

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 aials, 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.

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 or equal to 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. Planned Residential Development District.
4. Private garages greater than nine hundred (900) square feet in size.
5. Conservatories and greenhouses for plants, provided such activity is not designed for wholesale or retail trade.
6. 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)

7. 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.
 1. Modular and Manufactured Homes. (Revised July 7, 1994)
 2. 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. Artificial lakes.

8. Earth excavations.
9. 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. 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 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.
 2. Auction rooms.
 3. Automotive repair shops.
 4. 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.
22. Storage Units (Added July 2018)

C. LOT REQUIREMENTS

With public sewer:

1. Area - fifteen thousand (15,000) square feet minimum.
1. 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 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.
1. 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 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.

A. 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

	Principal Structure	Accessory Buildings
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)

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. 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.
6. Public Parks, public recreational sites, and golf courses.

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. Accessory building.
4. Livestock raising or grazing.
5. 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 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 PROSECUTION.

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:

XXIV Large, Medium, and Small Wind Energy System Ordinance
 Adopted 5/13/2008
Amended July 13, 2010 and May 12, 2011

Table of Contents

A. Wind Energy Systems.....	1
B. Purpose.....	1
C. Definitions.....	2
D. Regulatory Framework.....	3
E. Applicability	8
F. General Requirements for Wind Energy Systems.....	8
G. Setbacks.....	10
H. Karst Features and Ground Water.....	11
I. Sound and Vibration	12
J. Minimum Ground Clearance.....	14
K. Signal Interference.....	14
L. Shadow Flicker	15
M. Ice Shedding.....	15
N. Avian and Bat Impact.....	15
O. Waste Management.....	16
P. General Safety.....	16
Q. Stray Voltage.....	17
R. Complaint Process.....	17
S. Decommissioning of Large Wind Energy Systems.....	18
T. Forfeiture.....	19
U. Review.....	19
V. Severability.....	19
W. Fees.....	19
X. Impact Fees.....	20
Y. Tax Hold Harmless.....	20
Z. Defense of Land Use Decision.....	20
AA. Time is of the Essence.....	20

A. Wind Energy Systems

The following regulations shall apply to all Wind Energy Systems as defined in Section C of this ordinance hereinafter constructed or developed within the Town of Morrison. Certain requirements apply to all sizes of Wind Energy Systems (WES), others may apply to only Large Wind Energy Systems (LWES) and others may apply to only Medium (MWES) or Small Wind Energy Systems (SWES). The distinctions will be noted in this chapter. When a distinction as to “Large” “Medium” or “Small” is not indicated, the requirement applies to all sizes.

B. Purpose

The purpose of the Wind Energy System Ordinance is to provide a regulatory scheme for the construction and operation of Wind Energy Systems in the Town of Morrison, subject to reasonable restrictions, which will preserve the public health and safety. This ordinance is meant to regulate Wind Energy Systems only. This ordinance does not apply to other activities or

structures in our farm community whether or not they affect our Comprehensive Plan or our main activity and supportive infrastructure which is farming.

C. Definitions

1. Ambient Sound: The lowest sound level present at a location for which ninety per cent of the time louder sounds were measured during the nighttime hours between 10 p.m. and 4 a.m.
2. Commission: The Town of Morrison Planning Commission.
3. Decommissioning: The process of use termination and removal of all or part of a Large Wind Energy System by the Owner or assigns of the Large Wind Energy System.
4. Good Utility Practice: Good Utility Practice means any of the practices, methods and acts with respect to the safe operation of a Large Wind Energy System engaged in or approved by a significant portion of the electric utility industry and, in particular, those portions of the industry with experience in the construction, operation and maintenance of Wind Turbines during the relevant time period; or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.
5. Inhabited Structures: A permanent building existing or with an approved permit to construct prior to the conditional use application and intended for the use of human or animal habitation for either a full-time or a part-time basis.
6. Karst Feature: An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressional areas.
7. Landowner: The person who owns the property on which a Wind Energy System is located or person(s) who own property on which no Wind Energy is planned. The wording in this ordinance will differentiate which is the case if not obvious in its use.
8. MET Tower: A meteorological tower used for the measurement of wind speed and/or wind direction.
9. Non-Participating Property: Real property that has no Wind Energy System.
10. Owner: The person or entity who develops, operates or owns a Wind Energy System, whether an individual, proprietorship, corporation, association, partnership, limited liability entity or any other legal entity. For purposes of this ordinance, Owner also includes the applicant and any assignees.
11. Participating Property: Real property that has a Wind Energy System within its property lines and is owned by the Landowner of the property, or is subject to an agreement between the Landowner and the Owner of the Wind Energy System, allowing the construction and operation of the Wind Energy System.
12. Shadow Flicker: Moving shadows caused by the rotation of the turbine blades passing in front of the sun.
13. Total Height: When referring to a Wind Turbine, the distance measured from ground level at normal grade to the blade extended at its highest point.
14. Town: Town of Morrison, Brown County, Wisconsin.
15. Use Termination: The point in time at which a Large Wind Energy System Owner provides notice to the Town of Morrison that the Large Wind Energy System or individual Wind Turbines

are no longer used to produce electricity unless due to repairs. Such notice of use termination shall occur no less than 30 days prior to actual use termination.

16. Wind Energy System: An energy conversion facility consisting of one or more Wind Turbines under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to convert and then store or transfer energy from wind into usable forms of energy.

17. Wind Energy System, Large: A Wind Energy System which has a total installed nameplate capacity of more than 300 kilowatts or of which any one Wind Turbine has a nameplate capacity of the equivalent of more than 100 kilowatts or a Total Height of more than 170 feet and less than five hundred (500) feet.

18. Wind Energy System, Medium: A Wind Energy System which has a total installed nameplate capacity of 300 kilowatts or less and any one Wind Turbine has a nameplate capacity of the equivalent of no more than 100 kilowatts but more than 25 kilowatts or a Total Height of no more than 170 feet but more than 110 feet.

19. Wind Energy System, Small: A Wind Energy System which has a total installed nameplate capacity of 300 kilowatts or less and any one Wind Turbine which has a name plate capacity of the equivalent of 25 kilowatts or less or a Total Height of 110 feet or less.

20. Wind Turbine: The portion of a Wind Energy System, which converts wind energy into electricity or other forms of energy, through the use of a Wind Turbine generator or convertor, and includes the turbine, blade, tower, base, and equipment immediately adjacent to the tower such as a pad transformer or energy storage device.

