.35, 62.23, and 66.058 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows:

ARTICLE II. INTENT, PURPOSE, AND SEVERABILITY

A. INTENT

This ordinance is intended to promote the orderly development of the community in accordance with the Official Town Comprehensive Plan or any of the component parts thereof.

B. PURPOSE

The Zoning Ordinance of the Town of Morrison, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the Town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, agriculture, business, commercial, manufacturing and agricultural uses for the mutual benefit of all.

C. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

If any application of this ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

ARTICLE III. DEFINITIONS

A. GENERAL

For the purpose of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neuter.

The word "shall" is mandatory and not discretionary.

The word "may" is permissive.

The word "lot" shall include the words "piece", "parcel", and "plats"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for", shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the next "integral foot" below shall be taken.

Any words not herein defined shall be constructed as defined in other respective state, county, and town codes.

B. WORDS DEFINED

Certain words and terms in this ordinance are to be interpreted as defined herein:

1. Accessory Building or Use. A building or use which is:
 - a. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance;
 - b. Clearly incidental to, subordinate in purpose to, and serves the principal use; and
 - c. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
2. Advertising Device. Any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels

which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

3. Agriculture. Agricultural use means any of the following activities conducted for the purpose of producing an income or livelihood:

- a. Crop or forage production
- b. Keeping livestock
- c. Beekeeping
- d. Nursery, sod, or Christmas tree production
- e. Floriculture
- f. Aquaculture
- g. Fur farming
- h. Forest management
- i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program

4. Airport. Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie down areas, hangars, and other necessary buildings and open spaces.

5. Alley. A public or private right-of-way primarily designed to serve as secondary access to abutting properties.

6. Artificial Lake. Man-made body of water designed and used for recreational or conservation purposes.

7. Auto Wrecking Yard. Any premises on which one or more automotive vehicle, not in running or operating condition, or parts thereof, are stored in the open.

8. Basement. That portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

9. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.

10. Boarding House (Lodging House). A building or premises, other than a hotel, containing lodging rooms accommodating for compensation, four (4) or more persons not of the keeper's family. Lodging may be provided with or without meals.

11. Building. Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

12. Building Accessory. A subordinate building or portion of a principal building, the use of which is incidental and customary to that of the principal building, where an accessory building shall comply in all respects with the requirements of this ordinance applicable to the principal building.

13. Building, Attached. One which is joined to another dwelling at one or more sides by a party wall or walls.

14. Building, Detached. One which is entirely surrounded by open space on the same lot.

15. Building Height. The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the deckline of a mansard roof and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.

16. Building Setback Line. A line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a lot line or center line of a building may be erected.

17. Building, Temporary. Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Manufactured homes used as residences shall not be classified as temporary buildings. They are further defined in definition Number 71.

18. Campground. A tract or parcel of land on which space is provided for camping. Includes day and overnight camping.

19. Canopy. (Marquee). A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.

20. Capacity in Persons of an Establishment or Use. The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Building Inspector.

21. Clinic, Medical, or Dental. An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.

22. Club. An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.

23. Commercial Feedlots. An agriculture enterprise where livestock is purchased and raised and then sold to a buyer, feedlot, or slaughter house.

24. Corner Side. A yard extending along a side lot line from front yard to rear yard when said side lot line is parallel with a street right-of-way line.

25. Conditional Use. Uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.

26. Day Care Center, Group. An establishment for the care and supervision of nine (9) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.

27. Day Care Home, Family. An establishment for the care and supervision of one (1) to eight (8) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than (10) days a month.

28. Drive-in Business. An establishment with street access, which provides no interior seating or service; or an establishment which allows for interior seating or service but the majority of its business is conducted in the following manner:

- a. By means of a service window;
- b. In-car service; and,
- c. Restaurant or confectionaries with carry-out counter.

28.a Driveway Road Any road in Town of Morrison that provides sole access to only one parcel of property abutting said road shall be deemed a driveway road. Zoning Frontage cannot be used on a driveway road. (Added July 2000)

29. Dwelling. A building, or portion thereof, excluding a manufactured home, hotel, motel, boarding houses, and trailers designed or used exclusively for residential occupancy.

30. Dwelling Unit. One (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

31. Dwelling, Single-Family. A building designed for and occupied exclusively by one (1) family.

32. Dwelling, Two-Family. A building designed for and occupied exclusively by two (2) families.

33. Dwelling, Multiple-Family. A building, or portion thereof, containing three (3) or more dwelling units.

34. Employee or Staff Member, Full Time. A person who works full time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one shift, the sum shall be based on the maximum number of employees at any one shift working at least thirty (30) hours per week.

35. Establishment Business. A place of business carrying out operations, the ownership and management of which are separate and distinct from there of any other place of business located on the same zoning lot.

36. Family. Any member or individual related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.

37. Farm. Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products.

38. Farm Pond. Body of water used predominantly for farm operation.

39. Floor Area. (For determining floor area ratio) The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include basement floor area, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouse, attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory

uses. However, any space devoted to off-street parking or loading shall not be included in "floor area".

The "floor area" of structure devoted to bulk storage of materials - including, but not limited to, grain elevators and petroleum storage tanks - shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

40. Floor Area. (For determining off-street parking and loading requirements)

Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

41. Frontage. The length of all the property fronting on one (1) side of a street between two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one (1) side between an intersecting street and the dead end of the street.

42. Frontage, Zoning Lot. The continuous (added July 2000) length of all the property of such zoning lot fronting on a street, measured between side lot lines.

43. Fur Farm. Agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.

43.a Game Farm An establishment licensed under Wis. State Statute 29.573 or 29.578 for the purpose of receiving compensation for the pursuit of and harvest of wild game. (Added July 2000)

44. Garage, Private. An accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.

45. Garage, Public and Storage. Any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored,

46. Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

47. Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.

48. Group Home. Community living arrangements for the care and maintenance of five (5) to eight (8) children under eighteen (18) years of age, which are licensed child welfare agencies, as set forth in Wisconsin State Statutes 48.602(5).

49. Hard Surfaced. A driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.

50. Health and Medical Institutions. Institutions or organizations which provide specialized in-patient or out-patient medical and dental care.

51. Hedge. A dense row of shrubs, etc., forming a boundary, fence, or barrier.

52. Home Occupation. An accessory use of a dwelling carried on by a member or members of the immediate family residing on the premises. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists. No storage or display of material, goods, supplies, or equipment related to the operation shall be visible from the outside of any structure located on the premises.

There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated.

53. Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.

54. Incompatible Use. A use or service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

55. Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

56. Junk (or Salvage) Yard. An area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk" or "salvage" yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

57. Kennels, Outdoor. A lot or building in which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.

58. Kennels, Indoor. A building in which three (3) or more dogs, of four (4) or more cats or other animals at least two (2) months of age are kept commercially for board, and/or propagation, training or sales, or other uses, all of which are conducted within the building itself.

59. Lot. A parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on a public street.

60. Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deed's Office of Brown County.

61. Lot, Corner. A lot located at the intersection of two (2) streets, the interior angle of such interior angle of such intersection not exceeding 135 degrees.

62. Lot, Depth of. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

63. Lot Area, Gross. The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

64. Lot, Interior. A lot other than a corner or reversed corner lot.

65. Lot Line, Front. That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.

66. Lot Line, Rear. That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

67. Lot Line, Side. Any boundary of a lot which is not a front lot line or a rear lot line.

68. Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

69. Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

70. Lot Width. The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.

71. Manufactured Home. A single-family dwelling transportable in one or more sections, built on a permanent chassis; suitable for year-round occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, with a permanent foundation or securely anchored and certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, and Wisconsin Uniform Dwelling Code. (Revised July 7, 1994)

72. Manufactured Home Community. A contiguous parcel of land containing manufactured homes with local general management and with special facilities for common use by the occupants, including, but not limited to, common recreational buildings, common open space, laundries, etc.

72.A Modular Home. A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called prefabricated or precut homes. A double-wide structure transported and assembled at the site on a permanent foundation shall be

construed as a modular home. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable State and Local Building Codes.
(Revised July 7, 1994)

73. Motel. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A "motel" furnishes customary hotel services, such as maid service and laundering of linens, telephone and secretarial or desk service, and the use and upkeep of furniture. In a "motel", less than fifty (50) percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

74. Motor Vehicles. A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, except a device used exclusively upon stationary rail or tracks.

75. Non-Conforming Building. A building which is used in a manner that does not conform with the regulations of the use district in which the building is located.

76. Non-Conforming Use. Any use of land, buildings, or structures, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

76.a Parent parcel A parcel of record from which a requested parcel is to be taken from. (added April 2002)

77. Parking Space. A graded and surfaced area of not less than two hundred (200) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley, exclusive of passageways, driveways, or other means of circulation or access.

78. Planned Development. A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects.

79. Professional Office (Except Health Care). The office of a member of recognized profession including the offices of ministers, architects, professional engineers, lawyers, and such other similar professional occupations; including the

office of a charitable organization and including also an insurance or financial institution which conducts its activities principally by mail.

80. Professional Office, Health Care. The office of a member of a recognized health care professional licensed by Wisconsin State Statute Chapters 441, 446, to 449.

81. Retail. Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.

82. Restaurant, Drive-In. A restaurant with one of the following characteristics:

- a. No interior seating; or
- b. Interior seating, with in-car service.

83. Right-of-Way.

a. A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

b. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

84. Roadside Stand. A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to ten (10) feet maximum height.

85. Sanitary Landfill. Disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.

86. Setback. The minimum horizontal distance between the line of a building or structure and the front property line.

87. Setback Area. The minimum horizontal area between the front, side and/or rear line of a building or use, including porches, and the lot lines, or street right-of-way lines.

88. Setback, Corner Side Yard. The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.

89. Setback, Front Yard. The minimum horizontal distance between the front line of the building or use, and the street right-of-way line.

90. Setback Lines. Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.

91. Setback, Rear Yard. The minimum horizontal distance between the back line of the building or use, and the rear lot lines.

92. Setback, Side Yard. The minimum horizontal distance between the side line of the building or use, and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.

92A. Sewer Service Area As identified in Brown County Planning Sewer Service Maps. (Revised April 1, 2002)

93. Sign. A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person institution, organization, or business. However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the content shall so indicate.

94. Sign, Advertising. A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

95. Sign, Business. A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.

96. Slaughterhouse. A building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut or altered.

97. Stock farm. An agricultural operation, usually non-dairying in nature where livestock is raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

98. Story. That part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.

99. Street. A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but does not include driveways to buildings.

100. Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

101. Structural Alteration. Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundation.

102. Town. The Town of Morrison.

103. Town Board. The governing body of the Town of Morrison.

104. Town Zoning Administrator. The Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.

105. Use, Principal. The main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional" or "non-conforming".

106. Use, Permitted. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

107. Use, Conditional. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such "conditional use" may or may not be granted, subject to the terms of this ordinance.

108. Variance. A departure from the terms of this chapter as applied to a specific building, structure, or parcel of land which the Board of Appeals may permit when the Board finds that a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety and welfare. In no case shall a variance be granted to permit any use not permitted in a particular zone.

109. Yard. An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.

110. Yard, Corner Side. A side yard which adjoins a public street.

111. Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.

112. Yard, Interior Side. A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

113. Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.

114. Yard, Transitional. That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.

115. Zoning District. Divisions of the town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in Zoning Ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

ARTICLE IV. GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this ordinance shall include all lands and waters within the Town of Morrison.

B. EXISTING ORDINANCE

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Morrison or are established by federal, state, or county laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this ordinance shall apply.

C. BUILDING AND USES

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.

2. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.

3. Permitted, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone district.

4. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. In any District **where residences are a permitted use, (Revised July 5, 2000)** on a lot of record on the effective date of this ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this ordinance are complied with; however, where two (2) or more contiguous substandard recorded lots are in common ownership and are of such size as to constitute at least one (1) conforming "zoning lot", such lots or portions thereof shall be considered as being maintained in common ownership after the effective date of this ordinance for zoning purposes.

5. Accessory buildings shall be compatible with the principal use and shall not be established prior to the establishment of the principal use.

6. No detached accessory building or buildings shall occupy more than thirty (30) percent of the area of a required rear yard.

7. Where an accessory building is part of the main building or is substantially attached hereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings.

8. The height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structure shall be located on a minimum farm site of ten (10) acres. Farm accessory buildings shall not be closer than twenty five (25) feet to any lot line.

9. Not more than one (1) accessory building may (Revised July 5, 2000) be located on a lot, in addition to the garage, in the R Zone.

10. The cumulative square footage of accessory buildings located on a lot within the R Zone shall not exceed nine hundred (900) square feet. An accessory building with a square footage of greater than nine hundred (900) square feet may be allowed as a conditional use.

11. Detached accessory buildings shall not exceed eighteen (18) feet in height of the principal building or structure, whichever is less in the R Zone.

12. On reversed corner lots, all accessory buildings shall conform to the existing setback lines on both streets, and on the rear lot line, it shall conform to the side yard requirements of the Zoning District.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.

13. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet.

14. When a building containing a non-conforming use is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, it may be restored if the structure is restored to the size, location, and use it had immediately before the damage or destruction occurred. There are no limits on the cost of the repairs, reconstruction, or improvements.

15. Where the Town Zoning Administrator has issued a building permit, pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Town Zoning Administrator.

16. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Article XIX.

D. AREA REGULATIONS

1. Lot size shall comply with the required regulations of the established district.

2. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

E. HEIGHT REGULATIONS

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.

2. Accessory farm building, belfries, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, silos, scenery lofts, tanks, water towers, ornamental towers, spires, masts or aerials, public water towers, telephone, telegraph and power transmission poles and lines, are hereby exempted from the height regulations of this ordinance.

3. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet, provided the front, side and rear yards required in the district in which the building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

F. FRONT, SIDE AND REAR YARD REGULATIONS

1. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or any other open space required for another building.

2. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot lieu of the required rear yard, provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.

3. Detached accessory buildings may be located in the rear yard, or the side of a main building provided such accessory building will meet district requirements.

G. FENCES, WALLS, AND HEDGES

1. No fence, wall, hedge, or shrubbery which is located within the first twenty (20) feet of a required front or corner side yard shall exceed three (3) feet in height in any zone.

2. No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property to a height exceeding eight (8) feet.

3. Any fence, wall, hedge, or shrubbery shall be a minimum of two (2) feet off the property line. No fence, wall, hedge, or shrubbery will be allowed on the lot line.

H. PARKING STANDARDS

1. Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.

2. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.

3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.

4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.

5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

6. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.

7. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

8. None of the off-street facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. OFF-STREET LOADING

In all districts loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

ARTICLE V. ESTABLISHMENT OF ZONES

A. ZONE DISTRICT

For the purpose of this ordinance, the Town of Morrison, Brown County, Wisconsin is hereby divided into the following zoning districts.

R Residential
E-R Estate Residential (Revised July 5, 2000)
AG-FP Agriculture (**Revised December 2015**)
AG2-FP Agriculture (**Revised December 2015**)
E-A Estate Agriculture
B-1 Business District
C-1 Conservancy (Revised July 5, 2000)
I-1 General Industrial District
P-R Planned Residential Development

B. ZONING MAP

The location and boundaries of the districts established by this ordinance are set forth on the Zoning map, entitled "Farmland Preservation Zoning Map for the Town of Morrison, Brown County, Wisconsin, dated September 25, 2015", which are incorporated herein and hereby made a part of this ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as through fully set forth and described herein.

C. ZONE BOUNDARIES

The following rules shall apply with respect to the boundaries of the various districts as shown on the Farmland Preservation Zoning Map.

1. District boundary lines are the centerlines of highways, streets, alleys, and pavements; or right-of-way lines of railroad, toll roads, and expressways; or section, division of section, tract, and lot lines; or such lines extended, unless otherwise indicated.

2. In areas not subdivided into lots and blocks; wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets and highways, or railroad rights-of-way, unless otherwise indicated.

3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Adjustment, after due hearing, may extend the regulations for either portion of such lot.

D. EXEMPTED USES

The following uses are exempted by this ordinance and permitted in any zone district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction. However, radio and television transmission and booster towers are subject to the regulations prescribed for such uses in the Residential District (R).

