

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.