D. Regulatory Framework

1. Zoning

a. Large Wind Energy Systems may only be constructed in areas zoned Agriculture with an approved conditional use permit and a building permit from the Town of Morrison.

b. Medium Wind Energy Systems may only be constructed in areas zoned Agriculture, Business, or Industrial with an approved conditional use permit and a building permit from the Town of Morrison.

c. Small Wind Energy Systems may be constructed in areas zoned Estate Residential, Agriculture, Business, or Industrial with an approved conditional use permit and a building permit from the Town of Morrison.

d. No Wind Energy System consisting of a Wind Turbine with a Total Height of 500 feet or more shall be constructed in the Town. The Town may provide a waiver if no landowners of property within one mile object to the construction and if the Public Service Commission of Wisconsin approves the Wind Energy System and all conditional use requirements including those considered necessary by the Town for safety, health, and general welfare of the residents even those over and above the provisions contained in this ordinance are met.

2. At least 90 days before an Owner files an application to construct a Wind Energy System, an Owner shall hand-deliver or use commercially reasonable methods with an acknowledged receipt to provide written notice of the planned Wind Energy System with a project description and construction timeline to all of the following:

For Large Wind Energy Systems-

a. Landowners and political subdivisions within one mile of a planned Wind Energy System host property which is referred to as the Participating Property in this Chapter. In addition, an Owner

shall provide any landowner with whom the Owner may be seeking an agreement to use or affect the landowner's property or be seeking waivers for impacting the landowner with written information describing the landowner's rights and considerations for negotiating land use and the possible effects of Wind Energy Systems as prescribed by the Town. A landowner who agrees to a waiver does not waive any rights or protections granted to a Non-participating landowner unless specifically waived in the agreement.

b. Town of Morrison

c. Emergency first-responders and air ambulance service providers serving a political subdivision within one mile of where the Wind Energy System may be located.

d. Wisconsin Department of Transportation.

e. Public Service Commission of Wisconsin, if required.

f. Wisconsin Department of Natural Resources.

g. Wisconsin Department of Agriculture, Trade and Consumer Protection.

h. The office of the deputy undersecretary of the U.S. Department of Defense.

i. Electric utility serving the area.

j. All public libraries in the county and adjacent counties.

For Medium Wind Energy Systems-

a. All landowners of real property adjacent to the Participating Property along with those with property within 1500 feet of the Wind Energy System.

b. Town of Morrison

c. Electric Utility serving the area.

For Small Wind Energy Systems

a. All landowners of real property adjacent to the Participating Property along with those with property within 600 feet of the Wind Energy System.

b. Town of Morrison

c. Electric Utility serving the area.

3. An applicant for a Large Wind Energy System shall request, at applicant's expense, a pre-application public meeting with the Town Board and Planning Commission, at which no official Town action shall be taken. Notice of the meeting shall be sent to all landowners within one mile of the proposed boundary of the Wind Energy System. If the Owner does not contact each landowner directly but instead sends the notice by mail, the Owner shall provide the Town with a certificate of mailing for each landowner. The Owner shall send the notice twenty business days prior to the date of the meeting. A pre-application public meeting shall be held in order for the applicant to accomplish the following:

a. Inform Town residents of the project and provide answers to Town residents with questions.

b. Provide informational displays of the areas of the Town that meet the requirements of the Town ordinance and are likely locations for a Large Wind Energy System.

c. Town residents who are

not able to attend the meeting shall have the option to provide written comments or questions to the applicant and/or Town.

d. In no instance shall this meeting take the place of a formal public hearing for the conditional use permit.

4. Application for a conditional use permit for a Large, Medium, or Small Wind Energy System shall be submitted to the Zoning Administrator with information as follows:

- a. Name, address, any legal corporate status and telephone number of the applicant, which by definition herein is the Owner, responsible for the accuracy of the application and site plan.
- b. Name, address, legal corporate status and telephone number of the future Owner of the proposed Wind Energy System if it is known that the future Owner will be different from the Owner making the application.
- c. For a Large Wind Energy System, a signed statement indicating that the Owner has legal authority to develop, construct, and operate the Large Wind Energy System(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA). The FAA will issue a signed statement when the precise location has been determined. Building permits will not be issued prior to receiving all signed statements, but a conditional use permit may be granted.
- d. For a Large Wind Energy System, an applicant shall also provide copies of the Proof of a Certificate of Authority or Certificate of Public Convenience and Necessity from the Public Service Commission of Wisconsin and the Public Service Commission of Wisconsin Environmental Impact Assessment, if applicable and when available.
- e. Description of the number and kind of Wind Energy System(s) to be installed.
- f. Description of the Wind Energy System's Total Height and design, including a cross section, elevation, and diagram of how the Wind Energy System will be anchored to the ground.
- g. Site plan, drawn to a scale of not less than 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100 feet beyond the subject site, karst features, support facilities, access, and proposed landscaping or fencing. An Owner of a Medium or Small Wind Energy System may provide less detail as determined by the Town.
- h. Photo exhibits visualizing the proposed Wind Energy System.
- i. Statement from the Owner that all Wind Energy System(s) will be installed in compliance with manufacturer's specifications and a copy of those manufacturer's specifications.
- j. Information regarding the impact of the Wind Energy System as to local infrastructure, anticipated noise, anticipated shadow flicker, line-of-sight communication, airports, aircraft landing fields and airspace, including aerial spraying.
- k. Information regarding use and modifications of roads and other public property during construction, operation, and decommissioning.
- l. For Large Wind Energy Systems, copy of all emergency plans prepared in collaboration with appropriate first-responders.
- m. Plan for decommissioning and site restoration.
- n. Evidence (a signed statement from the Owner and countersigned by the Participating Property Landowner) that the Owner has negotiated with adjacent Landowners and has obtained written agreements with all Landowners whose wind rights may be affected by the Wind Energy System's conditional use or who could otherwise potentially interfere with the Owner's wind access.
- o. Copy of the Wisconsin Distributed Generation Application Form and the Wisconsin Distributed Generation Interconnection Agreement
- p. Copy of the Statement indicating what hazardous materials will be used and stored on the site, and how those materials will be stored and disposed.
- q. A statement indicating how the Large Wind Energy System will be lit with the latest technology to minimize on-time, if lighting is required.
- r. A list of all potential permits or approvals the Owner anticipates may be necessary for construction of the Wind Energy System.

5. After the Owner notifies the Town in writing that all application materials have been filed, the Town shall notify the Owner no later than 45 days whether or not the application is considered complete. If considered incomplete, the Town will state the reasons for that determination. The day after the Town receives responses to all items that were considered incomplete, another 45-day completeness review period begins. If the Town fails to determine whether the application is complete or incomplete within 45 days after the application is filed, the application is considered to be complete. The Town may request additional information after the application is considered complete. The Town shall approve or disapprove the application no later than 90 days after the day on which the Town notified the Owner that the application was complete. Within the 90-day approval period, the Town may authorize an extension of the approval period for reasons allowed by Wisconsin statute s. 66.0401 (a) 4. The Town shall make a record of its decision-making proceedings as required by s. 66.0401 (a) 4.