E. REZONING POLICY (Revised 2015)

In the AG-FP zone, each existing parcel of record as of July 5, 2000, is allowed one split from the parent parcel as long as the parent parcel and new parcel meet minimum lot requirements. A rezone of the parcel(s) may be allowed based on the following criteria:

The following conditions shall apply to future rezone requests for the purposes of creating additional land divisions in the AG-FP zone of the town zoning map:

- 1. If a farm residence is not located on the original parent parcel, the owner of the parcel may request a rezone for the purpose of creating a residential building parcel. If the proposed parcel split would result in a parcel less than 5 acres in size, the parcel shall only be rezoned to the E-R zoning classification. If the proposed parcel split would result in a parcel greater than or equal to 5 acres in size, the parcel shall be rezoned to the E-A zoning classification. The parent parcel must be requested to be rezoned to AG2-FP zoning classification. Both the aforementioned and the AG2-FP rezoning request must successfully occur at the same time in order for a rezone to take place.**
- 2. If a farm residence is located on the original parent parcel, the parcel owner may request a rezone for the purpose of creating a residential building parcel. If the proposed parcel split would result in a parcel being less than 5 acres in size, the parcel shall only be rezoned to the E-R zoning classification. If the proposed parcel split would result in a parcel being greater than or equal to 5 acres in size, the parcel shall be**

rezoned to the E-A zoning classification. The parent parcel must be requested to be rezoned to AG2-FP zoning classification. Both the aforementioned and the AG2-FP rezoning request must successfully occur at the same time in order for a rezone to take place.

3. Once any parcel of record receives a rezone and split, it cannot be split again.

F. REZONING POLICY (Revised June 1, 2002)

The Town of Morrison permits operations of properly conducted agricultural operations within the township. If the property is located near agricultural lands or agricultural operations or included within an area zoned for agricultural purposes, you may be subject to outcomes arising from such operations. Such outcomes may include, but are not limited to: noises, odors, lights, fumes, dust, smoke, insects, chemicals, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the outcome described may occur as a result of any agricultural operation, which is in conformance with existing laws and regulations and accepted customs and standards. I you live near an agricultural area, you should be prepared to accept such outcomes as a normal and necessary aspect of living in a township with a strong rural character and active agricultural sector. The Town of Morrison has established the Zoning Committee/Town Board to assist in the resolution of any animal waste management disputes which might arise between residents of the town regarding agricultural operations, and may consult with the Brown County Animal Waste Management and Land Conservation Committee.

ARTICLE VI. R RESIDENTIAL

The following regulations shall apply to R Residential Districts

A. PERMITTED USES

1. Single family dwellings.
2. Two family dwellings.
3. Transmission lines, substations, telephone and telegraph lines, public utility installation, radio and television stations and any towers under seventy five (75) feet in height, railroad right-of-way and passenger depots, not including switching, storage freight yards, or sidings.
4. Modular and Manufactured Homes. (Revised July 7, 1994)

B. PERMITTED ACCESSORY USES

1. Private carports, and driveways.
2. Private garages less than nine hundred (900) square feet in size.
3. Home occupations.
4. Tool houses, sheds and other similar buildings not to exceed two hundred (200) square feet in size, used for the storage of common supplies.

C. CONDITIONAL USES

1. Multi-family dwellings.
2. Colleges, universities, schools, hospitals, sanitariums, churches, and other religious institutions.
3. Towers over seventy five (75) feet in height.
4. Planned Residential Development District.
5. Private garages greater than nine hundred (900) square feet in size.

6. Conservatories and greenhouses for plants, provided such activity is not designed for wholesale or retail trade.

7. Within sewer service area. Lot over 1 ½ acre providing the land over 1 ½ acre is unbuildable or is classified as environmentally sensitive or classified as wetlands. (Added April 1, 2002)

8. Public parks or Public recreational sites.

D. LOT REQUIREMENT

1. Area - 60,000 square feet.
2. Zoning lot frontage - 200 feet minimum.
3. Within sewer service area. 10,000 square feet.(Revised April 1, 2002)
4. Within sewer service area , Frontage 85 feet minimum with a maximum of 200 feet (Revised April 1, 2002)
5. Within sewer service area. Maximum Lot Size 1 ½ acre. (Revised April 1, 2002).

HEIGHT REGULATIONS

1. Principal residential dwellings - thirty five (35) feet maximum*
2. Accessory residential uses - twenty five (25) feet or height of principal structure, whichever is smaller.

F. BUILDING SETBACKS

	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	15 feet minimum	6 feet minimum
Rear Yard	15 feet minimum	6 feet minimum
Corner Side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

G. BUILDING SIZE

1. Minimum building size of a residential dwelling shall be one-thousand fifty (1050) square feet. (Revised July 7, 1994)

2. Any residential dwelling less than 22 feet in width may be required to be located in a Manufactured Housing Park. (Revised July 7, 1994)

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

I. PARKING

Parking shall conform to the requirements as set forth in Article XIV, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

K. OTHER REQUIREMENTS

1. Other structures or buildings allowed within the R District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

*Except as provided in Article IV, Subsection E, Height Regulations.

ARTICLE VII. E-R ESTATE RESIDENTIAL

The following regulations shall apply in E-R Districts:

A. PERMITTED USES

1. Single or two family dwellings.
2. Orchards, horticulture, and truck farming.
4. Modular and Manufactured Homes. (Revised July 7, 1994)
5. Transmission lines, substations, telephone and telegraph lines, public utility installation, radio and television stations and any towers under seventy five (75) feet in height, railroad right-of-way and passenger depots, not including switching, storage freight yards, or siding.

B. PERMITTED ACCESSORY USES

1. Private garages, carports, and driveways.
2. Home occupations.
3. Toolhouses, sheds and other similar buildings used for the storage of common supplies.

C. CONDITIONAL USE

1. Greenhouses, hatcheries, livestock raising, nurseries, paddocks, general farming, pasturage, poultry raising, riding academies and stables, game farms, wildlife sanctuaries, and game preserves.
2. Airports, airfields, and heliports.
3. Colleges, universities, schools, hospitals, sanitariums, churches, and other religious institutions.
4. Towers over seventy five (75) feet in height.
5. Planned Residential Development District.
6. Cemeteries.

7. Sanitary landfills and solid waste disposal sites.
8. Cable television installation.
9. Artificial lakes.
10. Earth excavations.
11. Public Parks, public recreational sites, and golf courses.

D. LOT REQUIREMENT

1. Area - sixty thousand (60,000) square feet minimum.
2. Zoning lot frontage - two hundred (200) feet minimum.

E. HEIGHT REGULATIONS

1. Residential and accessory buildings - thirty five (35) maximum except as provided by Article IV, Subsection E, Height Regulations.

F. BUILDING SETBACKS

	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	20 feet minimum	10 feet minimum
Rear Yard	20 feet minimum	10 feet minimum
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

G. BUILDING SIZE

1. Minimum building size of a residential dwelling shall be one-thousand fifty (1050) square feet. (Revised July 7, 1994)
2. Any residential dwelling less than 22 feet in width may be required to be located in a Manufactured Housing Park. (Revised July 7, 1994)

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Use

I. PARKING

Parking shall conform to the requirements as set forth in Article XIV, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

K. OTHER REQUIREMENTS

1. Other structures or buildings allowed within the E-R District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

* Except as provided in Article N, Subsection E, Height Regulations.

ARTICLE VIII. AG-FP AGRICULTURE

Prior to November, 2015, the AG-FP zoning was known as A-1 zoning. Any references to A-1 Zoning in any other section of the Zoning Book should refer back to the New AG-FP Zone and these regulations should be followed.

The following regulations shall apply in all AG-FP Districts:

A. DEFINITIONS:

For purposes of the AG-FP zoning district only, the following definitions shall apply:

1. “Accessory use” means any of the following land uses on a farm:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use including:
 1. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
 2. A facility used to keep livestock on the farm.
 3. A facility used to store or process inputs primarily for agricultural uses on the farm.
 4. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 5. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 6. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.
 7. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence, including normal residential appurtenances.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 1. It is conducted on a farm by an owner or operator of that farm.

2. It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
 3. It employs no more than 4 full-time employees annually.
 4. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- 2. “Agricultural use” means any of the following activities conducted for the purpose of producing an income or livelihood:**
- a. Crop or forage production.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur farming.
 - h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- 3. “Agriculture-related use” means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:**
- a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.

- c. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
 - d. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
 - e. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
4. “Common ownership” for purposes of the farmland preservation ordinance means ownership by the same person or persons. “Common ownership” includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
5. “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.
6. “Farm” means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
- a. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
 - b. A majority of the land area is in agricultural use.
7. “Farm residence” means a single-family or two-family residence that is the only residential structure on the farm.
8. “Gross farm revenue” means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. “Gross farm revenue” includes receipts accruing to a renter, but does not include rent paid to the land owner.
9. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

10. "Open space parcel" means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

11. "Person" means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

12. "Prime farmland" means all of the following:

a. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.

b. Land, other than land described in par. (a), which is identified as prime farmland in the county's certified farmland preservation plan.

13. "Prior nonconforming use" means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.

14. "Protected farmland" means land that is any of the following:

a. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.

b. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.

c. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.

d. Otherwise legally protected from nonagricultural development.

B. LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT;

GENERAL. Only the following land uses are allowed in a farmland preservation zoning district:

1. Uses allowed under Section C without a conditional use permit.

2. Uses allowed under Section D with a conditional use permit.

3. Prior nonconforming uses, subject to Wis. Stats. 60.61(5), Towns General Zoning Authority, Nonconforming uses.

C. PERMITTED USES

The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

1. Agricultural uses as defined in A.2
2. Undeveloped natural resource and open space areas; any open land without any structures.
3. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
4. Farm ponds.
5. Accessory uses as defined in A.1

D. CONDITIONAL USES. (Requires a Permit)

1. General.

a. The **Morrison Town Board** may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. A conditional use may be permitted following a public hearing and decision by the Town Board in compliance with the terms hereof. (Revised June 1, 2002)

b. Before issuing a conditional use permit under par. (a), the Town Board shall determine in writing that the proposed use meets applicable conditions under this section. The Morrison Town Board may issue the permit subject to any additional conditions which the Town Board deems necessary to carry out the purposes of this ordinance.

c. The Town Board may issue a conditional use permit if all of the following apply:

1. The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
2. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

3. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
4. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
5. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
6. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

2 Conditional Uses Include:

- a. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
- b. A dairy plant that processes or handles milk from farms.
- c. A meat slaughter establishment.
- d. A food processing plant that processes raw agricultural commodities received from farms.
- e. A feed mill that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
- f. An ethanol plant, bio-diesel plant, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.
- g. A sawmill or other facility that processes wood or other forest products received directly from farms.
- h. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
- i. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
- j. A facility that is primarily engaged in providing agronomic or veterinary services to farms.

3. Compatible Infrastructure.

a. The Town Board may issue a conditional use permit for a proposed use under D.1. if all of the following apply:

1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

b. The Town Board may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under section a:

1. Transportation uses, including rail facilities, and agricultural aeronautic facilities.
2. Communication uses, including cell towers, antennae and broadcast towers.

4. Government and Nonprofit Community Uses.

a. The Town Board may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Town Board determines that all of the following apply:

1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- b. Government and Nonprofit Community Conditional Uses Include:
1. Fire stations, police stations, post offices, hospital, sanitariums, and other government administration buildings
 2. Schools, colleges, and universities
 3. Religious institutions, including cemeteries and mausoleums
 4. Public parks and recreation areas
 5. Public Solid waste and disposal sites

E. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.

1. Except as provided in sub. (2), the Town Board may not rezone land out of a farmland preservation zoning district unless the Town Board finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:
 - a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - b. The rezoning is consistent with any comprehensive plan, adopted by the Town of Morrison, which is in effect at the time of the rezoning.
 - c. The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

[NOTE: By March 1 of each year, the zoning authority must report to DATCP and Brown County the total acres rezoned during the preceding year, including a map that identifies the rezoned parcels.]

2. Subsection (1) does not apply to any of the following:

- a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
- b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning

F. LOT REQUIREMENTS.

(1) Area – 35 acre minimum

- c. Zoning Frontage – Two Hundred Fifty (250) feet contiguous land.

G. HEIGHT REGULATIONS

- 1. Farm structures - sixty (60) feet maximum.*
- 2. Residential dwellings - thirty five (35) feet maximum.*

H. BUILDING SETBACKS.

	<u>Principal Structure</u>	<u>Accessory Buildings</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

I. BUILDING SIZE

- 1. Minimum size of a residential dwelling shall be one-thousand fifty (1050) square feet ground floor area for a one (1) story dwelling and seven hundred fifty (750) square feet minimum ground floor area for dwellings with more than one (1) story and shall have at least 22 feet in width. (Revised July 7, 1994)

2. Any residential dwellings less than 22 feet in width will be required to be located in a Manufactured Housing Park. (Revised July 7, 1994)

J. PARKING.

Parking shall conform to the requirements as set forth in Article XIV Off-Street Parking Requirements.

K. SIGNS.

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

*Except as provided by Article VIII, Subsection H, Height Regulations.

L. OTHER PROVISIONS AND REQUIREMENTS

1. Preexisting residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their preexisting use and are exempted from any limitations imposed or authorized under Section 60.61(5) of the Wisconsin State Statutes.

ARTICLE XX AG2-FP AGRICULTURE

Prior to November, 2015, the AG2-FP zoning was known as A-2 zoning. Any references to A-2 Zoning in any other section of the Zoning Book should refer back to the New AG2-FP Zone and these regulations should be followed.

For purposes of the AG2-FP zoning district only, the following definitions shall apply:

A. DEFINITIONS. In this farmland preservation ordinance:

1. “Accessory use” means any of the following land uses on a farm:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use including:
 1. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
 2. A facility used to keep livestock on the farm.
 3. A facility used to store or process inputs primarily for agricultural uses on the farm.
 4. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 5. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 6. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.
 7. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence, including normal residential appurtenances. Farm residences are only allowed in the AG2-FP zoning district if they existed prior to being zoned AG2-FP.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

1. It is conducted on a farm by an owner or operator of that farm.
 2. It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
 3. It employs no more than 4 full-time employees annually.
 4. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
2. “Agricultural use” means any of the following activities conducted for the purpose of producing an income or livelihood:
- a. Crop or forage production.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur farming.
 - h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
3. “Agriculture-related use” means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
- a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
 - c. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
 - d. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.

- e. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
4. “Common ownership” for purposes of the farmland preservation ordinance means ownership by the same person or persons. “Common ownership” includes land owned by the same individual, married couple, joint tenants, tenant’s in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
 5. “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.
 6. “Farm” means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
 - a. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
 - b. A majority of the land area is in agricultural use.
 7. “Farm residence” means a single-family or two family residence that is the only residential structure on the farm.
 8. “Gross farm revenue” means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. “Gross farm revenue” includes receipts accruing to a renter, but does not include rent paid to the land owner.
 9. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
 10. “Open space parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
 11. “Person” means an individual, corporation, partnership, limited liability

company (LLC), trust, estate or other legal entity.

12. "Prime farmland" means all of the following:
 - a. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - b. Land, other than land described in par. (a), which is identified as prime farmland in the county's certified farmland preservation plan.
13. "Prior nonconforming use" means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.
14. "Protected farmland" means land that is any of the following:
 - a. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
 - b. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
 - c. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
 - d. Otherwise legally protected from nonagricultural development.

B. LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT;

GENERAL. Only the following land uses are allowed in a farmland preservation zoning district:

1. Uses allowed under Section C without a conditional use permit.
2. Uses allowed under Section D with a conditional use permit.
3. Prior nonconforming uses, subject to Wis. State Stat 60.6(5), Towns General Zoning Authority, Nonconforming uses.

B. PERMITTED USES.

The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

1. Agricultural uses as defined in A.2

2. Undeveloped natural resource and open space areas; any open land without any structures.
3. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
4. Accessory uses as defined in A.1
5. Farm ponds.

D. CONDITIONAL USES. (Requires a Permit)

1. General.

- a. The **Morrison Town Board** may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. A conditional use may be permitted following a public hearing and decision by the Morrison Town Board in compliance with the terms hereof. *Revised June 1, 2002)
- b. Before issuing a conditional use permit under par. (a), the Morrison Town Board shall determine in writing that the proposed use meets applicable conditions under this section. The Morrison Town Board may issue the permit subject to any additional conditions which the Town Board deems necessary to carry out the purposes of this ordinance.
- c. The Town Board may issue a conditional use permit if all of the following apply:
 1. The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
 2. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 3. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

4. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
5. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
6. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

2. Conditional Uses Include:

- a. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
- b. A dairy plant that processes or handles milk from farms.
- c. A meat slaughter establishment.
- d. A food processing plant that processes raw agricultural commodities received from farms.
- e. A feed mill that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
- f. An ethanol plant, bio-diesel plant, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.
- g. A sawmill or other facility that processes wood or other forest products received directly from farms.
- h. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
- i. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
- j. A facility that is primarily engaged in providing agronomic or veterinary services to farms.

3. Compatible Infrastructure.

- a. The Town Board may issue a conditional use permit for a proposed use under D.1 if all of the following apply:

1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
2. The Town Board may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under section a :
- a. Transportation uses, including rail facilities, and agricultural aeronautic facilities.
 - b. Communication uses, including cell towers, antennae and broadcast towers.

4. Government and Nonprofit Community Uses.

- a. The Morrison Town Board may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Morrison Town Board determines that all of the following apply:
 1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

b. Government and Nonprofit Community Conditional Uses Include:

1. Fire stations, police stations, post offices, hospital, sanitariums, and other government administration buildings

2. Schools, colleges, and universities

3. Religious institutions, including cemeteries and mausoleums

4. Public parks and recreation areas

5. Public Solid waste and disposal sites

E. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.

1. Except as provided in sub. (2), the Town Board may not rezone land out of a farmland preservation zoning district unless the Town Board finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:

a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

b. The rezoning is consistent with any comprehensive plan, adopted by the Town of Morrison, which is in effect at the time of the rezoning.

c. The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

[NOTE: By March 1 of each year, the zoning authority must report to DATCP and Brown County the total acres rezoned during the preceding year, including a map that identifies the rezoned parcels]

2. Subsection (1) does not apply to any of the following:

a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.

b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning

F. LOT REQUIREMENTS

1. Area - minimum existing acres of parcel at time of creations of zoning parcel.
2. Zoning Frontage-One Hundred (100) feet

G. HEIGHT REQUIREMENTS

1. Farm structures - sixty (60) feet maximum.*
2. Residential dwellings – Thirty Five (35) feet maximum *

H. BUILDING SETBACKS

Front Yard	Principal Structure 40 feet minimum from right-of-way	Accessory Buildings 40 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

I. BUILDING SIZE

(1) Minimum size of a residential dwelling shall be one-thousand fifty (1050) square feet ground floor area for a one (1) story dwelling and seven hundred fifty (750) square feet minimum ground floor area for dwellings with more than one (1) story and shall have at least 22 feet in width. (Revised July 7, 1994)

J. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building Uses.

K. PARKING

Parking shall conform to the requirements as set forth in Article XIV, Off Street Parking Requirements.

L. SIGNS

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

Except as provided in Article XX, Subsection E, Height Regulations.

M. OTHER PROVISIONS AND REQUIREMENTS

(1) Pre-existing residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their preexisting use and are exempted from any limitations imposed or authorized under Section 60.61(5) of the Wisconsin State Statutes.

ARTICLE XXI E-A ESTATE AGRICULTURE

The following regulations shall apply in an E-A District:

A. PERMITTED USES

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, truck farming, game farms, wildlife sanctuaries, and game preserves.
2. Single or two-family dwelling.
3. Farm ponds.
4. Transmission lines, substations, telephone and telegraph lines, public utility installation, radio, and television stations and any towers under seventy-five (75) feet in height, public streets, street right-of-ways, and street improvements.

B. PERMITTED ACCESSORY USES

1. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.

1. Additional structures necessary for the continuance of the farming operation.
2. Home occupations.
3. Private garages, carports and driveways.
4. Modular and Manufactured Homes. (Revised July 7, 1994)

C. CONDITIONAL USE

1. Artificial lakes.
2. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions, provided that they are religious, institutional or governmental uses which do not conflict with agricultural use.
3. Cemeteries, if religious or institutional

4. Towers over seventy-five (75) feet in height.
5. Cable television installation.
6. Riding academies and stables, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
7. Parks, recreational sites and golf courses, if they are public (governmental) facilities.
8. Railroad right-of-way and passenger depots, not including switching, storage, freight yards, or siding, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
9. Earth excavations, which are public (governmental) facilities or incidental to the farm operations.
10. Day Care Center/Group.

D. LOT REQUIREMENTS.

1. Area - five (5) acre minimum.
2. Zoning Frontage two hundred fifty (250) feet.

E. HEIGHT REGULATIONS

1. Farm structures - sixty (60) feet maximum.*
2. Residential dwellings - thirty five (35) feet maximum.*

F. BUILDING SETBACKS.

	<u>Principal Structure</u>	<u>Accessory Buildings</u>
Front Yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

G. BUILDING SITE

1. Minimum size of a residential dwelling shall be one-thousand fifty (1050) ground floor area for a one (1) story dwelling and seven hundred fifty (**750**) square feet minimum ground floor area for dwellings with more than one (1) story. (Revised July 7, 1994)

2. Any residential dwellings less than 22 feet in width may be required to be located in a Manufactured Housing Park. (Revised July 7, 1994)

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building Uses.

I. PARKING.

Parking shall conform to the requirements as set forth in Article XIV Off-Street Parking Requirements.

J. SIGNS.

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

*Except as provided by Article IV, Subsection E, Height Regulations.

ARTICLE XXII C-1 CONSERVANCY

A. PERMITTED USE

The following regulations shall apply in a Conservancy Zone:

1. Forestry, orchards, game farms, wildlife sanctuaries, game preserves and outdoor recreational uses, general farming.
2. Transmission lines, substations, telephone and telegraph lines, public utility installation, radio, cellular, and television stations and any towers under seventy-five (75) feet in height, public streets, street right-of-ways, and street improvements.
3. Artificial lakes located on a parcel of fifteen (15) or more acres.

B. PERMITTED ACCESSORY USES

1. A structure compatible for the continuance of a conservancy operation. A four hundred (400) sq. ft. maximum building size for a 60,000 sq. ft. lot or smaller.

C. CONDITIONAL USE

1. Artificial lakes on parcels of fifteen (15) acres or less.
2. Towers over seventy-five (75) feet.
3. Cable television installation.
4. Accessory building.
5. Livestock raising or grazing.
6. Public Parks or Public recreational sites.

D. LOT REQUIREMENTS.

1. There are no lot requirements or frontage.

E. HEIGHT REGULATIONS.

Structure - Thirty Five (35) feet maximum* on fifteen (15) or more acres.

Twenty (20) feet maximum * on fifteen (15) or less acres.

F. BUILDING SETBACKS.

Front Yard	40 feet minimum from right-of-way
Side Yard	25 feet minimum
Rear Yard	25 feet minimum
Corner Side	50 feet minimum from right-of-way

G. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building Uses.

H. PARKING

Parking shall conform to the requirements as set forth in Article XIV, Off Street Parking Requirements.

I. SIGNS

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

- Except as provided in Article IV, Subsection E, Height Regulations.

ARTICLE IX. B-1 COMMUNITY BUSINESS DISTRICT

The community Business District is intended to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 District:

A. PERMITTED USES

Uses permitted in the B-1 District are subject to the following conditions:

1. Dwelling units and rooming units are not permitted below the second floor, except as the residence of the owner or operator of a business on the premises.
2. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
3. Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are allowed only by conditional use permit.
4. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one half (1 1/2) ton capacity when located within seventy five (75) feet of a Residence District boundary line.

The following uses are permitted in the B-1 District:

1. Antique shops.
2. Art and school supply stores.
3. Art shops or galleries, but not including auction rooms.
4. Automobile accessory stores.
5. Bakeries - room or rooms, containing the baking process shall not exceed a total of five thousand (5000) square feet in area.
6. Banks and financial institutions.
7. Barber shops.

8. Beauty parlors.
9. Bicycle sales, rental, and repair stores.
10. Blueprinting and photostating.
11. Boat showrooms and sales.
12. Book and stationary stores.
13. Business machine sales and service.
14. Camera and photographic supply stores.
15. Candy and ice cream stores.
16. Carpet and rug stores, retail sales only.
17. Catering establishments.
18. Child day care centers.
19. China and glassware stores.
20. Clothing and costume rental stores.
21. Clubs and lodges, nonprofit and fraternal.
22. Coin and stamp stores.
23. Computer and data processing services.
24. Custom dressmaking.
25. Department stores.
26. Drug stores.
27. Dry cleaning establishments, not engaged in wholesale processing.
28. Dry goods stores.

29. Eating and drinking places, excluding drive-ins and establishments primarily engaged in carryout service.
30. Electrical and household appliance stores, including radio and television sales.
31. Electrical showrooms and shops.
32. Employment agencies.
33. Florist shops.
34. Food stores, grocery stores, meat markets, bakeries and delicatessens.
35. Frozen food stores, including locker rental in conjunction therewith.
36. Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use.
37. Furrier shops, including the incidental storage and conditioning of furs.
38. Garden supply, tool, and seed stores.
39. Gift shops.
40. Hardware stores.
41. Hobby shops, for retail of items to be assembled or used away from the premises.
42. Household appliances, office equipment and other small machine sales and service.
43. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
44. Insurance agencies.
45. Jewelry stores, including watch and clock repair.
46. Laboratories, medical and dental.

47. Laboratories, medical and dental, research and testing.
48. Launderettes, automatic, self-service only, or hand laundries employing not more than two (2) persons in addition to one (1) owner or manager.
49. Leather goods and luggage stores.
50. Libraries.
51. Liquor stores, packaged goods.
52. Locksmith shops.
53. Medical and dental clinics.
54. Meeting halls.
55. Millinery shops.
56. Miscellaneous personal services.
57. Miscellaneous repair shops.
58. Miscellaneous shopping goods stores.
59. Motor vehicle and automotive parts and supplies.
60. Musical instrument sales and repair.
61. Newspaper distribution agencies for home delivery and retail trade.
62. Nurseries, lawn and garden supply stores.
63. Nursing and personal care facilities.
64. Office machine sales and servicing.
65. Offices, business, professional, and governmental.
66. Office supply stores.
67. Optician sales, retail.

68. Orthopedic and medical appliance stores.
69. Paint and wallpaper stores.
70. Pet shops.
71. Phonograph record and sheet music stores.
72. Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises.
73. Picture framing, when conducted for retail trade on the premises only.
74. Plumbing showrooms and shops.
75. Post offices.
76. Publishing and printing.
77. Radio and television sales, servicing and repair shops.
78. Radio and television stations and studios.
79. Real estate offices.
80. Recording studios.
81. Residential care group homes.
82. Restaurants - including the servicing of alcoholic beverages.
83. Schools - dance, music, and business.
84. Security brokers.
85. Sewing machine sales and service - household appliances only.
86. Shoe, clothing, and hat repair stores.
87. Shoe stores.
88. Sporting goods stores.
89. Tailor shops.

90. Taverns.
91. Taxidermists.
92. Telegraph offices.
93. Telephone booths and coin telephones.
94. Ticket agencies, amusement.
95. Tobacco shops.
96. Toy shops.
97. Travel bureaus and transportation ticket offices.
98. Undertaking establishments and funeral parlors.
99. Used merchandise stores.
100. Variety stores.
101. Wearing apparel shops and accessories.
102. Accessory uses, incidental to, and on the same zoning lot as the principal use.

B. CONDITIONAL USES

The following conditional uses may be allowed in the B-1 District, subject to the provisions of Article XVII, Subsection J:

1. Amusement establishments - archery ranges, bowling alleys, shooting galleries, game room, swimming pools, skating rinks, and other similar amusement facilities.
 - a. Adult Entertainment Establishments.
 - 1. Special License Required**
 2. Animal hospitals, veterinary services, and kennels.
 3. Auction rooms.

4. Automotive repair shops.
5. Automotive rental and leasing.
6. Automotive services.
7. Building material products sales.
8. Car wash.
9. Dry cleaning establishments employing more than four (4) persons.
10. Dwelling units and rooming units, above the ground level.
11. Eating and drinking establishments primarily engaged in drive-in and carryout service.
12. Farm machinery and equipment sales.
13. Greenhouses, commercial.
14. Hotels, motels.
15. Mail order houses.
16. Manufactured home sales.
17. Motor vehicle sales.
18. Parking garages or structures, other than accessory, for the storage of private passenger automobiles only.
19. Parking lots, open and other than accessory.
20. Recreational and utility trailer dealers.
21. Schools, commercial and trade.

C. LOT REQUIREMENTS

With public sewer:

1. Area - fifteen thousand (15,000) square feet minimum.
2. Zoning lot frontage - eighty five (85) feet minimum.

Without public sewer:

1. Area - sixty thousand (60,000) square feet minimum.
2. Zoning lot frontage - two hundred (200) feet minimum.

D. HEIGHT REGULATIONS

All structures - thirty five (35) maximum, except as provided by Article IV, Subsection E, Heights Regulations.

E. BUILDING SETBACKS

	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way
Side Yard	10 feet minimum	10 feet minimum
Rear Yard	15 feet minimum	15 feet minimum
Corner Side	30 feet minimum from right-of-way	30 feet minimum from right-of-way

F. ACCESSORY BUILDING

All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building Uses.

G. PARKING

Parking shall conform to the requirements as set forth in Article XIV, Off-Street Parking Requirements.

H. SIGNS

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

I. OTHER REQUIREMENTS

Additional structures and building allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of the Zoning Ordinance as determined by the Town Zoning Administrator.

ARTICLE X. I-1 GENERAL INDUSTRIAL DISTRICT

The I-1 General Industrial District is designed to accommodate those industrial activities which, by their character, should be relatively remote from residential and business development and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission and transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat.

A. PERMITTED USES

Uses permitted in the I-1 District are subject to the following conditions:

1. Dwelling units and lodging rooms - other than custodian's quarters - are not permitted.
2. All business, servicing, or processing, within three hundred (300) feet of a Residence or Business District shall be conducted within completely enclosed buildings.
3. All storage within three hundred (300) feet of a R Residential District - except of motor vehicles in operable condition - shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet nor more than eight (8) feet in height.

The following uses are permitted in the I-1 District:

1. Accessory uses, incidental to, and on the same lot as the principal use.
2. Bakeries.
3. Bedding manufacturing.
4. Boot and shoe manufacturing.
5. Bottling companies.
6. Brick and structural clay products manufacture.
7. Building materials sales and storage.
8. Carpet manufacturing.
9. Cartage facilities.

10. Cloth products manufacturing.
11. Contractors, architects, and engineering offices, shops, and yards.
12. Cosmetic production.
13. Dairy products.
14. Electronic and scientific precision instrument manufacturing.
15. Electroplating.
16. Feed mills.
17. Feed and seed sales.
18. Food manufacture, packaging, and processing.
19. Freight terminals.
20. Glass products production and sales.
21. Grain storage and processing.
22. Graphite products manufacture.
23. Greenhouses, wholesale.
24. Laboratories, research and testing.
25. Laundries.
26. Light machinery products - appliances, business machines, etc.
27. Lithographing.
28. Lodges and offices of labor organizations.
29. Machine shop.
30. Mail order house.
31. Medical and dental clinics.

32. Metal stamping.
33. Musical instruments manufacture.
34. Orthopedic, and medical appliance manufacture.
35. Paper products manufacture.
36. Parking lots, other than accessory, and subject to the provision of the Off-Street Parking Ordinance.
37. Printing and publishing establishments.
38. Public utility and service uses.
39. Radio and television stations and towers.
40. Rope, cord, and twine manufacture.
41. Rubber processing and manufacture.
42. Sign manufacture.
43. Sporting goods manufacture.
44. Trade schools.
45. Wastewater treatment plants, municipal
46. Warehousing.
47. Wearing apparel manufacture.
48. Welding shop.
49. Woodworking and wood products.
50. Any use allowed in the B-1 Community Business District.

B. CONDITIONAL USES

The following conditional uses may be allowed in the I-1 District:

1. Abrasive manufacture.
2. Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangers, terminal buildings, and other auxiliary facilities.
3. Auto wrecking yard.
4. Heavy machinery production.
5. Other manufacturing, assembling, processing, storage, or commercial uses determined by the Plan Commission to be of the same general character as the uses permitted in Subsection A above.
6. Paint products manufacture.
7. Petroleum products storage or processing.
8. Plastics manufacture.
9. Steel manufacture.