6. A site grading, erosion control and storm water drainage plan shall be submitted to the Zoning administrator prior to issuing a building permit. At the Town's discretion, these plans may be reviewed by the Town's engineering firm. The cost of this review will be the responsibility of the Owner of the Large Wind Energy System.

7. The applicant shall acquire all other permits, including driveway/culvert permits and permits for work done in right-of-ways prior to construction.

8. Wind Energy Systems may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per Wind Turbine at Town Board discretion. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation, storage or distribution of the converted energy.

9. An applicant may submit one conditional use permit application for an entire Large, Medium, or Small Wind Energy System project located in the Town of Morrison, provided that a detailed map identifying parcel locations for all proposed Wind Turbines is provided to the Town of Morrison at the time a conditional use application is submitted. Each Wind Turbine's characteristics and specific siting will be considered individually but not independently as to its impact on health and safety.

10. No grading, filling, or construction may begin until the Town of Morrison Zoning Administrator issues a building permit. A separate building permit is required for each Wind Turbine to be constructed.

11. All Owners shall maintain insurance coverage commencing upon construction of the facility and continuing in effect for the life of the project as follows:

a. The Owner shall, at its expense, maintain a broad-form comprehensive coverage policy of public liability insurance insuring Applicant and Participating Landowners against loss or liability caused by Owner's occupation and use of the Property under the Lease, in an amount not less than five million dollars (\$5,000,000) of combined single limit liability coverage per occurrence, accident or incident, which has a commercially reasonable deductible. The Town shall be named as an additional insured on the policy.

b. Worker's compensation coverage in an amount required by Wisconsin law. The Owner shall require subcontractors and others not protected under its insurance to obtain and maintain worker's compensation and employers' liability insurance.

c. Certificates of insurance evidencing compliance with these requirements shall be provided to the Town. The insurer will provide notice to the Town in the event there is any change in the policies' owner(s), provisions, terms or conditions. All policies other than worker's compensation shall be written on an occurrence and not on a claim-made basis.

d. Upon each renewal of any of these insurance policies, proof of continuous liability in the minimum amount of five million dollars (5,000,000.00) per occurrence shall be submitted to the Town of Morrison indicating coverage for potential damages or injury to Landowners, occupants, Town property and Town roads, and other third parties. The Town shall be named as an additional insured on the policy.

12. The Town of Morrison shall require an irrevocable letter of credit, bond, cash escrow, and/or personal guarantee, held in trust in favor of the Town of Morrison to recover the costs associated with removal of a use-terminated Wind Energy System and appurtenant facilities. The amount of the irrevocable letter of credit, bond, cash escrow, and/or personal guarantee shall be negotiated by the Town of Morrison prior to conditional use permit approval and shall remain in effect until released by the Town. The Morrison Town Board will determine which method of financial security will be allowed. The Town may solicit estimates from consultants or construction entities to determine the dollar amount required to dismantle and dispose of the Wind Energy System. Every five years the Town may evaluate whether the dollar amount of the decommissioning funds are still adequate and, if necessary, require an adjustment to the amount by requiring additional funds from the Owner.

13. On-site construction of a Wind Energy System authorized by conditional use permit shall be started within twenty-four (24) months of issuance of the conditional use permit and completed within thirty-six (36) months of issuance of the conditional use permit, or in accordance with a timeline approved by the Town Board. Upon request of an Owner and for good cause, the Town Board may grant an extension of time.

14. The Owner of a Large Wind Energy System shall submit a copy of all "as-built" plans including structural engineering and electrical plans for all towers following construction to the Town to use for decommissioning of Large Wind Energy System, if Large Wind Energy System Owner or its assigns fail to meet the requirements of this ordinance.

15. The Town may require additional conditions to ensure safety and proper land use fit to the surrounding area.

16. The Town of Morrison will periodically review any conditional use permits. The first review will be one (1) year after operation commences. Thereafter, a review will take place every five (5) years. The purpose of the review is to determine whether the Owner has complied with the terms and conditions of the conditional use permit. There will be a charge at the Owner's expense for the review process. The Town may alter the frequency of these reviews for Small and Medium Wind Energy Systems.

17. An Owner shall not make any material changes in an approved design, location, construction, or operation of a Wind Energy System without the prior written approval of the Town.

18. The conditional use permit issued to the Owner is not assignable (except as collateral to obtain financing) or transferable to any other person, firm or corporation, whether by operation of law or otherwise, without the express prior written consent of the Town, for which consent is not to be unreasonably withheld. In addition to any other requirement imposed by the Town with regard to a proposed assignment, the assignee must submit an affidavit demonstrating its agreement to assume all of the Owner's rights, duties and obligations under the conditional use permit, including, without limitation, the financial security provisions.

19. The Owner shall cooperate with any study of the effects of Wind Energy Systems coordinated by a state agency.

E. Applicability

1. The requirements of this ordinance shall apply to all Large, Medium, or Small Wind Energy Systems for which permit application have been accepted as complete after the effective date of this ordinance. Wind Energy Systems for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided, however, that any such pre-existing Wind Energy System which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this ordinance prior to recommencing production of energy. No modification or alteration to an existing Wind Energy System shall be allowed without full compliance with this ordinance.

F. General Requirements for Wind Energy Systems

1. Principal Accessory Use

a. Wind Energy Systems may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy System or a part of such facility on such lot provided that all requirements of this ordinance or, when allowed, requirements modified by the Town are met. Wind Energy Systems constructed and installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

b. A building permit, issued by the Town of Morrison Zoning Administrator, shall be required for each individual Wind Energy System structure prior to construction of any part of the Wind Energy System.