C. LOT REQUIREMENTS

With public sewer:

1. Area - fifteen thousand (15,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

Without public sewer:

1. Area - sixty thousand (60,000) square feet minimum.
2. Zoning lot frontage - two hundred (200) feet minimum.

D. HEIGHT REGULATIONS

Principal structures - sixty (60) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

Transitional Yards. Where a side or rear lot line in an I-1 District coincides with a side or rear lot line in an adjacent Residence District, a yard shall be

provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain landscaping and platting suitable to provide an effective screen.

E. BUILDING SETBACKS.

	<u>Principal Structure</u>	<u>Accessory Building</u>
Front Yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side Yard	10 feet minimum	10 feet minimum
Rear Yard	20 feet minimum	20 feet minimum
Corner Side	25 feet minimum from right-of-way	25 feet minimum from right-of-way

F. ACCESSORY BUILDINGS

All accessory buildings hereinafter constructed in the I-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

G. PARKING

Parking shall conform to requirements as set forth in Article XIV, Off-Street Parking Requirements.

H. SIGNS.

Signs shall be regulated as set forth in Article XIII, Sign Regulations.

I. OTHER REQUIREMENTS

No use shall be established, maintained, or conducted in any I-1 District that causes any of the following:

1. Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the buildings in which such use is conducted.
2. Hazard of fire or explosion or other physical hazard to any person, building or vegetation.
3. A harmful discharge of waste material.

ARTICLE XI. PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

A. APPLICATION TO EXISTING USE DISTRICTS

This section shall operate as a conditional use and as an alternative to the permitted uses and regulations applicable to existing districts. Basic underlying zoning requirements for lands over-zoned as a Planned Development District shall continue in full force and effect and shall be solely applicable until such time as the Town Board grants final approval as hereinafter provided. A Planned Residential District cannot be located in either the AG-FP or AG2-FP Districts without a rezone.

B. PURPOSE

The purpose of the Planned Development District and the regulations applicable to the same are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well balanced, aesthetically satisfying town and economically desirable development of building sites within a Planned Development District. The permitted uses include single and multiple-family homes, cluster developments, garden apartments, row housing, apartment houses, group housing and normally attendant accessory uses.

C. PROCEDURE

The procedure for the approval of a Planned Development Project shall consist of the following:

1. A person desiring to develop a particular site as a Planned Development Project shall apply to the Building Inspector and shall pay a fee of Fifty (\$50.00) Dollars with such written application. The application shall contain the names, mailing addresses and telephone numbers of the owners and developers and a description of the development site.

2. The application or petition shall also include the following information and meet the following requirements:

- a. Street design, number and general location of dwelling units, common structures and facilities, utilities and other information that the Town Board may require to make a decision.

- b. The proper preservation, care and maintenance by the original and all subsequent owners, of exterior design, common structures, utilities, access and

open space shall be assured by deed restrictions enforceable by the Town or other measures deemed appropriate by the Town Board.

- c. The minimum size of a development shall be five (5) acres.
- d. All Streets shall have hard surfaces with a minimum roadbed width of thirty (30) feet. All streets shall be well graded and surfaced drained.
- e. Ample street lighting shall be provided for streets and walkways to the satisfaction of the Town Board.
- f. Approved sanitary system shall be provided.
- g. Approved surface water drainage shall be provided.
- h. Fresh water supply tested and approved shall be provided at each dwelling unit.
- i. Utilities shall be provided at each dwelling unit.
- j. All areas not hard surfaced shall be graded and seeded to meet the approval of the Town Board.
- k. Parking areas shall meet the requirements of Article XIV, Off-Street Parking Requirements.
- l. Any other requirements deemed necessary by the Town Board.

3. After receipt of a petition and the filing of the required data, the Planning Committee and the Town Board shall hold a public hearing and such additional public hearings as may be desirable upon publication of a Class Three (3) Notice in the official newspaper of the Town. Any such hearing may be adjourned without further publication. Following such hearing, the Planning Committee shall recommend to the Town Board that the petition shall be either approved or disapproved. Upon receipt of the recommendation of the Planning Committee, the Town Board shall then consider whether or not to give final approval of the proposed project.

4. No construction shall be commenced on the building site until the Board has granted final approval, except such construction as shall be in compliance with both the requirements of the underlying zone and proposed planned development as submitted for final approval.

5. No subsequent change or addition to the planned development after final approval shall be allowed or permitted until approved by the Town Board after hearings and the recommendation of the Zoning and Planning Committee, as hereinabove provided.

ARTICLE XII. MANUFACTURED HOUSING PARKS

This article shall regulate the parking, location, and maintaining of all manufactured homes of one section and manufactured home parks.

Manufactured home parks shall be allowed as Conditional Uses in the Residential Zones only.

Manufactured home parks shall be prohibited in all other zoning districts within the Town of Morrison.

A. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. **Manufactured Home**. A single-family dwelling transportable in one section, built on a permanent chassis; suitable for year-round occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, with a permanent foundation or securely anchored and certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, and Wisconsin Uniform Dwelling Code. (Revised July 7, 1994)

2. Unit. One (1) manufactured home.

3. Non-Dependent Unit. A manufactured home that has a bath or shower and toilet facilities.

4. Dependent Unit. A manufactured home which does not have a bath or shower and toilet facilities.

5. Manufactured Home Park. Any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

6. Space. A plot of ground in a manufactured home park designed for the location of only one (1) manufactured home.

7. Person. Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.

8. Pad. A concrete slab or its equivalent, as determined by the Town Building Inspector, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.

9. Occupied Area. That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.

10. Park Management. The person who owns or has charge, care or control of the manufactured home park.

B. LOCATION OUTSIDE PARK

1. It shall be unlawful, except as provided in this Ordinance for any person to park any manufactured home on any street, alley or highway or other public place or on any tract of land owned by any person, within the Town of Morrison.

2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

3. No person shall park or occupy any manufactured home on any premises which are situated outside an approved manufactured home park, except under special permit as provided in Section C. Parking of only one (1) unoccupied manufactured home or travel trailer is permitted, provided no living quarters shall be maintained or business practiced in said trailer, while such trailer is so parked or stored. Said unit can be parked or stored:

a. Within an accessory private garage building or in a rear yard during the entire year.

b. Within the side yard setback area during the period between the dates of May 1 and the second Tuesday in September. A unit so parked may have the drawbar protrude into the front yard setback area.

c. Within the front yard setback area for a maximum period of two (2) weeks during the period indicated in (b) above to permit preparation and cleaning of the unit.

C. LICENSE FOR MANUFACTURED HOME PARK: APPLICATION AND ISSUANCE

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a manufactured home park within the limits of the Town of Morrison without first securing a license for each park from the Town Board, pursuant to this chapter. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this chapter for additional periods of one (1) year.

2. The application of such license or renewal thereof shall be approved by The Town Board. Before a license is issued, an applicant shall pay an annual fee of One Hundred (\$100.00) Dollars and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of One Thousand (\$1000.00) Dollars for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the Town Board, provided that said licensee has abided by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.

3. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan showing the following, either existing or as proposed:

- a. The extent and area for park purposes.
- b. Roadway and driveways.

- c. Location and designation of dependent and independent manufactured home spaces.
- d. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
- e. Complete layout of storm, sanitary and water systems for service building and spaces.
- f. Method and plan of garbage removal.
- g. Plan for electrical or gas lighting of spaces.
- h. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

D. REVOCATION AND SUSPENSION

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.058 (2) (d), Wisconsin Statutes.

E. LOCATION OF MANUFACTURED HOME PARKS

An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

F. MANUFACTURED HOME PARK PLAN

1. Manufactured home spaces shall be clearly defined and shall consist of a minimum of Four thousand two hundred (4200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Engineer. The roadways shall be well lighted and shall not be obstructed.

2. The park shall be so laid out that no dependent unit shall be further than two hundred (200) feet from the toilets and service building, provided for herein, and walkways to such buildings shall be paved and well lighted.

3. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.

4. All manufactured homes within a manufactured park shall be parked within the designated spaces.

5. For the protection of abutting property owners as well as manufactured homeowners, a fifteen (15) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior fifteen (15) foot buffer strip.

6. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of twenty (20) feet from any other unit. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:

a. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.

b. The hitch used for pulling the manufactured home may protrude into the front yard setback.

7. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section G (6).

8. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Building Inspector to be used for the accommodation of necessary water and sanitary connections.

9. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in G (5) and (6) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.

10. In no case shall a manufactured home and its accessory buildings occupy more than thirty six (36) percent of a space.

11. All manufactured homes in manufactured home parks shall be skirted, unless the unit is placed within one (1) foot vertically of the stand with soil and other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

12. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Building Inspector. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback side yard and rear yard requirements for manufactured home units.

G. SANITARIAN REGULATIONS

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Brown County.

H. OPERATION OF MANUFACTURED HOME PARKS: RESPONSIBILITY OF PARK MANAGEMENT

1. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.

2. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:

a. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:

1. Names and addresses of all owners and occupants of each manufactured home.

2. Number of children of school age.

3. State of legal residence.

4. Dates of entrance and departure of each manufactured home.
5. Make, model, year, and serial number of license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.
6. Place of employment of each occupant, if any.
 - a. Notify park occupants of the provisions of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.
 - b. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
 - c. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tiedowns.
 - d. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - e. Maintain the park free from growth of noxious weeds.

I. VARIANCES

The requirements of Section G (1), (5), (6), (7), (8), (9), and (10) shall not apply to manufactured home parks existing prior to the adoption of this Ordinance. All provisions of this Ordinance, however, shall apply to additions of new manufactured home parks.

ARTICLE XIII. REGULATION OF SIGNS

Amended July 12, 2012

A. PURPOSE OF SIGN REGULATIONS

The purpose of this ordinance is to promote and protect the public safety, morals, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Morrison.

B. DEFINITIONS

1. Animated Signs. A sign with action or motion, flashing, color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements, such as flags, banners, or specialty items. This definition does not include public service signs, such as time and temperature, revolving, or changeable message signs.

2. Architectural Projection. Shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

3. Area of Copy. The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration of a wall sign.

4. Area of Sign. The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using the actual sign-face surface.

5. Background Area of Sign. The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.

6. Billboard - See "Off-Premise Signs".

7. Building Facade. That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

8. Building Facade Facing. A resurfacing of an existing facade with approved material illuminated or non-illuminated.

9. Business Identification Sign. Any sign which promotes the name and type of business only on the premises where it is located.

10. Canopy Sign. Any sign attached to or constructed in, on, or under a canopy or marquee. For the purpose of this Ordinance, canopy signs shall be controlled by the rules governing projecting signs.

11. Changeable Message Sign. A sign, such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

12. Directional Signs. On premise incidental signs designed to guide or direct pedestrians or vehicular traffic.

13. Double Faced Sign. A sign with copy on two (2) parallel faces that are back to back, facing in opposite directions.

14. Free Standing Signs. A sign which is supported by one or more columns, uprights or braces, in or upon the ground.

15. Grade. The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.

16. Ground Sign. A sign erected on one or more free-standing supports or uprights and not attached to any building.

17. Gross Area. The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for Area or Copy apply.

18. Height of Sign. The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

19. Illuminated Signs. A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

20. Legal Nonconforming Sign. A nonconforming sign that did meet code regulations when it was originally installed.

21. Marquee. Marquee is a permanent roofed structure attached to and supported by the building and projecting over public property.

22. Marquee Sign. Any sign attached to or constructed in a marquee.

23. Multiple Copy Sign. A sign which advertises other than the name of the business and the principal product or service.

24. Nonconforming Sign. A sign that does not meet code regulations.

25. Nonprofit Service Organization. Any person(s), partnership, association, corporation, or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, but shall not be limited to patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

26. Off-Premise Sign. A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.

27. On-Premise Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.

28. Projecting Sign. A sign, normally double faced, which is attached to and projects from a structure or building facia.

29. Revolving Sign. A sign which revolves three hundred sixty (360) degrees but does not exceed eight (8) rpm.

30. Roof Sign. A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

31. Sign. Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

32. Sign Structure. Any structure which supports or is capable of supporting any sign, as devised in this code. A sign structure may be a single pole or may or may not be an integral part of the building.

33. Temporary Sign. A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

34. Swinging Sign. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

35. Under Marquee Sign. A lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of-way.

36. Wall Sign. A Sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall and which does not exceed more than six (6) feet above the parapet, eaves, or building facade of the building on which it is located or a sign which is painted on any exterior wall.

37. Window Sign. A sign installed on a window for purposes of viewing from outside the premises.

38. Zoning of Land Use. Shall mean the land use district as established by the Town Board.

39. Commercial Message Sign. A sign containing a message that directs attention to a business, commodity, service or entertainment enterprise which is intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual and the income of which is taxable under the Internal Revenue Code.

40. Noncommercial Message Sign. All signs containing “Political Messages” (as defined at Section E(11)(a)below); or a message intended to direct attention to a private point of view, political, social, community or public service issue, event or cause, not intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual, and any income generated from which is exempt from taxation under the Internal Revenue Code.

C. GENERAL REQUIREMENTS

1. Scope. This ordinance pertains to and regulates all billboards and signs in the Town of Morrison.

2. Animated Signs in Residential District. No animated signs shall be erected or maintained in any residential land use district. No animated signs shall be erected or maintained closer than two hundred (200) feet from any residential zoning district on which there exists structures used for residential purposes.

3. Marquee Signs. Marquee signs may be placed on, attached to, or constructed in a marquee. Marquee signs shall be limited to the size of the marquee.

4. Building Facade Signs. Copy area of a building facade facing shall not exceed forty (40) percent of the background facing to which it is applied.

5. Wall Signs. Background area of wall signs shall not exceed thirty (30) percent of the building facade or four (4) square feet per lineal foot of the elevation upon which they are placed, whichever is greater.

6. Multiple Copy Signs.

a. Copy area of multiple copy signs not to exceed thirty (30) percent of background to which applied.

b. Principle identification sign is a sign which identifies only the name of the business and the principal product or service. These signs are not subject to any limitation of copy area to background.

7. Free Standing Sign. Free standing signs shall be located within the property lines and shall have a minimum clearance of ten (10) feet.

8. Ground Signs or Billboards.

a. Such signs shall be located back of the street line a distance equal to, and not less than, the height of the sign.

b. A ground sign, any part of which is located in the building setback of the right-of-way shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height. Only one (1) ground sign shall be allowed in the front building setback.

c. Any ground sign or projecting sign within twenty five (25) feet of an intersection or fifteen (15) feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall be not more than three (3) feet in height.

9. Maximum Area of Signs. The maximum area of signs shall be the accumulation of the area of all signs located on a parcel of record. The maximum area of signs may differ according to the zoning classification of a lot.

10. Roof Signs Prohibited. Roof signs are prohibited in all districts of the town.

11. Stability. Signs shall be constructed so that they will withstand a wind pressure of at least thirty (30) pounds per square foot surface, and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended or supported that they will not be a menace to persons or property. No sign shall be suspended by chains or other devices that will allow the sign to swing, due to wind action.

12. Illumination. All electrical signs shall conform to State electrical requirements. Illumination shall be directed entirely on the sign.

13. Maintenance of Signs. All signs and sign structures shall be properly maintained and kept in neat and proper state of repair and appearance.

14. Removal of Obsolete, Non-maintained, or Abandoned Signs. All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned, shall be removed by the business or property owner within ninety (90) days after the receipt of removal notice, or, upon failure of such removal, the town shall remove such signs at the expense of the property owner.

15. Location. All free standing, ground, and portable signs shall be located within the property lines.

16. No sign facing a Residential District shall be closer than twenty five (25) feet to that district line.

D. PERMITS REQUIRED

1. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a Commercial Message Sign or cause the same to be done in the Town of Morrison without first obtaining a sign permit for each such sign from the Zoning Administrator, as required by this Ordinance. Permits are not required for Noncommercial Message signs or for a change or copy on any sign, nor for the repainting, cleaning, or other normal maintenance and repair of the sign and sign structure.

2. Application for a Permit. Application for a permit shall be filed with the Zoning Administration upon forms provided by the Zoning Administrator. The applicant shall provide all information required on the application for the permit.