2. Design and Installation

a. Wind Turbines shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white to prevent sun glare.

b. At Large Wind Energy System sites, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the Large Wind Energy System to the natural setting and existing environment.

c. Owner is responsible for properly maintaining all landscaping, including grass cutting.

d. Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration's (FAA) minimum standards using red lights, if possible. Lighting shall be shielded from ground view to the extent allowed by FAA's maximum

standards. Technology which turns-on lighting only when aircraft approaches the area shall be used by the Owner unless specifically not permitted by the FAA.

e. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer or operator of the Large Wind Energy System.

f. All Wind Energy Systems shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

g. To the extent applicable, all Wind Energy Systems shall comply with all building, mechanical, electrical, and industry codes and standards. To ensure the integrity of the Large Wind Energy Systems, the Owner shall maintain the Wind Energy Systems in compliance with Good Utility Practice for Wind Energy Systems. If, upon inspection and advice by a qualified expert in Good Utility Practice, the Town reasonably concludes that any of component of a Wind Energy System fail to comply with Good Utility Practice or constitute a danger to persons or property, then upon notice being provided to the Owner, the Owner shall have 30 days to bring the non-compliant Wind Energy Systems into compliance with such standards or, if the 30 days is insufficient time to cure the non-compliance, the Owner shall present a plan to the Town describing the reason for the delay and the timeframe for the cure to be put in place. The Town shall determine whether the plan is acceptable or has to be redone to avoid the decommissioning process as provided for in this Chapter.

h. Electrical controls, control wiring, and power lines shall be wireless or below ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network adjacent to that network.

i. All electrical components of a Wind Energy System shall conform to relevant and applicable local, state, national, and international codes, including IEEE 1547, UL1741 and PSC 114.

j. At the discretion of the Town, the Town may hire a Wisconsin-licensed Professional Engineer or other expert as an electrical consultant to review the electrical system design, including those to eliminate stray voltage, and to oversee the installation of the Large Wind Energy System. The cost of the consultant will be the responsibility of the Owner of the Large Wind Energy System.

k. The Owner of a Wind Energy System shall defend, indemnify, and hold harmless the Town of Morrison and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the Owner concerning the operation of the Wind Energy System without limitation, whether said liability is premised on contract or tort.

l. The Owner of the Wind Energy System shall reimburse the Town, County, and State for any and all repairs and reconstruction to the public roads, culverts, and natural drainage ways resulting directly from the construction of a Wind Energy System. A qualified independent third party, agreed to by the Town, County, or Owner, and paid for by the Owner, may be hired to inspect the roadways to be used during construction. This third party shall evaluate document, videotape, and rate road conditions prior to the construction of the Wind Energy System and again upon notification of the completion of the Wind Energy System project. Any road damage done by the Owner or subcontractors shall be repaired or reconstructed at the Owner's expense. The Town of Morrison may require a bond or cash escrow, held in trust in favor of the Town of Morrison, to recover the costs associated with the repair of roadways damaged by the construction of any Wind Energy System.

- m. Where Wind Energy System construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site, at the Owner's expense, to the satisfaction of the Landowner or Town.
- n. Any recorded access easement across private lands to a Wind Energy System shall in addition to naming the Wind Energy System Owner as having access to the easement shall also name the Town of Morrison as having access to the easement for purposes of inspection or decommission.
- o. The Owner of a Large Wind Energy System shall reimburse the Town of Morrison for any and all legal notices, meeting fees, and reasonable fees for consulting, legal advice, and engineering. Fifty percent of the estimated fees related to the permit application and its review shall be paid in advance by the Owner before a written decision is issued. The Town shall submit copies of all related Town-paid invoices to the Large Wind Energy System Owner for timely repayment to the Town.
- p. Any Medium and Large Wind Energy System that does not produce energy or a component which is no longer needed for production of energy for a continuous period of twelve months, excluding time spent on repairs or improvements, shall be considered abandoned and shall be decommissioned in accord with the Decommissioning provisions of this ordinance. The Owner shall notify the Town when a Wind Energy System has not produced electricity for a continuous twelve months. Any person may ask the Town to investigate whether a Wind Energy System is still producing energy. If requested by the Town, the Owner shall provide evidence of energy production in a form acceptable to the Town.
- q. The Large Wind Energy System Owner shall maintain a toll-free phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information shall be supplied to the Town Clerk and, if a Large Wind Energy System, posted at each facility site.
- r. No blasting shall occur in connection with the construction of the facility unless the Owner has provided prior notification to the property owner, any abutting property owners, property owners within 1,500 feet of the blasting site, and the Town Board. All blasting shall be done in accordance with all applicable laws, regulations and ordinances.
- s. At the discretion of the Town, the Town may consult with the Land and Water Conservation Office of Brown County and/or the Department of Natural Resources (DNR) to review site plans prior to construction to ensure the least amount of impact on farm fields and sensitive areas. Construction of structures and trenches shall be avoided in environmentally-sensitive areas. The Town or these two agencies shall require the identification of sensitive areas by the Owner. The Large Wind Energy System Owner will be responsible for all costs associated with this review.

G. Setbacks

1. The Owner shall work with the Town and landowners to site Wind Energy Systems so that hardships are minimized. Wind Energy Systems shall not negatively impact private air landing strips or aerial spraying activities unless compensation is agreed upon by those persons affected.

2. Inhabited Structures

- a. Each Large Wind System shall be set back from the nearest inhabited structure a distance of the greater of two (2) times its total height or one thousand (1,000) feet
- b. The Morrison Town Board may grant a waiver to this requirement for a Participating and/or Non-Participating Landowner to decrease the setback. In no instance shall the setback be decreased to less than 1.5 times the total height of the Wind Turbine. This waiver shall be signed

by the impacted property owner(s) and recorded with the property record at the Brown County Register of Deeds.

c. Each Small and Medium Wind Energy System shall be set back no less than 1.5 times the Total Height of the Wind Turbine from any inhabited structure.

3. Property Lines

a. Each Large Wind Energy System shall be set back no less than 2640 feet from the nearest property line of a Non-Participating Property. Each Small and Medium Wind Energy System shall be set back no less than 1.5 times its Total Height from the nearest property line of a Non-Participating Property.

4. Public Roads

a. Each Large, Medium, and Small Wind Energy System shall be set back from the nearest public road right-of-way a distance no less than 1.5 times its Total Height.

b. The Morrison Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest.

5. Communication and Utility Lines

a. The Owner of a Wind Energy System must meet all utility company setbacks and/or easements. The Owner of a Wind Energy System is responsible for contacting the appropriate utilities to determine location of all above and underground utility lines including, but not limited to, electricity, natural gas, petroleum, propane, cable television, and communications.

b. Owner of a Wind Energy System shall also contact Landowners for the location of private underground facilities in the area of excavations.

c. Utility line and/or easement locations shall be provided to the Town of Morrison for verification.

H. Karst Features and Ground Water

1. The Town of Morrison recognizes how susceptible our ground water supply is to contamination due to karst features located in the Town.

2. The Town may require consultation with the Brown County Land and Water Conservation Department, the Wisconsin Department of Natural Resources and/or any appropriate government agency. The Town may require the Owner to develop an excavation design and procedure plan which shall include, but not limited to, identification of bedrock areas within twenty-four inches of any excavation, determination of slope gradients, mapping of sensitive geological features, evaluation of trench and road access path options. The excavation design and procedure plan shall include avoidance of karsts, sinkholes, and other sensitive geological features and specify procedures for minimizing soil compaction, mixing of soil types, and damage to drainage systems. The plan shall include special design specifications and construction procedures for all excavations to prevent any possible migration of contamination via these excavations, including consideration of trench breakers and trench liners. The Town may hire a consultant, at the expense of the Wind Energy System Owner, to review the excavation design and procedure plan and may require changes based upon this review. In addition, the Town may hire an inspector to monitor that all excavations, material laying, backfilling and surface restoration are done according to the plan accepted by the Town.