3. Permit Fees. Application for permit shall be filed with the Zoning Administrator, together with a permit fee for each sign in accordance with the following schedule, provided, however, that the minimum fee for a permit shall be not less than fifteen (\$15.00) dollars for any sign or for an amount based on area, as follows:

a. Signs visible from a public street shall be calculated at a basis of twenty (20) cents per square foot. The calculation of the area of a ground sign, shall be based on gross area of one (1) face of the sign. The area of wall signs shall be the gross area, as calculated in this ordinance.

E. SIGNS NOT REQUIRING A PERMIT

1. Construction Signs. Two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.

2. Directional and Instructional Non-Electrical Signs. Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.

3. Non-Illuminated Emblems. Non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.

4. Government Sign. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.

5. House Numbers and Name Plates. House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.

6. Interior Signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not,

however, exempt such signs from the structural, electrical, or material specifications of this ordinance.

7. Memorial Signs and Plaques. Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.

8. No Trespassing or No Dumping Signs. No trespassing and no dumping signs not to exceed one and one half (1 1/2) square feet in area per sign.

9. Public Notices. Official notices posted by public officers or employers in the performance of their duties.

10. Public Signs. Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.

11. Political Message and Noncommercial Message Signs. Signs posted on private property which do not exceed the size and number limitations contained in Section F(1)(c) of this Ordinance governing sign size in all Residential Districts and the Agricultural District, Section F(3)(a) & (d) governing sign size and number in the B-1 District, or Section F(4)(a) & (d) which govern size and number in the I-1 District; and which contain:

a. “Political Messages” as defined at §12.04(1)(b) Wis. Stats. Including both “political purposes” messages separately defined at §11.01(16) Wis. Stats. And also messages which pertain to an issue of public policy of possible concern to the electorate;

b. Any form of Noncommercial Message Sign; or

c. A mixture of a Noncommercial Message and a Commercial Message.

For the avoidance of doubt, the number restriction governing Section E(11)(a), (b) and (c) signs is in addition to the number of Commercial Message Signs allowed in the respective districts; such that the private property owner may have an equal number and size of permit required Commercial Message Signs and no permit required Noncommercial Message Signs upon the property. No such sign shall be located within the vision triangle defined as the triangular area defined by two 15-ft legs extending from intersecting road or driveway, and the triangular area defined by two 25-ft legs extending from two intersecting roads, nor over or upon the right-of-way.

12. Real Estate Signs. One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.

a. In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.

b. In all other districts, such signs shall not exceed thirty two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.

13. Temporary Window Signs. In business, commercial and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed fifty (50) percent of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.

14. On-Premise Symbols or Insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

15. On-Premise Temporary Signs. Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within fifteen (15) days after the event.

16. Vehicular Signs. Truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.

17. Neighborhood Identification Signs. In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.

18. Awnings. Awnings with signs consisting of one (1) line of copy upon the border of the awnings.

F. SPECIFIC ZONING DISTRICT REQUIREMENTS

1. All Residential Districts and Agriculture District. In the Residential Districts and Agriculture District, all signs are prohibited, except for the following non-flashing, non-illuminated, permanent signs under the conditions specified.

a. Real Estate Signs. Real estate signs, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No sign shall exceed eight (8) square feet in area. Corner lots shall be permitted two (2) such signs, one facing each street.

b. Nameplate Signs. Nameplates signs, not to exceed two (2) square feet, located on the premises. Corner lots shall be permitted two (2) such signs, one (1) facing each street.

c. Agricultural signs pertaining to the products of the agricultural premises not to exceed thirty two (32) square feet in area for one (1) parcel. Height of this respective sign shall not exceed eight (8) feet. Two (2) such signs shall be permitted per parcel.

d. Bulletin Boards. Bulletin boards or similar devices for churches, religious institutions, and non-profit service organizations shall not exceed thirty two (32) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet and may not be located within the building setback lines.

e. Memorial Signs. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.

f. Official Signs. Official signs, such as traffic control, parking restrictions, information and notices.

g. Section E(a)-(c) Signs. Signs containing Political messages, any form of noncommercial message, or a mixture of a noncommercial message and a commercial message not to exceed thirty two (32) square feet in area and no more than two such signs.

2. All Business District and Industrial Districts

a. Projection. In these Districts, where limitations are imposed by this ordinance on the projection of signs, from the face of the wall of any building or structure, such limitations shall not apply to identification canopy or marquee signs indicating only the name of the building or the name of the principal occupant of the building or the principal product available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof.

b. Safety Standards. All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the Zoning Administrator, shall be relocated or rearranged in accordance with safety standards. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination, nor be illustrated in such a way so as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.

c. Mounting. All signs shall be mounted in one of the following manners:

(1) Flat against a building or wall.

(2) Back to back in pairs, so that back of sign will be screened from public view.

(3) In clusters in an arrangement which will screen the back of the signs from public view.

(4) Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

3. B-1 District. In the B-1 District, business signs and advertising devices are permitted, subjected to the following conditions:

a. Area. The gross area in square feet of all signs on a zoning lot shall not exceed three hundred (300) square feet.

b. Content. Signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as "Men's Clothing", "Drugs", "Jeweler", and the like, and the year the business was established, and the street number thereof. Signs may advertise articles of merchandise sold on the premises.

c. Height. No sign shall exceed a height of thirty (30) feet.

d. Number of Ground Signs. One (1) ground sign shall be allowed per zoning parcel.

e. Setbacks. Signs shall meet all yard requirements of the zoning district, excepting those instances as set forth in Section 8.12(8) a, b, and c of this ordinance.

4. I-1 District. In the I-1 District business signs are permitted, subject to the following conditions:

a. Area. The gross area in square feet of all signs on a zoning lot shall not exceed four hundred (400) square feet.

b. Content. Signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as "Men's Clothing", "Drugs", "Jeweler", and the like, and the year the business was established, and the street number thereof. Signs may advertise articles of merchandise sold on the premises.

c. Height. No sign shall exceed a height of thirty (30) feet.

d. Number of Ground Signs. One (1) ground sign shall be allowed per zoning parcel.

e. Setbacks. Signs shall meet all yard requirements of the zoning district, excepting those instances as set forth in Section 8.12(8) a, b, and c of this ordinance.

G. OFF-PREMISE POSTER PANEL AND PAINTED ADVERTISING SIGNS

1. All off-premise poster panel and painted bulletin signs are prohibited in the Town of Morrison regardless of the nature, size and location, except as provided herein.

2. Off-premises poster panel and painted bulletin signs shall not be erected in the Town of Morrison in any location, unless a permit is first obtained thereof from the Town of Morrison Zoning Administrator. Said permit shall not be issued unless a complete application, as requested by the Town of Morrison Zoning Administrator, is filed at the time of the application for the permit.

3. In issuing permits for off-premise poster panel and painted bulletin signs in the Town of Morrison, the Town Zoning Administrator shall see that the following restrictions are complied with.

4. All off-premise signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, or those of red, green, or amber color at intersections, are prohibited. Lights from any illumination shall be shaded, shielded, or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed, when facing a residential zone. There shall

be no direct illumination upon a roadway, or no glare or source of light shall be visible.

5. There shall be no off-premise signs of any nature in the town located within seventy five (75) feet of a residential district.

6. There shall be no off-premise signs in the town which are more than thirty (30) feet in height above the adjacent street level.

7. On all off-premise signs in the town, there shall be a spacing of one thousand (1000) feet between any signs one hundred and fifty (150) square feet or less. (Revised April 10, 1995)

8. Off-premises poster panel and painted bulletin signs in the town (off property) shall only be allowed in business and industrial districts in those districts shall be subject to the further limitations of this ordinance.

9. No off-premises signs shall be greater than one hundred fifty (150) square feet and shall be permitted in industrial districts and business districts only. (Revised April 10, 1995)

10. No off-premise sign permitted by this ordinance, or any other ordinance of the town, shall in any manner project over the right-of-way of any highway or roadway in the town.

11. No more than two off-premise signs per zoning lot, subject to spacing requirements, or one painted bulletin is permitted on the same zoning lot.

12. No off-premise business sign may be located within the front yard or corner side yard setback of any zoning district.

13. No sign built within one hundred (100) feet of an intersection shall have less than ten (10) feet of underclearance, unless erected on or against an existing building. Off-premise business signs shall not be located within the front yard setbacks, where such setbacks are established.

14. Any off-premise sign for advertising purposes in the town shall have at least ten (10) feet of underclearance, unless erected upon or against an existing building.

15. Any off-premise signs erected in the town shall be erected on no more than two (2) uprights and shall be engineered to withstand at least thirty (30) pounds per square foot wind load.

16. No off-premise advertising signs shall be allowed to be placed on the roof of an existing building.

H. ALTERATION - RELOCATION

No sign or billboard in the Town of Morrison shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this Chapter. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith shall not be deemed to be alterations within the meaning of this ordinance.

I. NONCONFORMING SIGNS

1. Notification of Nonconformity. The Zoning Administrator shall survey the town for signs which do not conform to the requirements of this section. Upon determination that a sign is a nonconforming sign, the Zoning Administrator shall use reasonable efforts to notify, either personally or in writing, the user or owner on the property on which the sign is located.

2. Nonconforming Signs. Any sign located within the town limits on the date of adoption of this section or located in an area annexed to the town thereafter, which does not conform with these provisions, is eligible for characterization as a "nonconforming" sign and is permitted, provided it also meets the following requirements:

a. The sign was covered by a sign permit, or a permit was issued prior to the date of adoption of this section if one was required.

b. If no sign permit was required for the sign in question and the sign was in all respects in compliance with applicable law on the date of construction or installation.

3. Continuation of Nonconforming Status. A nonconforming sign shall maintain its nonconforming designation provided:

a. No structural modification of a nonconforming sign is permitted, except where such modification will result in having the effect of bringing such sign more in compliance with the requirements of this section, except for changing of copy and normal maintenance, or

b. The sign is not relocated, or

c. The sign is not replaced,

d. The total structural repairs or alterations to such a nonconforming sign shall not, during its life, exceed fifty (50) percent of the assessed value of said sign existing at the time it became nonconforming.

4. Loss on Nonconforming Status. Any changes, except as provided in Article XIII I. 3 a, b, c, and d, shall result in the loss of nonconforming status.

J. ABANDONED SIGNS AND DETERIORATED OR DILAPIDATED SIGNS

a. All signs or sign messages shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted or when rental or compensation is no longer provided if said sign is of the off-premise type. If the owner or lessee fails to remove it, the Zoning Administrator shall give the owner sixty (60) days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator, or his duly authorized representative, may remove the sign at cost to the sign owner.

b. The Zoning Administrator may cause the repair or removal of any deteriorated or dilapidated signs pursuant to Wisconsin Statutes Section 66.0413

K. PENALTY

The remedies in this section for violations, or for failure to comply with the provisions of this code, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

1. Remedies. Violation or failure to comply with the provisions of this section is unlawful.

a. Any sign erected, not maintained, or not removed in violation of this Ordinance shall be brought into compliance or removed by a party responsible for the sign, within ten (10) days of the Zoning Administrator's delivery of a written notice demanding compliance or removal. The parties responsible for a sign jointly and severally include the individual or entity who: has posted the sign; has directed the posting of a sign; is the owner of the land upon which the sign is posted; and any occupant of the land upon which the sign is posted. All of the foregoing individuals and entities are jointly and severally responsible for the sign's compliance with the requirements of this Ordinance. The Zoning Administrator's delivery of written notice to the owner of the land upon which the sign is posted is hereby deemed to be simultaneous notice to all responsible parties. Delivery may be affected by personal delivery or certified mail to the responsible parties. If made by personal delivery, then the ten (10) day period shall commence on the first day following the day of delivery. But if delivery is made by certified mail, then the ten (10) day period shall commence on the third

day following deposit of the notice in the US Postal Service by the Zoning Administrator. If the nature of the corrective action required or other causes beyond the reasonable control of the responsible parties render completion of the required repair or removal within the prescribed ten (10) day period impossible, then without waiving any claims or per day forfeiture remedies available to the Town, the Zoning Administrator may agree to extend the time for the responsible parties to comply with this Ordinance for a reasonable time beyond the ten day period, but only if the responsible parties are proceeding in good faith and with all due diligence to achieve compliance with this Ordinance. For the avoidance of doubt, any extension of time granted by the Zoning Administrator shall not constitute a waiver or release of any responsible party from the per diem forfeitures which begin to accrue following the ten day period. Waiver and release of responsible parties from any forfeiture obligation(s) arising under this Ordinance may only be granted by express resolution of the Town Board.

b. Any person who violates any provision of the Ordinance shall, upon conviction for a first offense, pay a forfeiture of \$10 per violation, plus court costs and all costs of prosecution including but not limited to the prosecuting attorney's fees. Any person who violates any provision of the Ordinance shall, upon conviction for a second offense, pay a forfeiture of \$25 per violation, plus court costs and all costs of prosecution including but not limited to the prosecuting attorney's fees. Any person who violates any provision of the Ordinance shall, upon conviction for a third or subsequent offense, pay a forfeiture of \$50 per violation, plus court costs and all costs of prosecution including but not limited to the prosecuting attorney's fees. An 'offense' includes all signs identified in the Zoning Administrator's ten day notice as being in violation of this Ordinance. An 'offense' remains a singular separate offense for the entire duration of time any sign violation(s) cited in the Zoning Administrator's ten day notice continue(s). As to each offense (first, second, third or subsequent) each day a violation continues constitutes a separate violation of this Ordinance and the forfeiture for the offense shall be assessed as the product derived from multiplying the per violation forfeiture by the number of days any violation constituting the offense continued.

c. This section shall not preclude the town from maintaining any appropriate action to prevent or remove a violation of this section.

ARTICLE XIV. OFF-STREET PARKING AND LOADING REQUIREMENTS

A. GENERAL REQUIREMENTS - OFF-STREET PARKING

1. Location. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business or industrial buildings or uses may be located within three hundred (300) feet, if such spaces are permitted in such zone.

a. Off-street parking spaces may be located in any yard, except in the required front yard setback or corner side yards in residential districts. Enclosed buildings and carports containing off-street parking shall be subject to the applicable yard requirements.

2. Size. Each required off-street parking space shall be at least nine (9) feet in width measured at right angles to the center of car as parked, and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, or columns. Aisles shall be not less than twenty four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between center line of parking space and center line of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to twenty-three (23) feet.

3. Access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

4. Collective Provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements. No parking spaces or portion thereof shall serve as a required space for more than one use, unless otherwise authorized by the Plan Commission.

5. Computation. When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one half (1/2) or less may be disregarded, while a fraction in excess of one half (1/2) shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

6. Utilization. Required accessory off-street parking facilities provided for uses listed in Part B of this Article shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses, except as may otherwise be provided for the parking of trucks in the granting of conditional uses.

7. Design and Maintenance

a. Plan. Except for residential uses, the design of parking lots or areas shall be subject to the approval of the Zoning Administrator.

b. Drainage and grade. All parking areas shall have adequate drainage and shall be provided with bumper guards, where required by grade.

c. Surfacing and marking of parking lots. All off-street parking lots shall be provided with blacktop or concrete surfacing and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.

d. Screening and Landscaping. All open automobile parking areas containing more than three (3) parking spaces shall be effectively screened on each side adjoining or fronting any property situated in a Residence District or any institutional premises by a wall or fence.

e. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance.

f. Signs. Accessory signs shall be permitted on parking areas in accordance with the provisions specified under the sign ordinance.

8. Sales, Repair and Service

a. Sales, Repair and Service. No sale, storage, repair work, or servicing of any kind shall be permitted in any parking facility, except by permission of the Town Board.

9. Increased Use

a. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities, as required herein, shall be provided for such increase in intensity of use, and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

10. Changed Use. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be required for such new use.

11. Damage or Destruction. For any conforming or legally non-conforming building or use, which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities shall be provided as required by this ordinance.

12. Control of Off-Site Parking Facilities. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Board of Zoning Appeals; and such deed or lease shall be filed with the Recorder of Deeds of Brown County. The deed or lease shall require such owner or his/her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

13. Submission of Plot Plan. Any application for a building permit, or for an occupancy certificate, where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this ordinance.

14. Handicapped Parking Requirements. All off-street parking lots shall adhere to Wisconsin Statutes 346.503 and 346.56 as to requiring handicapped parking.

15. Existing Parking Facilities. All off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.

B. SPECIFIC REQUIREMENTS - OFF-STREET PARKING

1. Hotels and Motels. One and one half (1 1/2) parking spaces shall be provided for each dwelling unit or lodging room and additional space as shall be required for supplemental uses.

2. Educational (Non-Boarding) and Cultural Institutions

a. Elementary and middle schools. One (1) parking space shall be provided for each employee and adequate visitor space to be determined by the Town Board.

b. Senior high schools. One (1) parking space shall be provided for each employee, and one parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty four (24) hour period.

c. Public libraries, art galleries, museums and aquariums. One (1) space shall be provided for each two (2) employees plus additional parking space equal to fifty (50) percent of capacity in persons.

d. School auditoriums and gymnasiums. One (1) parking space shall be provided for each eight (8) seats.

e. Stadiums and grandstands. One (1) parking space shall be provided for each four (4) seats.

f. Colleges, junior colleges and universities. One (1) parking space shall be provided for each three (3) students, based upon the maximum number of students attending classes on the premises at any one time during any twenty four (24) hour period.

g. Fraternities, sororities, and dormitories in conjunction with colleges, junior colleges and universities. One (1) parking space shall be provided for each three (3) active members or dormitory residents, plus one (1) parking space for the manager.

3. Health and Medical Institutions

a. Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children and sanitariums. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

b. Hospitals. One (1) parking space shall be provided for each four (4) hospital beds, plus one (1) parking space for each two (2) employees and doctors assigned to the staff.

c. Group Homes. One (1) parking space for each four (4) occupants authorized and one (1) parking space for each employee or maximum shift.

4. Multiple Family Dwellings. Two and one half (2 1/2) parking spaces shall be provided for each dwelling unit. In addition, there shall be provided one (1) guest parking space for each four (4) units in all multiple dwellings or fractions thereof.

5. Philanthropic and Charitable Institutions. One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.

6. Planned Developments. Parking spaces shall be provided on the basis of the required spaces for each individual use.

7. Public Utility and Service Uses. One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.

8. Radio and Television Stations. One (1) parking space shall be provided for each employee.

9. Religious Institutions

a. Churches, chapels, temples, and synagogues. One (1) parking space shall be provided for each three (3) seats.

b. Convents, seminaries, monasteries, rectories, parsonages, parish houses, and religious retreats. Parking space shall be provided in adequate number, as determined by the Plan Commission, to serve persons employed or residing on the premises, as well as for the visiting public.

10. Recreational

a. Stadiums, ball parks, and other outdoor sports' arenas. One (1) parking space for each four (4) permanent seats. Such parking shall be located no further than eight hundred (800) feet to the nearest corner of the property on which the place of assembly is located.

b. Theaters, indoor sports' arenas, and auditoriums, other than those incidental to schools. One (1) parking space for each four (4) seats, plus one (1) additional parking space for each employee on the maximum shift.

c. Bowling alleys. Four (4) parking spaces per alley, plus additional requirements for other such uses as eating and drinking establishments.

d. Dance halls, skating rinks, lodge halls, exhibition halls, without fixed seats. One (1) parking space for each eighty (80) square feet of usable floor area.

e. Golf driving ranges or shooting ranges. One (1) parking space for each driving tee or shooter station.

f. Miniature courses or putting greens. Two parking spaces for each golf hole.

g. Game and athletic courts. Two (2) parking spaces for each court.

h. Golf courses. Eight (8) parking spaces per hole and one (1) for each thirty five (35) square feet of gross floor area in principal building connected with the course, plus one (1) for each two hundred (200) square feet of gross floor area for adjoining accessory commercial uses.

i. Swimming pools (other than those used in accessory uses with residential and commercial uses). One (1) parking space for every one hundred (100) square feet of pool area, one parking space for each employee on the maximum shift. Customer pickup and drop-off zone shall be provided on a curbed directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.

j. Marinas, harbors, and launching ramps. One (1) parking space for each boat berth, or on-site storage space. In addition, double length car-trailer spaces shall be required, if launching ramp is available per Plan Commission requirements.

11. Rooming Houses. Two and one half (2 1/2) parking spaces shall be provided for each rooming unit, plus one (1) space for each owner or manager.

12. Single-Family Detached Dwellings. Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.

13. Two Family Dwellings. Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.

14. Day Care Centers and Nursery Schools. One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, such parking requirement for children authorized may be reduced to one (1) parking space per ten (10) children, if a customer pickup and drop-off zone is provided on a curved directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.

15. Day Care Homes, Family. One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, if the staff resides in the home, the required spaces and driveway standards of a single family home may apply, upon the discretion of the Plan Commission.

16. Commercial and Retail Service Uses

a. Animal hospitals and kennels. One (1) parking space shall be provided for each employee and additional space for business as deemed necessary by the Planning Committee.

b. Dry cleaning establishments, laundromats, and receiving stations. One (1) parking space shall be provided for each two (2) employees and every two automatic self-service units.

c. Funeral homes and mortuaries. One (1) parking space for each five (5) seats or one hundred (100) square feet of floor area for each chapel or parlor, whichever is greater.

d. Governmental buildings, United States, State, County and City. One (1) parking space for each two (2) employees, plus such additional space deemed necessary by the Plan Commission.

e. Hotels. One and one half (1 1/2) parking spaces shall be provided for each lodging room, plus one (1) parking space for each employee, plus additional spaces for affiliated uses, as required by this ordinance.

f. Medical and dental clinics. Three (3) parking spaces shall be provided for each staff member and regularly-visited doctor.

g. Motels and rooming units. One and one half (1 1/2) parking spaces shall be provided for each dwelling unit or lodging room, plus one (1) parking space for each employee.

h. Planned development. Parking facilities shall be provided on the basis of the required spaces for each individual use.

i. Restaurants, taverns, supper clubs, cocktail lounges and night clubs. Parking spaces equal in number to fifty (50) percent of the capacity in persons shall be provided, plus one (1) space for each employee.

j. Retail stores and shopping centers. One (1) parking space shall be provided for each one hundred fifty (150) square feet of floor area plus one (1) space for each employee.

k. Schools - music, dance or business. One (1) parking space shall be provided for each employee, plus one (1) space for each three (3) students.

l. Theaters, indoor. Parking spaces equal in number to fifty (50) percent of the seating capacity in persons shall be provided.

m. Banks, savings and loan associations, and other financial institutions. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.

n. Drive-in banks, savings and loan associations, and other financial institutions. Six (6) spaces for one (1) drive-in window, plus four (4) spaces for each additional drive-in window, in addition, one (1) parking space per employee on the maximum shift.

o. Barber shops, beauty salons, and other similar personal service use. Two (2) spaces per operator's station and one (1) space per employee on the maximum shift.

p. Bus and motor coach depot or station. One (1) space per employee during maximum shift plus six (6) spaces per bus at peak loading capacity.

q. Bus and motor coach service garage. One (1) space per employee on the maximum shift, plus suitable area for servicing and parking bus and motor coaches as deemed necessary by the Town Board.

r. Carry-out restaurants, confectionaries, and drive-in restaurants. One (1) parking space per fifty (50) square feet of net patron floor area, excluding restrooms, plus one (1) space per employee on the maximum shift, plus one (1) space for each person at 50% capacity.

s. Automobile service station uses and automobile wash facilities. One (1) space per employee on the maximum shift and two (2) spaces per service stall or bay, plus three (3) stacked spaces per each fueling position, or car washing staff.

t. Motor vehicles, machinery sales and repair garage. One (1) parking space for each four hundred (400) square feet of floor area, plus one (1) space per employee on the maximum shift.

u. Shops repairing household appliances and equipment. One (1) parking space per two hundred (200) square feet of floor area, plus one (1) parking space per employee on the maximum shift.

v. Furniture and large appliance store. One (1) parking space for each five hundred (500) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.

w. Outdoor sales' areas, such as for new or used automobile, boat or trailer sales, lumber or building material yards, plant nurseries, or similar uses. One (1) parking space for each one thousand (1000) square feet of uncovered sales' area, plus one (1) parking space per employee on the maximum shift.

x. General retail sales, including department stores not located in a shopping center. One (1) parking space per two hundred (200) square feet of gross floor area, plus one (1) per employee on the maximum shift.

y. Offices. Business, governmental, and professional offices (except health care, but including counseling services). One (1) parking space shall be provided for each three hundred (300) square feet of floor area for the first eight thousand (8000) square feet of gross floor area. One (1) additional parking space shall be furnished for each seven hundred (700) square feet or fraction thereof for the next twelve thousand (12,000) square feet of total floor area and one (1) additional parking space shall be provided for each one thousand (1000) square feet, or fraction thereof, for total area in excess of twenty thousand (20,000) square feet. One (1) parking space shall also be provided for each staff member or employee on the maximum shift.

z. Cultural and community centers, such as libraries, art galleries, and museums. One (1) parking space for every three hundred (300) square feet or visitor use area, plus one (1) parking space for each employee on the maximum shift.

aa. Businesses (Not Listed Above). One (1) parking space for each staff member and employee, plus such additional parking space, as may be required by the Plan Commission for customers or users.

17. Industrial Districts and Uses, Unless Specifically Mentioned. Off-street parking spaces accessory to uses allowed in the several Industrial Districts shall be provided in accordance with the following minimum requirements.

a. For the uses listed hereunder, one (1) parking space shall be provided for every one thousand (1000) square feet of building area for every employee.

- (1) Air, motor, railroad, water freight terminals, and repair shops.
- (2) Contractors' shops and yards.
- (3) Greenhouses, wholesale.
- (4) Mail order houses.
- (5) Radio and television stations.
- (6) Sewage treatment plants - municipal.
- (7) Warehouses.
- (8) Manufacturing establishments.
- (9) Printing and publishing establishments.
- (10) Any establishments for production, fabrication, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products.
- (11) Building materials' sales' yards.
 - a. In the several Industrial Districts and for any industry, one (1) space for every one thousand (1000) square feet of building area or for each employee, whichever constitutes the greater number of stalls. Industries operating more than one (1) shift must have additional spaces to provide for change of personnel at shift change time.

ARTICLE XXIV MORRISON TOWNSHIP CULVERT AND DRIVEWAY ACCESS ORDINANCE Revised Sept 2003, Revised April 2015

1.0 Purpose: The purpose of this ordinance is to assure a uniform and proper type, size, installation and fill material for culvert and driveway access installations within the Town of Morrison on township public roads.

2.0 Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

3.0 Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on this date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

4.0 Severability: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

5.0 Application: The requirements of this ordinance apply to all persons living and or owning property in the Town of Morrison.

6.0 Administration: The provisions of this ordinance shall be administered by the Morrison Town Board unless a committee, or person is appointed by said Board, to administer the provisions herein.

7.0 Effective Date: The provisions of this ordinance shall take effect upon publication. This ordinance shall apply to all new installations after February 5, 2002 and also shall apply to all replacement installations after that time.

8.0 Culvert Permit Required: Sale or conversion of any land wherein road access connecting to any public roadway is or may be required; said access may require installation and maintenance of a culvert of proper type, size, installation method and fill matter

8.01 No person shall construct or maintain any driveway across any ditch, sidewalk or curb or enter any road without first obtaining a culvert permit from the Town of Morrison.

8.02 There shall be a one time fee for any new access/culvert permit issued pursuant to the terms of this ordinance. The fee shall be set by the Town Board at the execution of this ordinance and reviewed yearly.

8.03 No building permit shall be issued or excavation begun until a driveway access and culvert permit for a proper size and type of culvert (if culvert needed) first be obtained from the proper town authority. (Sept 2003)

9.0 Type and Size of Culvert: The Town of Morrison in an effort to make uniform the size and type of culvert to be installed, hereby restricts culverts to the following:

9.01 Only new galvanized steel culverts shall be allowed for installation in the Town of Morrison.

9.02 Only factory manufactured culverts and splices of proper size shall be allowed for installation.

9.03 The minimum diameter of any culvert, regardless of placement location, shall be eighteen (18) inches or arched (oval) equivalent.

9.04 The minimum length of any culvert, excluding endwalls and regardless of placement location, shall be thirty (30) feet.
10.0 Method of Installation and Procedure: Culvert installation must be performed in the Town of Morrison road right-of-way and designated easements, and therefore, in all cases and regardless of who is paying for the installation of the culvert, the installation of the culvert must be inspected and approved by the Town of Morrison Supervisors or duly appointed Representative to assure proper and uniform installation.

The property owner may elect to have the culvert installed by a contractor of their choice or may contact a member of the Town of Morrison for referrals. All contractors performing culvert installations within the township must provide proof of Workman's Compensation insurance and liability insurance prior to beginning any form of excavation or culvert installation.

10.1 Upon proper application and receiving of a culvert permit, the property owner must notify the authorized Town of Morrison representative that the installation of a culvert is requested

10.2 The property owner shall place two markers 30-feet apart and within the

ditchline, at the location where they wish the culvert to be installed.

10.3 The Town authorized representative shall visit the site in order to determine the proper length culvert, if a culvert is required, and to determine if excavation of material is required for installation.

10.4 The selected contractor shall install the proper size culvert and at least one load of stone. Additional stone may be required to bring the entrance up to grade and the cover must be 3/4 inch crusher run stone.

10.5 All culverts and endwalls must be set at time of installation by the contractor. If excavation of the ditch is necessary to ensure proper installation, the cost of the ditching is the responsible of the property owner.

The use of any decorative material is discouraged. If decorative material is used, the Town is not responsible for any damages that may occur, such as road and culvert repairs or if someone runs into it and causes damage to a vehicle.

10.6 The culvert must be set at least three (3) feet from the property line and only 3/4 inch crusher run stone may be used to cover the culvert or driveway within the road right-of-way. The driveway grade shall not be at a higher grade than the road at its meeting point.

10.7 A minimum of eight (8) inches of 3/4 inch crushed stone shall be placed on top of the culvert. In the event that the eight (8) inches of cover makes the grade too high, the installation of an arch (oval) culvert may be required by the Town Board or approving authority representing the Town.

10.8 Proper bedding and filling must be placed around and beneath the culvert to set it properly. The Town Board may approve alternate types of gravel or stone but in no event shall dirt, clay or material other than gravel be used.

10.9 Installation of any culvert without first obtaining a permit therefore as required herein, private installation or replacement of a culvert in any manner inconsistent with the methods listed herein or if the property owner does not follow the guidelines set forth in this ordinance and has the culvert set by persons not authorized by the Town Board shall constitute a violation of this ordinance. The Town Board may order that the culvert be removed at the expense of the property owner.

10.10 It shall be the responsibility of the contractor to have all buried facilities located by a proper licensed agent of said facilities.

11.0 Construction and Maintenance of Driveway in Road Right-of-Way: No driveway constructed within any road right-of-way shall be surfaced with any material other than blacktop or gravel. At Town Board discretion, blacktopped driveways may be required to end before merging with the existing town road. It shall be the obligation of the owner of abutting and property benefited by such driveway so installed to maintain the same in a safe manner as to not interfere with safe travel upon the roadway.

11.0 Cont. The Town shall not be liable for any damage or for restoration of any driveway damaged during operations to maintain the roadway, culvert or ditch.

Whenever concrete exists over a culvert in the town right-of-way, that services the adjacent property owner, that property owner shall bear all expenses to remove the concrete and resurface. This shall apply to all existing future concrete installations.

In addition to penalties otherwise provided by this Ordinance, any driveway installed or maintained contrary to the provisions hereof may be removed pursuant to Wis. Stats. Sec. 86.04 as constituting an unauthorized structure or object encroaching upon a highway.

12.0 Except where a penalty is provided elsewhere in this ordinance; any person who shall violate any of the provisions of this ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

12.01 First Offense- Any person who shall violate any provision of this ordinance shall upon conviction thereof, forfeit not less than fifty (\$50) nor more than One Thousand Dollars (\$1000) together with the cost of prosecution.

12.02 Continued Violations: Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

12.03 The Town shall have any and all remedies afforded by the Wis. Statutes in addition to the forfeitures and costs of prosecution above.

13. Driveways

All new residential driveways shall meet the following requirements:

- a. Maximum width of twenty-four (24) feet at sidewalk line with maximum curb opening at thirty-four (34) feet.