3. The Owner shall complete a storm water and soil erosion control plan to prevent contamination of wetlands via surface runoff and groundwater via karsts, sinkholes, and other geological features during the construction and operation of any Wind Energy System. If state regulations do not require their approval of the plan, the Town may hire a consultant to review the plan at the Owner's expense.

4. At the request of the Town, the Owner of the Large Wind Energy System may be required to run water tests on wells where Large Wind Energy System structures and excavations such as, but not limited to, foundations and cable trenches will be located, both prior and after construction of the Large Wind Energy System. The Owner of the Large Wind Energy System will be financially responsible for any costs associated with the testing of wells. The Town Board will determine how large the test area needs to be based on factors such as where bedrock is located. The State Board of Health has recommended well-testing be done within one mile of pathways which includes excavations within 24 inches of bedrock. The Owner of the Large Wind Energy System will be financially responsible for any contamination to wells which tested acceptable prior to construction but are not acceptable after construction. The Town Board will determine the time period when the testing will take place. A consultant may be hired to develop and oversee the testing process. Any associated costs to the Town and any landowners shall be reimbursed by the Owner.

I. Sound and Vibration

1. An Owner shall procure or design a proposed Wind Energy System to minimize sound at an inhabited structure to the extent reasonably practicable.

2. An Owner shall design a Wind Energy System to comply with the sound standards in this section under all planned operating conditions.

3. The Owner shall provide the sound level specifications of the Wind Energy System's manufacturer. Sound modeling, pre-construction baseline testing and post-construction testing may be required by the Town. When required, any modeling or testing shall be performed by an independent qualified acoustical consultant selected by the Town Board at the Owner's expense. Results of the pre-construction modeling shall be submitted with the conditional use permit application. The Owner may be required to submit their own modeling study and test results for review by the Town's consultant. If the Owner submits their own study, data showing the historical accuracy of their modeling shall also be submitted. If any of the modeling shows that sound levels will exceed stated design limits listed below, setback must be adjusted to conform to the sound level limits. The sound modeling required will be determined by the Town and may include, but not be limited to, infra-sound, low frequency sound, broad spectrum and full spectrum testing at various wind speed conditions below turbine cut-in speed and between turbine cut-in speed and maximum sound speed, usually 6 mph and 13 mph, respectively, at five feet above ground level.

4. Ambient sound levels shall be measured at the closest exterior wall of all potentially affected inhabited structures and at the property line of all Non-Participating Properties adjacent to all of the Participating Properties. Ambient sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone. Ambient sound level measurements shall be performed before construction of a Large Wind Energy System. If and when ambient sound measurements are also performed after construction, the

Large Wind Energy System shall be shutdown during the test period. Ambient sound measurements may be taken when wind velocities at a proposed or existing project site are at sufficient levels which would allow operation of a Large Wind Energy System without the actual operation of such Large Wind Energy System, provided that the wind velocity does not exceed thirteen (13) mph at the ambient sound level measurement location.

5. When sound testing is required, sampling shall include LAeq, L10, and L90 metrics in both dB(A) and dB(C) scales. If the difference between dB(C) and dB(A) sound level measurements is more than 10 dB at any instance, a frequency analysis shall be required.

6. If the project consists of more than one Wind Turbine, the sound modeling and testing shall analyze the effects of the compounding of sound caused by multiple turbines and this effect upon inhabited structures and the property lines of adjacent Non-Participating Properties.

7. Sound testing, when required, shall conform to the applicable industry standards as provided by the American National Standards Institute such as, but not limited to, ANSI/ASA S12.9, S12.18, and S12.19 and by the International Electrotechnical Commission. Data sampling and sound level evaluations should consider the analysis outlined in "Baseline Environmental Sound Levels for Wind Turbine Projects" by George F. Hessler and David M. Hessler, published November 2006.

8. If a pre-construction baseline sound study was required, within twelve (12) months after the Wind Energy System is operational, and within four (4) weeks of the one-year anniversary date of the pre-construction baseline sound study, the Owner shall perform post-construction sound studies. If complaints are received prior to the one-year anniversary, the Town may determine there is the necessity to require the Owner to conduct sound studies before, and in addition to, the one-year post-construction study. The town may decide to have any study data reviewed by an independent acoustical consultant at the Owner's expense.

9. Pre-construction and post-construction sound studies shall be filed with the Town Clerk. Findings shall be forwarded to the Town Board as soon as possible.

10. Audible sound due to a Wind Energy System shall not exceed the lesser of 35 dB(A) for nighttime and 40 dB(A) for daytime or ambient sound level for L90 plus 5 dB(A) at any time when measured outside an inhabited structure at an exterior wall. In addition, low frequency sound levels shall not exceed the lesser of 50 dB(C) L(90) or exceed a 20-dB difference between Leq(C) and L90(A) levels when Leq(C) is higher than L90(A).

11. Any Wind Energy System shall not create an audible steady, pure tone such as a whine, screech, or hum or a vibration, whether or not created on the Wind Energy System itself or created when a Wind Energy System causes another structure or device to emit such sound or vibration. Any of these sounds or vibrations which can then be heard or felt on a Non-Participating Property shall be eliminated within 2 days by repair or shutting down the offending Wind Turbine.

12. If audible sound exceeds the sound level criteria of paragraphs 10 and 11, immediately above, the offending Wind Energy System must be shut down or operated in such a way as to meet these sound level criteria until repairs are completed unless a waiver is obtained from affected property owners.

a. The Town of Morrison reserves the right to review any repair plan, evaluate its effectiveness, and require reasonable changes.

13. In the event the ambient sound level, measured when the Wind Energy System is not operating, exceeds the applicable standard given in paragraph 10, the applicable standard shall be adjusted so as to equal the ambient sound level. The ambient sound level shall be expressed in terms of the highest whole number sound pressure level in dB(A) and dB(C) for L90A. In this case, the Owner shall be allowed to have sound levels 5 dB(A) above ambient measured as required in this Chapter.

14. Any sound level emanating from a Wind Energy System falling between two whole decibels shall be rounded to the higher of the two for determining compliance with the applicable standard.

15. The Owner shall pay for reasonable sound monitoring or measurements whenever the need is determined by the Town in response to demonstrable problems.