- b. Maximum radius or flare of five (5) feet or distance from sidewalk to curb, whichever is less.
- c. Where more than one (1) driveway from a street is allowed, there shall be provided a safety curb between driveways not less than eight (8) inches high and six (6) inches in width, constructed of concrete and located at the curb line.
- d. Driveways shall be not less than twenty-five (25) feet apart at the curb line.
- e. In the case of a corner lot, access to the principal street shall be restricted to one (1) driveway, unless extraordinary circumstances are evident.
- f. All driveways are means by which vehicles travel between the street and approved parking spaces and are not to be considered for approved parking space.
- g. In no instance shall the total width of driveway openings serving the same parcel exceed one-half (1/2) of the total lot frontage.
- h. The width of a private driveway should have a minimum of sixteen (16) feet of driving surface with a minimum depth of eight (8) inches of breaker run and a minimum surface of four (4) inches of gravel. (Revised Sept 2003)
- i. Any private driveway three hundred (300) feet or more in length shall have an adequate area for turn-around for emergency vehicles and it shall be no closer than one hundred (100) feet from the dwelling.
- j. Any private driveway eight hundred (800) feet or more in length shall also have one (1) meeting area with driving surface of twenty (20) feet wide and sixty (60) feet long for every eight hundred (800) increments.
- k. Every new driveways should be a minimum of twelve (12) feet from the edge of driving surface to nearest lot line.

The intent of paragraphs h, i, and j is to create an environment that emergency vehicles will have adequate accessibility.

Revisions adopted by Town of Morrison Town Board on 4/14/2015

ARTICLE XV. ARTIFICIAL LAKES.

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of Morrison.

A. LOCATION

Artificial lakes shall be allowed as Conditional Uses in the Estate and Residential, and Agriculture Zones.

B. PERMIT

1. The property owner, developer or his/her assigned agent shall make application for an Excavation Permit to the Town Zoning Committee prior to construction.

2. The Town Zoning Committee shall review and approve the site plan before issuing the Excavation Permit.

C. SITE PLANS

1. A map drawn at a minimum scale of one (1) inch = two hundred (200) feet showing the proposed lake size and the adjoining property within five hundred (500) feet of the site.

2. Layout of proposed residential lots and other buildings, if applicable.

3. The type of sanitary facilities to be installed, if residential development is to take place.

4. Source of water supply for residential dwellings and water level maintenance in the lake.

5. Surface drainage sources and topography.

6. Proposed roadways.

D. OTHER REQUIREMENTS

1. The constructed lake shall meet the requirements of the Brown County Water Law Codes.

2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.

3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.

4. The groundwater table in the surrounding area and adjacent to the lake shall be protected.

5. State permits shall be required if high capacity wells are drilled on the site.

6. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.

7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.

8. A performance bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board of Morrison.

ARTICLE XVI. EARTH EXCAVATIONS

The following regulations shall apply to all future excavations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Morrison. It shall regulate all existing gravel pits, sand pits, and stone quarries within the Town of Morrison.

A. GENERAL

1. All excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earthen materials, including but not limited to sand pits, gravel pits, and rock quarries shall come under the jurisdiction of this ordinance.

2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alternations of the existing site beyond the boundaries of the parcels of record on which excavation is taking place as of the date of the adoption of this ordinance.

B. EXEMPTIONS

The following uses shall be exempt from the provisions of this ordinance.

1. Excavation and removal of less than five hundred (500) cubic yards over a period of one (1) year from any single parcel of land recorded in the Brown County Register of Deeds Office.

2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.

3. Normal agricultural activities.

4. Landscaping or site preparation for building use.

C. PERMIT

1. Application for a permit to excavate or remove earth material shall be made to the Morrison Town Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Morrison. The Town Plan Commission shall reach a decision within fifteen (15) days from the filing of the completed applications form.

2. The application shall contain the required information as specified in Subsection D, Section XVII of this ordinance, prior to the issuance of an excavation permit.

3. Following submittal and approval of the excavation plan, the Town Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year upon issuance.

4. Upon expiration of the permit, the Town Plan Commission shall inspect the site before issuing the permit. If the regulations have been complied with, the permit shall be reissued.

D. SITE PLANS

The following information shall be required on a site plan prior to issuing an excavation permit.

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch equals two hundred (200) feet.

2. Contour intervals of the proposed site at intervals of twenty (20) feet when available.

3. Existing and proposed drainage patterns of the site.

4. Proposed regrading and revegetation of the site after completion of the excavating operation.

5. Proposed truck and machinery access to the site.

6. Types and location of temporary or permanent building to be erected on the site.

7. Approximate amount of earth material to be excavated or removed at the site.

8. Approximate number of trucks and other types of machinery to be used at the site.

9. Designated hours of operation.

E. TRUCKS AND MACHINERY

1. No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.

2. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

F. MATERIAL HANDLING

1. No excavation shall take place within fifty (50) feet of any property line or street line if below the established grade of the street.
2. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling.

G. EXCAVATION SITES

1. Earth excavations are not allowed in either the AG-FP or AG2-FP zoning districts.
2. Earth excavations shall be allowed as a Conditional Use in Residential Zoning Districts
3. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendations of the Town Plan Commission.
4. When excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical) unless waived by the Plan Commission. A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area except exposed rock surfaces to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.
5. If the excavation site shall fall within a county floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for Brown County shall apply.
6. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.
7. Any violation of this section shall be subject to the regulations of the Penalty Clause in Article XVIII Violations and Penalties.
8. A performance bond of \$1,000 per acre shall be required of the excavator.

ARTICLE XVII. ADMINISTRATION AND ENFORCEMENT

This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

A. GENERAL

1. This section shall provide for the establishment of the positions of Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.

B. ZONING ADMINISTRATOR

The Town Board of Morrison shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce this ordinance with the assistance or such other persons as the Town Board may direct. The Zoning Administrator shall serve with compensation as set by the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after public hearing. The Town of Morrison Zoning Administrator shall have the following responsibilities and duties in addition to those other responsibilities and duties which are assigned from time to time to the Zoning Administrator by the Town Board:

1. Issue all land use permits, exclusive of conditional use permits and excavation permits, and make and maintain records thereof.

2. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance.

3. Disseminate information to those individuals and entities having questions concerning this ordinance.

4. Forward to the Town of Morrison Plan Commission, or the designated representative of the Plan Commission, all applications for conditional uses and all applications for amendments to this ordinance.

5. Forward to the Board of Appeals, or the designated representative of the Board of Appeals, all appeals concerning any action taken by the Zoning Administrator or any other administrative official in the enforcement of this section or any ordinance adopted pursuant to this ordinance.

6. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.

7. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.

8. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall consult with the Town Board and only with its advice and consent, shall thereafter notify in writing the person responsible for such violation and ordering the action necessary to correct it. The Zoning Administrator shall be solely responsible for the administrative enforcement of Article XVIII of this ordinance.

9. Comply with all open meeting, public hearing and notice requirements concerning the enforcement of this ordinance.

C. BOARD OF APPEALS

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Town Chairperson, subject to confirmation by the Town Board for three (3) years, except that of those first appointed, one (1) shall serve for one (1) year; two (2) for two (2) years; and two (2) for three (3) years. The members shall serve with compensation as set by the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after public hearing. The Town Chairperson shall designate one of the members, Chairperson of the Board of Appeals. The Town Chairperson shall appoint an alternate member for a term of three (3) years who shall act with full power, only when a member of the Board of Appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees.

2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson of the Board of Appeals and at such other times as the Board of Appeals may determine. The Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

3. 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 and shall be a public record.

Statements of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an

exception as provided in the ordinance shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes.

4. Appeals to the Board of Appeals may be taken by any person alleging there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any administrative official acting on behalf of the Zoning Administrator in the enforcement of this section or of any other ordinance adopted pursuant to this ordinance.

Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Zoning Administrator a notice of appeal specifying the grounds thereof.

5. The Zoning Administrator or his/her designated representative shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

6. The Board of Appeals shall hold a public hearing on each appeal. Time, place, and purpose of the appeal shall be published as provided in the State law on planning and zoning and applicable to the Town of Morrison.

7. Due notice of the hearing shall be given to the appellant as well as any other individual who has filed a request with the Zoning Administrator for a written notice of the time and place of the appeal. Due notice of the hearing shall also be given to all owners of any real estate, where said real estate is located within one hundred (100) feet of the property subject to the appeal. The "due notice" provision of this paragraph shall be satisfied if the Zoning Administrator sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Zoning Administrator shall be deemed conclusive proof that "due notice" was given to said parties.

8. The Board of Appeals shall have the following powers:

a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any administrative official acting on behalf of the Zoning Administrator with respect to the enforcement of this section or any ordinance adopted pursuant to this section;

b. To hear and decide special exceptions to the terms of this ordinance upon which this Board of Appeals is required to determine under said ordinance;

c. To authorize upon appeal and specific cases such variance from the term of the ordinances will not be contrary to the public interest, where, only to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done;

d. In exercising the above mentioned powers in paragraph a through c hereinabove, in conformance with the provisions of this ordinance, reverse or affirm, wholly or partly, any order, requirement, decision or determination appealed from, said Board of Appeals shall further have the power to make any such order, requirement, decision or determination as ought to have been made by the Zoning Administrator or any official acting behalf of the Zoning Administrator. The Board of Appeals may therefore issue or direct the issuance of any permit which the Zoning Administrator could have issued.

9. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" would have been created by the literal enforcement of the terms of this ordinance.

10. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant in any matter on which it is required to pass or effect any variation in the requirements of this ordinance. If a decision is not rendered by the Board of Appeals within 60 days from the date the Appeal was filed with the Zoning Administrator, then said Appeal shall be deemed denied by the Board of Appeals.

D. TOWN PLAN COMMISSION

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin Statutes.

1. Jurisdiction. The Morrison Town Plan Commission shall carry out the following duties under this ordinance.

a. Review all applications for conditional uses, applications for excavation permits and proposed amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments in conditional uses;

b. Receive from the Zoning Administrator his/her recommendations as related to the effectiveness of this ordinance, and report his/her conclusion and recommendations to the Morrison Town Board.

c. Hear and decide matters upon which it is required to consider and make recommendations under this ordinance.

2. Meetings

a. All meetings of the Town Plan Commission shall be held at the call of the Chairperson of the Commission or his/her designated representative, and at such times as the Commission may determine.

b. The Commission 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 also keep records of its hearings and other official actions.

3. Decisions. All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission present at said meeting at the time said vote is taken provided that a quorum exists. A quorum shall exist when four (4) or more members of the Commission are present at the time the vote is taken.

4. Membership

a. The Town Plan Commission shall consist of seven (7) members appointed by the Morrison Town Chairperson and subject to confirmation by the Morrison Town Board.

b. Town Plan Commission members shall consist of not more than one (1) member of the Zoning Board of Appeals; and not more than two (2) members of the Morrison Town Board. The remaining Plan Commission members shall be additional citizens of the Town of Morrison.

c. The term shall be for three (3) years, except that of those first appointed; two (2) shall serve for one (1) year; two (2) for two (2) years; and three (3) for three (3) years.

d. The Town Plan Commission members shall be removable by the Town Board of Morrison for cause upon written charges after a public hearing.

e. Vacancies shall be filled for the unexpired terms of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Morrison.

f. The Town Chairman shall appoint the Chairman of the Town Plan Commission.

E. BUILDING PERMIT

1. No building, or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied until a building permit has been issued by the Town Zoning Administrator. No change in the use of a building shall be made until a permit has been issued by the Town Zoning Administrator for a change.

2. Application for said building permit shall be made in writing to the Morrison Town Zoning Administrator by the landowner or his/her authorized agent. The Zoning Administrator shall issue the building permit if the proposed building complies with all provisions of this ordinance. Said building permit shall remain in full force and effect for a period of one (1) year from the date of issuance. After said one year period has expired, no further building can take place without the reissuance of another building permit. The building permit shall be granted or denied within a ten (10) day period from the date the application is received by the Zoning Administrator. The failure of the Zoning Administrator to issue a building permit within said ten day period shall be construed as a denial of the building permit, thereby beginning the tolling of the thirty (30) day period in which the applicant can appeal to the Board of Appeals for the issuance of said building permit.

3. Each building permit shall be accompanied by a plat in accordance with requirements as specified in Article XVII, Subsection F, Site Plans.

F. SITE PLANS

1. All applicants for building permits for business, residential, and industrial uses shall be accompanied by the following:

a. A copy of the plat or certified survey map of the proposed building site.

b. A site plan, in duplicate, drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Zoning Administrator for the proper enforcement of this ordinance.

2. Said plan material shall be submitted to the Zoning Administrator or his/her designated representative. Required plat material shall be submitted in conjunction with an application for a building permit.

G. VARIANCES

1. Application. An application for a variance shall be filed with the Zoning Administrator or his designated agent. The application shall contain such information as requested in the application provided by the Zoning Administrator as well as such other further information as the Zoning Administrator may deem reasonably necessary to evaluate such request for a variance.

2. Standards of Variances. The Zoning Board of Appeals shall not vary the regulations as set forth in G-1 above unless it shall make findings based upon the evidence presented to it in each specific case.

a. Because of the particular physical surrounding, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

b. Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally to other property within the same zoning classification.

c. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

d. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

e. Proposed variation shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.

H. AMENDMENTS AND REZONINGS

1. Authority. The Morrison Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts, amend district boundary lines, and rezone parcels of property provided that in all amendatory ordinances and rezonings adopted under the authority of this section,

due allowance shall be made for the intent purposes of said changes as per Article I of this ordinance.

2. Initiation. Amendments and rezonings may be proposed by a governmental body, interested person or organization.

3. Application. An application for an amendment or rezoning shall be filed with the Zoning Administrator and shall be in such form and accompanied by such information as required by the Zoning Administrator. The Zoning Administrator shall then immediately forward a copy of said application to the Chairperson of the Town Plan Commission.

4. Finding and Recommendation

a. The Town Plan Commission shall make written findings of fact and shall submit them, together with its recommendations to the Town Board prior to the public hearing. Said written findings shall be submitted to the Town Board within sixty (60) days from the date the application was received by the Zoning Administrator. A failure of the Town Plan Commission to submit written findings to the Town Board within the sixty (60) day period shall constitute a denial of the application by the Town Plan Commission. The Town Plan Commission shall have complied with this paragraph concerning the submission of written findings to the Town Board upon receipt of the written findings by the Town Clerk for the Town of Morrison.

b. Where the purpose and effect of the proposed amendment or rezoning is to change the zoning classification of particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

(1) Existing uses or property within the general area of property in question.

(2) Zoning classification of property within the general area of the property in question.

(3) Suitability of property in question to the uses permitted under the existing zoning classification.

(4) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

(5) The Plan Commission may recommend the adoption of an amendment or rezoning changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

(6) The Plan Commission shall not recommend the adoption of a proposed amendment or rezoning unless it finds that the adoption of such amendment or rezoning is in the public interest and is not solely for the interest of the applicant.

5. Town Board Action

a. The Town Board shall not act upon a proposed amendment to this ordinance or rezoning until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment or rezoning or until the sixty (60) day period set forth in paragraph 4a. has expired whichever occurs first. Receipt of the recommendation by the Town Clerk shall constitute a formal receipt of the written recommendation from the Town Plan Commission with respect to the proposed amendment or rezoning.

b. Due notice of the hearing shall be given to the applicant as well as any other individual who has filed a request with the Town Clerk for a written notice of the time and place of the hearing. Due notice of the hearing shall also be given to all owners of any real estate, where said real estate is located within one hundred (100) feet of the subject property. The "due notice" provision of this paragraph shall be satisfied if the Town Clerk sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Town Clerk shall be deemed conclusive proof that "due notice" was given to said parties.

c. The Town Board may grant or deny any application for an amendment or rezoning, provided, however, that in the event of a written protest against any proposed amendment to this ordinance or proposed rezoning, with said protest be duly signed and acknowledged by the owners of twenty (20) percent or more, either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes, amendments or rezonings shall not become effective except by the unanimous vote of the full Town Board membership.

d. The Board shall make a decision on the amendment or rezoning within sixty (60) days from the receipt of the Plan Commission recommendation by the Town Clerk.

e. If an application for a proposed amendment or rezoning is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

I. CONDITIONAL USES

1. Purpose. To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

2. Initiation. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. Application. The application for conditional use permit shall be filed with the Morrison Zoning Administrator or his designated agent on a form so prescribed by the Town of Morrison. The application shall be accompanied by such plans and/or data prescribed by the Zoning Administrator and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts.