16. In the event the sound levels resulting from the Wind Energy System exceed the criteria listed above, a waiver to said levels may be granted by the Town provided the following has been accomplished.

a. Written consent from the affected property owners has been obtained stating that they are aware of the Wind Energy System and sound limitations imposed by this ordinance, and that consent is granted to allow sound levels to exceed the maximum limits otherwise allowed; and,

b. A permanent sound impact easement has been recorded in the Brown County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that sound levels in excess of those permitted by this ordinance may exist on or at the burdened property. Any continuing installment payment per a remuneration agreement stays with the property and is paid to whoever is the landowner at the time of the payment.

J. Minimum Ground Clearance

1. The blade tip of any Large Wind Energy System shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

2. The blade tip of any Medium Wind Energy System shall, at its lowest point, have ground clearance of no less than forty-five (45) feet.

3. The blade tip of any Small Wind Energy System shall, at its lowest point, have ground clearance of no less than thirty (30) feet.

K. Signal Interference

1. A Wind Energy System shall be sited and operated so that it does not interfere with commercial, personal and government communications including, but not limited to, telephone (including cellular and digital), standard digital TV (antenna), microwave, satellite (dish), navigational, weather forecasting facilities, internet, broadband or radio communications and reception to and from neighboring areas. The Wind Energy System shall not interfere with any and all future electromagnetic communications and technological mediums for home and business operations. The Owner shall be responsible for the full cost of any remediation necessary to provide equivalent or better alternate service or correct any problems. Remediation

shall continue for the life of the project. Owner shall use the latest technology as it becomes available in situations were remediation still had some residual negative impacts. Should remediation not be completed within five (5) business days after the Owner receives notice of the interference, the Owner shall be required to cease operations until remediation is completed. If the interference is adversely affecting emergency communications, the Owner shall immediately eliminate the interference or cease operations.

2. The Owner of a Large Wind Energy System shall provide a pre-construction critical communications study prepared by an independent Wisconsin-licensed Professional Engineer, selected by the Town Board at the Owner's expense. The study shall show that the proposed Large Wind Energy System will not interfere with emergency (fire, police/sheriff, ambulance), radio, two-way communications (base stations, mobile, hand-held radios, including digital), paging, broadband, standard digital TV (antenna), telephone (including cellular and digital), microwave, satellite (dish), navigational, weather forecasting facilities, internet or radio communications and reception to and from neighboring areas. The Town may modify this list in order to encompass all future electromagnetic communications and technological mediums for home and business operations.

3. If the applicant is a public utility, Administrative Code PSC 113.0707 also applies.

L. Shadow Flicker

1. The Wind Energy System Owner shall make reasonable efforts, including the use of automatic shadow sensors to stop the operation of an offending Wind Turbine, to eliminate shadow flicker effects upon any inhabited structure on Non-Participating Property. This requirement also applies to an inhabited structure built on Non-Participating Property after construction of the Wind Energy System.

2. The Owner of a Large Wind Energy System shall provide a shadow flicker assessment utilizing the latest technology with the conditional use permit application. Also, an engineering analysis of the historical accuracy of the modeling program shall be provided. The Town may hire a professional consultant to evaluate the quality of the assessment at the Owner's expense.

3. Whenever an inhabited structure on a Non-Participating Property experiences shadow flicker and the Landowner files a complaint with the Owner and/or the Town, all reasonable mitigation techniques shall be offered to the Landowner and provided as chosen by the Landowner at the Owner's expense.

M. Ice Shedding and Debris Throw

1. The Wind Energy System Owner shall ensure that ice or debris from the Wind Turbine blades does not impact any Non-Participating Property. For a Large Wind Energy System, the latest technology shall be used to detect ice formation and detect imbalance to shut-down the Large Wind Energy System before ice or debris becomes a danger.

N. Avian and Bat Impact

1. The Large Wind Energy System Owner shall make reasonable efforts to minimize avian and bat mortality from the operation of a Large Wind Energy System. The Town of Morrison may require an avian and/or bat impact study prior to issuance of a conditional use permit for a Large

Wind Energy System. The Owner of the Large Wind Energy System may submit an Avian or Bat Impact study from another community in the state as long as the avian or bat populations are similar and the study was not completed more than five (5) years prior to the conditional use permit request. The Owner is responsible for the cost of the study.

O. Waste Management

1. All solid waste, whether generated from supplies, equipment, parts, packaging, or operating or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards at the Owner's expense.
2. All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

P. General Safety

1. All electrical wires and lines running from each Wind Turbine or component to another Wind Turbine or component of the Wind Energy System shall be installed underground. The wires and lines running from a Wind Turbine or any component to any substation connecting to the electric utility shall also be run underground, unless the Town determines that overhead lines would best serve the intent of the ordinance.
2. Wind Turbine towers shall not be climbable up to fifteen (15) feet above ground level. When possible, ladders or steps shall be located inside of the tower. If the structure is a lattice design or such that it cannot be easily made unclimbable, a fence to prevent access shall be installed.
3. All access doors to Wind Turbine towers and electrical equipment shall be locked when unattended.
4. Appropriate warning signage shall be placed on any size Wind Turbine towers, electrical equipment, and at access points to Large Wind Energy System entrances.
5. The Large Wind Energy System site and all structures shall have an annual inspection report of structural stability done by a Wisconsin-licensed Professional Engineer, at the cost of the Large Wind Energy System Owner, with a report filed with the Morrison Town Clerk.
6. The Owner of a Large Wind Energy System shall submit an annual operations and maintenance report to the Town.
7. All substations shall be fenced to prevent public access. Chain link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier.
8. The Owner of the Large Wind Energy System shall post and maintain at each facility a 24-hour/7 days per week, manned telephone number in case of an emergency.
9. The Owner of the Large Wind Energy System shall provide qualified personnel to conduct training sessions to emergency responders before construction and whenever requested by the Town Board at the expense of the Owner.

10. The Owner of the Large Wind Energy System shall provide a company representative to accompany the local Fire Department Inspector during site visits. The Owner of the Large Wind Energy System shall comply with all applicable laws regarding those inspections.

11. The Owner of the Large Wind Energy System shall be responsible for the total cost of any incident(s) that occur on or at their facilities and/or properties.

Q. Stray Voltage

1. The Owner of the Large Wind Energy System shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a Wind Energy System pursuant to the stray voltage protocol established by the Public Service Commission of Wisconsin (PSCW) before any Large Wind Energy System construction activity, which may interfere with testing, commences and again after construction of the Wind Energy System is completed.

2. The Town may hire a qualified consultant to review the stray voltage prevention plan with the expense paid by the Owner.

3. The Owner shall work with the electric distribution company and any farm owner to rectify any stray voltage problems attributable to the construction and operation of the Large Wind Energy System in compliance with the Public Service Commission's stray voltage protocol.

4. If corrections of problems affecting farm operations cannot be completed in 5 calendar days, the Wind Turbines or grid interconnections shall be shut down or disconnected as necessary until the proper repair is completed.

R. Complaint Process

1. Making a complaint

a. An aggrieved person may make a complaint regarding failure by an Owner to comply with an obligation under this ordinance.

b. A complaint shall be made first to the Owner of the Wind Energy System and, if the complaint relates to a Large Wind Energy System, pursuant to a complaint resolution process developed by the Owner and accepted by the Town.

c. A complainant may petition the Town for review of a complaint that is not resolved within 45 days of the day that the Owner receives the original complaint.

2. Complaint Process

a. An Owner shall use reasonable efforts to resolve complaints regarding a Wind Energy System and shall investigate complaints regarding a Wind Energy System at the Owner's expense.

b. Upon receipt of a complaint, an Owner shall provide the complainant with a verbal acknowledgement of receipt of the complaint within two business days and a written acknowledgement and response describing the proposed solution within five business days. Within 10 days of receiving a complaint, or sooner if required elsewhere in this ordinance, an Owner shall provide the complainant an explanation as to what was done to resolve the complaint or explain why it has not been resolved and what is the schedule for resolving the complaint.

c. An Owner shall make a good faith effort to resolve complaints within 30 days of receiving a complaint or sooner if required elsewhere in this ordinance. An Owner shall notify the town of

complaints that have not been resolved within 30 days of the date when the Owner received the original complaint.

d. An Owner of a Large Wind Energy System shall maintain a log of all complaints received regarding the Large Wind Energy System. The Owner shall include the name and address of each complainant in the log, the nature of each complaint, and the steps taken to resolve each complaint. The Owner shall provide a copy of a complaint log monthly, at no cost, to the Town or designated monitoring committee contact.

3. Monitoring Committee

a. The town may establish a monitoring committee to oversee resolution of complaints regarding a Large Wind Energy System. A monitoring committee shall include on the committee a member who is a local employee of an Owner of a Large Wind Energy System and, if available, at least one Non-Participating Property landowner residing in the Town within 0.5 mile of a Large Wind Energy System that is located in the Town.

b. The monitoring committee, when established, may do any of the following:

(1) Maintain a record of all complaints brought to it.

(2) Require the Owner to provide the committee with information regarding the Owner's response to any complaint forwarded to the Owner by the committee.

(3) Recommend to the Town a reasonable resolution to a complaint based upon the information gathered by the committee.

S. Decommissioning of Large Wind Energy Systems

1. All Large Wind Energy Systems and appurtenances shall be removed from the site within seven (7) calendar months of the date of receipt of a use termination notice to the Town Board of Morrison by the Owner of the facility or its assigns. Upon request of the Owner or assigns of the Large Wind Energy System, and for good cause, the Morrison Town Board may grant a reasonable extension of time.

2. The site shall be stabilized, graded, and cleared of any debris by the Owner of the facility or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion.

3. Any foundation shall be removed to a minimum depth of eight (8) feet below grade, or to the level of the bedrock if less than eight (8) feet below grade, by the Owner of the facility or its assigns. Following removal, the location of any remaining Large Wind Energy System's foundation shall be identified on a map as such and recorded with the deed to the property with the Brown County Register of Deeds.

4. Upon abandonment of underground cables, locations where cables were severed or disconnected from above-ground facilities shall be sealed in a way to prevent migration of storm water runoff or contaminates into the trench areas.

5. Any access roads shall be removed, cleared, and graded by the Owner of the Large Wind Energy System or its assigns at the Owner's expense, unless the Participating Property Landowner wants to keep the access road. The Town of Morrison will not be assumed to take ownership of any access road unless through official action of the Town Board.

6. Decommissioning shall conform to the contract between Participating Property Landowner and the Owner of the Large Wind Energy System, subject to the requirements set forth in this ordinance.

T. Forfeiture

1. Any Wind Energy System, its turbine or appurtenant facility hereinafter significantly erected, moved or structurally altered in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure.

2. Any Wind Energy System that does not meet the requirements of this ordinance, including but not limited to, those dealing with sound or visual appearance, or does not meet the conditions attached to an approved conditional use permit shall provide grounds for revocation of the conditional use permit, thereby deeming the facility an unlawful structure.

3. The Zoning Administrator shall report all such violations to the Town Board who may then refer the matter to the town attorney to bring action to enjoin the erection, moving or structural alteration of such facility or to cause such facility to be vacated or removed.

4. Any person, firm, corporation, agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance; shall upon conviction thereof forfeit no less than \$1,000 and not more than \$5,000 per offense together with the costs of prosecution, and in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

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

U. Review

1. Nothing in the ordinance shall be construed as limiting an aggrieved person's right to a Certiorari Review in Circuit Court as permitted by Wisconsin Law.

V. Severability

1. The sections, paragraphs, sentences, clauses, articles and phrases of this ordinance are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such find shall not affect the remaining portions of this ordinance.

W. Fees

1. Owner shall reimburse the Town's actual reasonable fees and costs incurred in the preparation, negotiation, review, inspection, administration and enforcement of the conditional use permit, including, without limitation, the Town's attorneys' fees, engineering and expert consultant fees, meeting/hearing fees and the costs of public notices. The preceding fees are payable within 30 days of invoice. Unpaid invoices shall bear interest at the rate of 1% per month until paid. The Town may recover all reasonable cost of collection, including attorney's fees.

X. Impact Fees

1. The Town of Morrison retains the right to negotiate an Impact Fee on Large Wind Energy Systems with the Owner of a Large Wind Energy System.

Y. Tax Hold Harmless

1. The parties acknowledge that the shared revenue payments payable to the Town under current state law may be revised or revoked by future legislatures. If the shared revenue payments payable to the Town are eliminated or reduced, the Owner will pay to the Town an amount not less than the amount payable at the time of the issuance of the conditional use permit. The Owner’s obligation to make such payments shall cease if the state adopts or implements a new mechanism to replace the shared revenue payments, to the extent that the new payment mechanism produces revenue not less than the revenue payable under the predecessor program.

2. The parties further acknowledge that the shared revenue payments are paid to the Town directly by the State of Wisconsin, not the Owner. Regardless, the Owner agrees to supplement the Town’s annual shared revenue payments actually received by an amount equal to the annual percentage change of the Consumer Price Index as of January 1 of each calendar year beginning on the first January following the date that the Town receives its first payment from the State. For purposes of this escalator clause, the Consumer Price Index means the U.S. Department of Labor, Bureau of Statistics, Price Index for the United States, All Urban Consumers, all Items, unadjusted Index.