4. Town Plan Commission Action. After the application for the Conditional Use has been reviewed by the Town Plan Commission, a written recommendation shall be submitted by the Town Plan Commission to the Town Board. For purposes of this section, said written recommendation shall be filed with the Town Clerk and such filing shall be deemed a filing with the Town Board. In its written recommendations, the Town Plan Commission shall recommend such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as the Town Plan Commission deems necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this ordinance. If the Town Plan Commission fails to serve upon the Town Clerk a written recommendation regarding said application for a conditional use permit within sixty (60) days from the date said application was filed with the Zoning Administrator or his designated agent, then in said event the failure to so serve said written recommendations upon the Town Clerk shall be deemed a denial of the conditional use permit by the Town Plan Commission.

5. Hearing on Application. Due notice of the hearing shall be given to the applicant as well as any other individual who has filed a request with the Town Clerk for a written notice of the time and place of the hearing. Due notice of the

hearing shall also be given to all owners of any real estate, where said real estate is located within one hundred (100) feet of the subject property. The "due notice" provision of this paragraph shall be satisfied if the Town Clerk sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Town Clerk shall be deemed conclusive proof that "due notice" was given to said parties.

a. Decision of Town Board. Conditional use permits shall only be granted by the Town Board. Within sixty (60) days of the date on which the Town Clerk receives the written recommendation from the Town Plan Commission as set forth in the previous paragraph, the Town Board shall make a determination concerning the issuance of the conditional use permit. If the Town Plan Commission fails to render a written recommendation to the Town Clerk within sixty (60) days from its receipt of the conditional use application as set forth in the previous paragraph, then the Town Board shall have one hundred twenty (120) days from the date in which the application for the conditional use permit was filed with the Zoning Administrator or his designated agent in which to make a determination regarding the application for the conditional use permit. It is the responsibility of the applicant to notify the Town Board, by means of notification to the Town Clerk, that the Town Plan Commission has failed to take the necessary action as required in paragraph 5 hereinabove.

6. Conditions and Guarantees. When issuing a conditional use permit, the Town Board shall require such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements as specified in this ordinance. In all cases in which conditional uses are granted, the Town Board may require such evidence and guarantees as it may deem necessary as proof that the conditions required in connection therewith are being fulfilled.

J. FEES

The fee for any application for an amendment or conditional use, a variance or appeal, shall be set by the town at each annual meeting.

ARTICLE XVIII. VIOLATIONS AND PENALTIES

A. Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the Town Board which shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance may be required, upon conviction, to forfeit not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense, together with the costs of prosecution, and may be imprisoned in the county jail of Brown County until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

ARTICLE XIX. ENFORCEMENT

A. It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance.

B. No structure of any kind, including buildings, shall hereafter be erected, moved or structurally altered until a land use permit therefore shall have been applied for and issued.

ARTICLE XXIII ADULT ENTERTAINMENT DISTRICT (AED)
(REVISED APRIL 4, 1994)
AN ORDINANCE OF THE TOWN OF MORRISON
RELATING TO THE LICENSING OF
SEXUALLY-ORIENTED ADULT-ENTERTAINMENT
ESTABLISHMENTS

THE TOWN BOARD OF THE TOWN OF MORRISON DOES ORDAIN AS
FOLLOWS:

An Ordinance is hereby created to read as follows:

SEXUALLY-ORIENTED ADULT-ENTERTAINMENT
ESTABLISHMENT LICENSE.

A. INTENT. It is the purpose of this section to regulate sexually-oriented adult-entertainment established business (hereinafter referred to as an “adult establishment”) to promote the health, safety, morals and general welfare of the citizens of the Town of Morrison, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.

B. DEFINITIONS. For the purpose of this section:

1. Specified sexual activities is defined as:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy;
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

2. Specified anatomical areas is defined as:

- (a) Less than completely and opaquely covered:
 - (1) human genitals, pubic region;
 - (2) buttock;
 - (3) female breast below a point immediately above the top

of the
areola.

(b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

3. Sexually-oriented adult-entertainment establishments includes bookstores, motion picture theaters, mini-motion picture theaters, bath houses, massage parlors, mini-motion picture theaters, modeling studios, body painting studios, and cabarets, and are more specifically defined as:

a. Adult Bookstore. An establishment having as a substantial or significant portion of its stock and trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.

b. Adult Motion Picture Theater. An enclosed building with a capacity of fifty (50) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

c. Adult Motion Picture Theater. (outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

d. Adult Mini-motion Picture Theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

e. Adult Bath House. An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in “specified sexual activities” as defined in this ordinance.

f. Adult Motel. A hotel, motel, or similar commercial establishment which:

(1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) offers a sleeping room for rent for a period of time that is less than 10 hours; or

(3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

g. Adult Modeling Studio. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

h. Adult Body Painting Studio. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.

i. Adult Cabaret.

(1) An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

(2) Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis is considered an adult-entertainment establishment only during those times which the adult entertainment is being presented or the entertainers are on the premises; and all provision of this ordinance shall apply during those presentations. Further such periodic adult cabaret shall notify the Brown County Sheriff’s Department at least 24 hours prior to the date on which such adult entertainment is to take place.

(3) Any periodic adult establishment, as defined above, shall be licensed yearly in accordance with the licensing provision hereinafter set forth.

j. Adult Novelty Shop. An establishment or business having as a

substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, “specified sexual activities” as defined herein or stimulating such activity.

C. LICENSE REQUIRED.

1. Except as provided in subsection (4) below, from and after the effective date of this ordinance, no adult establishment shall be operated or maintained in the Town of Morrison without first obtaining a license to operate issued by the Town of Morrison.

2. A license may be issued only for one adult establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult establishment must have a license for each.

3. No license or interest in a license may be transferred to any person, partnership, or corporation.

4. All adult establishments existing at the time of the passage of this ordinance must submit an application for a license within 90 days of the passage of this ordinance. If an application is not received within said 90-day period, then such existing adult establishment shall cease operations.

D. APPLICATION FOR LICENSE.

1. Any person, partnership or corporation desiring to secure a license shall make application to the Town Clerk. The application shall be filed in triplicate with and dated by the Town Clerk. A copy of the application shall be distributed within 10 days of receipt thereof to the Brown County Sheriff’s Department, the applicable Health Department, Building Inspection Division and Planning Department and to the applicant.

2. The application for a license shall be upon a form approved by the Town Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, or all officers or directors of a corporate applicant, and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

a. Name and address, including all aliases.

b. Written proof that the individual is at least eighteen (18)

years of age.

c. All residential addresses of the applicant for the past ten (10) years.

d. The business, occupation, or employment of the applicant for the ten (10) years immediately preceding the date of application.

e. Whether the applicant previously operated in this or any other state, county, or city under an adult establishment license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reasons therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

f. All criminal convictions, whether federal or state, or town ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

g. Fingerprints and two portrait photographs at least two inches by two inches of the applicant.

h. The address of the adult establishment to be operated by the applicant.

i. If the applicant is a corporation the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation.

E. STANDARDS FOR ISSUANCE OF LICENSE.

1. To receive a license to operate an adult establishment, an applicant must meet the following standards:

(a) If applicant is an individual:

(1) The applicant shall be at least 18 years of age.

(2) Subject to Chapter 111, Wisconsin Statutes, the applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the

application.

(3) The applicant shall not have been found to have previously violated this ordinance within five years immediately preceding the date of the application.

(b) If applicant is a corporation:

(1) All officers, directors, and others required to be named under (D) (2) shall be at least eighteen (18) years of age.

(2) Subject to Chapter 111 Wisconsin Statutes, no officer, director, or other person required to be named under (D) (2) shall have been convicted of and/or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.

(3) No officer, director, or other person required to be named under (D) (2) shall have been found to have previously violated this ordinance within five years immediately preceding the date of the application.

(c) If the application is a partnership, joint venture, or any other type of organization where two or more persons have a financial interest:

(1) All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least 18 years of age.

(2) No persons having a financial interest in the partnership, joint venture, or other type of organization shall, subject to Chapter 111 Wisconsin Statutes, have been convicted and/or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.

(3) No persons having a financial interest in the partnership, joint venture, or other type of organization shall have been found to have violated any provision of this ordinance within five years immediately preceding the date of the application.

2. No license shall be issued unless the Brown County Sheriff's Department has investigated the applicant's qualifications to be licensed. The

results of the investigation shall be filed in writing with the Town Clerk no later than 14 days after the date of the application.

3. The applicable Health Department, Building Inspection Division and Planning Department shall inspect the premises proposed to be licensed to verify compliance with their respective codes and shall report compliance findings to the Town Clerk within 14 days of the date of the application.

4. No license shall be issued unless the applicant provides proof of one of the following:

a. Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes permissible non-conforming use status.

b. A lease on a building which is properly zoned to house the venture. Proper zoning includes permissible non-conforming use status.

c. An option to purchase property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.

d. An option to lease property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.

F. FEES. A license fee of \$250.00 shall be submitted with the application for a license. Such fee shall be waived if the proposed adult establishment is operating under or has applied for an alcohol beverage license and has paid the alcohol beverage licensing fee thereunder.

G. DISPLAY OF LICENSE OR PERMIT. The license shall be displayed in a conspicuous public place in the adult establishment.

H. RENEWAL OF LICENSE OR PERMIT.

1. Every license issued pursuant to this ordinance will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk. A copy of the application for renewal shall be distributed by the Town Clerk to the Brown County

Sheriff's Department and the applicant. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and date, given under oath or affirmation, as is required for an application for a new license.

2. A license renewal fee of \$250.00 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of \$100.00 shall be assessed against the applicant who filed for a renewal less than 60 days before the license expires.

3. If the Brown County Sheriff's Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Town Clerk.

I. DENIAL OF APPLICATION.

1. Whenever an initial application is denied, the Town Clerk shall, within 14 days of the denial, advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held at a regularly-scheduled meeting of the Town Board as hereinafter provided, with said hearing to take place no later than sixty (60) days after the applicant requests said hearing. The Town Board shall then issue a decision within thirty (30) days of the said public hearing or said license shall be deemed granted. **(Revised December 1999)**

J. SUSPENSION, REVOCATION, OR NON-RENEWAL OF LICENSE.

1. The license granted herein may be revoked or suspended for up to six (6) months or non-renewed by the Town Board as follows:

a. If the applicant has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive;

b. For the violation of any provision of this section, except for establishment license matters involving violations of Town Codes, in which the license shall be revoked after the second conviction thereof in any license year;

c. After one conviction of any establishment personnel of an offense under Chapter 944 Wisconsin Statutes, or of an offense against the person or property of a patron of the property or of an offense involving substances in Sub. II of Chapter 161 Wisconsin Statutes, where there is shown the participation or knowledge of

any other establishment personnel or of any individual within the business structure of the applicant.

2. Notice and Hearing. No license shall be revoked, suspended, or not renewed by the Town Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Planning Committee. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Town Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Planning Committee shall submit a report to the Town Board including findings of fact and conclusion of law and a recommendation as to what, if any action the Town Board shall take. The Planning Committee shall provide the complainant and licensee with a copy of the report. The Planning Committee shall then file its findings of fact and conclusions of law with the Town Clerk.

Either the complainant or licensee may file an objection to the report and have the opportunity to present arguments supporting the objection to the Town Board. The Town Board shall determine whether arguments shall be presented orally or in writing, or both. If the Town Board, after arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided at Sub. (1) hereinabove. The Town Board shall decide the matter and shall prepare a written decision which shall be filed with the Town Clerk and a copy thereof delivered to the licensee and complainant within 20 days after its decision.

K. PHYSICAL LAYOUT OF ADULT ESTABLISHMENTS.

Any adult establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any sexually-oriented adult entertainment must comply with the following requirements:

1. Access. Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult establishments and shall be unobstructed by any door, lock, or other control-type devices.

2. Construction. Every booth, room, or cubicle shall meet the following construction requirements:

a. Each booth, room or cubical shall be separated from

adjacent booths, rooms, cubicles, and any non-public areas by a wall.

b. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

c. All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light-colored, non-absorbent, smooth textured and easily cleanable.

d. The floor must be light-colored, non-absorbent, smooth textured, and easily cleanable.

e. The lighting level of each booth, room, or cubicle, when not in use, shall be a minimum of 10 foot candles at all times, as measured from the floor.

3. Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

L. RESPONSIBILITIES OF THE OPERATOR.

1. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, Social Security Number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises for a period of three years following termination.

2. The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the Brown County Sheriff's Department at all reasonable times.

3. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

4. Any act or omission of any employee constituting a violation of

the provision of this ordinance shall be deemed the act or omission of the operator for the purposes of determining whether the operator's license shall be revoked, suspended, or renewed.

5. No employee of an adult-entertainment establishment shall allow any minor to loiter around or to frequent an adult-entertainment establishment or to allow any minor to view sexually-oriented adult entertainment as defined herein.

6. The operator shall maintain the premises in a clean and sanitary manner at all times.

7. The operator shall maintain at least 10 foot candles of light in the public portion of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult-entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall there be less than one foot candle of illumination in said aisles, as measured from the floor.

8. The operator shall ensure compliance of the establishment and its patrons with the provision of this ordinance.

9. The operator shall ensure that it is conspicuously posted inside each booth, stall, partitioned portion of a room or individual room an un-mutilated and un-defaced sign or poster supplied by the Health Department which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

10. The operator shall ensure there are conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Health Department pertaining to sexually transmitted diseases.

11. The operator shall ensure there is posted regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures.

12. The Health Department shall charge its reasonable costs for supplying such posters, brochures, pamphlets, and other information supplied under this Section.

M.. REGISTRATION OF EMPLOYEES.

1. All operators, employees, and independent contractors working in any adult establishment hereunder shall, prior to beginning employment or contracted duties, register with the Brown County Sheriff's Department. Such registration shall include the following:

a. Name, address, birth date, any aliases used, telephone numbers, date of employment, and name of employer.

b. Photographs and fingerprinting.

2. Upon registration, the Brown County Sheriff's Department will provide to each registered employee an identification card containing the employee's photographs identifying the employee as such, which shall be kept available for production upon request of all Town inspecting officers while on duty at such adult establishment.

3. All registrations hereunder are valid for a period of one year.

4. The registration fee shall be \$5.00 per registration, which shall be paid to the Sheriff's Department to cover the cost of the identification card.

N. EXCLUSIONS. All private schools and public schools, as defined in Chapter 115 Wisconsin Statutes, located within the Town of Morrison are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

O. PENALTIES AND PROSECTUION.

1. Any person, partnership or corporation who is found to have violated this ordinance shall be fined a definite sum not exceeding \$1,000.00 and shall result in the revocation of any license.

2. Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

P. SEVERABILITY. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provision of same.

Q. PROCEDURE FOR ESTABLISHING ADULT ENTERTAINMENT DISTRICT

1. An application for the establishment of an Adult Entertainment District

petitioning for the issuance of a rezoning shall be made in accordance with Article XVII, J. and this section.

2. No application for an Adult Entertainment District shall be approved by the Town Board unless, however, the following findings have been made:

- a. That all the standards and requirements in this Ordinance have been met.
- b. That the proposed use will not be a detriment to the public welfare.
- c. That the proposed zoning change is consistent with the general intent of any comprehensive plan in existence.
- d. That the existing streets and utility services are adequate for the proposed use.
- e. That the establishment of an adult entertainment establishment will in no way contribute to the deterioration of the surrounding neighborhood.
- f. That the presence of the adult entertainment establishment will not have a harmful influence on children residing in or frequenting the area.

3. Approval of the application shall cause the official zoning map to be annotated as an Adult Entertainment District (AED).

All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

This ordinance shall take effect on and after its passage and publication.

Dated this 4th day of April, 1994.

APPROVED:

Harold Treichel, Town Chairman

ATTEST:

Janice Christensen, Town Clerk

ARTICLE XXV EXOTIC ANIMALS AND ARACHNID

In the interest of public safety:

1. No person shall bring into, keep, maintain, offer for sale or barter, or release in the wild in the Township of Morrison:

A. Any poisonous or venomous biting or injecting species of amphibian arachnid or reptile, including snakes.

B. Any snake not indigenous to Brown County.

C. Any snake indigenous to Brown County of the following species, which has obtained a length of (five feet) 5':

1. Pilot black snake
2. Bull snake
3. Fox snake

D. This shall not prohibit a circus or like entertainment organization, an educational or medical institution, the Department of Parks and Recreation, or a person designated by the Health Commissioner from keeping such animal where the same is securely and humanely confined,