Z. Defense of Land Use Decision

In addition to the indemnification described above, the Owner shall reimburse the Town its reasonable attorneys’ fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of the conditional use permit. If the Town seeks reimbursement, it shall notify the Owner in writing promptly upon discovery of any claim entitling it to a land use defense reimbursement, but in no event later than 60 days after receiving written notice of any action, lawsuit, proceeding investigation or other claim against it which may give rise to a claim for a land use defense reimbursement.

AA. Time is of the Essence:

Time is of the essence in the performance of the requirements of the conditional use permit.

The above foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Morrison, Brown County, Wisconsin, held on the 12th day of May, 2011.

Ayes _____
Todd Christensen, Chairman

Nays _____
Kevin Collins, Supervisor

,

Tim Harmann, Supervisor

Filed this 12th day of May, 2011
In the office of the Morrison Town Clerk

Colleen Magley, Clerk

Reviewed by:
Town of Morrison Planning Commission
and Glen Schwalbach as Consultant

Amended May 12, 2011

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,

ARTICLE XXVI

ORDINANCE RELATING TO THE KEEPING OF POULTRY IN RESIDENTIAL AND ESTATE RESIDENTIAL ZONES

1. PURPOSE

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this ordinance to permit the keeping and maintenance of poultry for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

2. DEFINITIONS

- a. Person/Owner shall include every person who owns, harbors, or keeps poultry.
- b. At Large Animals. Animals are considered at large when they are off the premises owned, leased or rented by its owner unless crated, penned, or under the control of a person able to control the animal.
- c. Poultry. For the purpose of this ordinance poultry means domesticated birds that serve as a source of eggs or meat. This includes chickens, turkeys, ducks, geese, peafowl, pigeons, pheasants and other commercially raised poultry.
- d. Coop means the structure for the keeping or housing of poultry permitted by the ordinance.
- e. Officer means person designated by the Town Board to enforce this ordinance.
- f. Run means a fully enclosed area attached to a coop where the poultry can roam unsupervised.

3. GENERAL ORDINANCE

- a. If the Town Board determines that conditions are unsanitary, or if for any reason a nuisance exists, the owner of the premises shall be ordered to abate the nuisance.
- b. Any current grandfathering will be allowed as long as the provisions for grandfathering are followed according to State Statute 170, Nonconforming uses.
- c. The maximum number of poultry allowed per parcel is based on the residential zone:
 1. Estate Residential – twenty (20)
 2. Residential – ten (10)

4. CONFINEMENT OF POULTRY

- a. No person shall permit any poultry to run at large in Residential Zones.

b. Poultry shall be kept in an enclosure such as a coop or fenced area used for poultry.

5. SETBACKS

a. No coop used to keep poultry shall be located within 15 feet of any principal structure which is not owned by the person possessing said poultry.

6. PENALTIES

Penalties will be assessed according to the Town of Morrison Bond Schedule.

Adopted June 9, 2015

**TOWN OF MORRISON
BROWN COUNTY, WI**

Solar Energy Systems Zoning Ordinance

Section 1 – Purpose

- A. The purpose of this ordinance is to preserve neighborhood aesthetics while encouraging sustainable solar energy design.
- B. Establish standards for the proper installation of Solar Energy Systems,
- C. Comply with State Law Standard requirements, Sec. 66.0401, Wis Stats, relating to local regulation of solar energy systems.
- D. Provide a regulator scheme for the construction and operation of Solar Energy Systems.
- E. Preserve and protect public health and safety.

Section 2 – Definitions

- A. Solar Array. An accessory system or device that is roof-mounted with poles or racks used to collect radiant energy directly from the sun for use in a solar collector’s energy transformation process mainly for personal use.
- B. Solar Collector. A device, structure, or part of a device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical, or electrical energy.
- C. Solar Energy System. An array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

Section 3 – Solar Array Permit Requirements

- A. Solar Array. Equipment which directly collects, converts and then transfers or stores solar energy into usable forms of thermal or electrical energy for personal use. ‘Solar Array’ includes the following:
- B. Permit Not Required
 - 1. Solar powered light fixtures that are ground or wall mounted.
 - 2. Solar powered electric fences
 - 3. Solar powered devices under 1000 watts
- C. Permit Required
 - 1. Building-mounted solar energy systems are subject to the following:
 - a. For purposes of this exception, ‘building mounted solar energy system’ shall refer to an accessory use that consists of the installation of

equipment mounted on a building or incorporated into exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.

- b. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached,
- c. All portions of the system shall comply with the maximum height requirements of the zoning district in which it is located.
- d. The panels of a system that are mounted on a flat roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
- e. The panels of a system that are mounted on a pitched roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
- f. A solar energy system may be mounted on the façade of a commercial building provided the installation does not project more than four feet from the face of a wall.
- g. All panels shall be certified by one of the following (or their equivalent as determined by the Town): Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation.
- h. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the Town may order the removal of the inoperable panels.
- i. Solar Arrays require a building/electrical permit from the Town of Morrison's Building Inspector prior to installation.
- j. An accessory solar array may be allowed in size over 1,000 square feet in residential zones for buildings with 4 dwelling units or less.

Section 4– Solar Energy System Permit and Application

A. Solar Energy Systems:

1. Solar Energy Systems are designed primarily for serving off-site power needs and are principal uses of the property requiring a Solar Energy System Permit.
2. A Solar Energy System shall follow building setback and height requirements for principal structures within the zoning district it is proposed.
3. Solar Energy Systems require a Solar Energy System Permit.

B. Every application for a Solar Energy System Permit shall be made in writing and shall include the following information:

1. Name and address of the applicant and the name and contact information for a designated representative of the applicant.
2. Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application
3. Scaled drawing of the Solar Energy System and its dimensions, its locations, its height above ground level, orientation, and slope from the horizontal.
4. Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots within 300 feet of the Solar Energy System.
5. Documentation showing that no reasonable alternative location exists for the Solar Energy System that would result in less impact on neighboring lots.
6. Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the Solar Energy System that would result in less impact on neighboring lots.
7. A landscape plan that includes proposed topography, grubbing and clearing along with plantings and final vegetation.
8. An emergency service plan must be established in accordance with Fire Department requirements.
9. Such additional information required by this section may be waived by the Town at its discretion.
10. An applicant for a Solar Energy System exceeding one (1) megawatt (MW) shall deposit an application fee of twenty-five thousand dollars (\$25,000) with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of notices, the cost Town reviews, the cost of services necessary to review an application that are provided by town officials, outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit regardless of the final outcome of the application. The applicant shall maintain a minimum of ten thousand dollars (\$10,000) in the account until the review process and construction (if approved) is completed. If the balance in the account drops below ten thousand dollars (\$10,000), the applicant shall deposit additional money to bring the account balance to twenty-five thousand (\$25,000) within five (5) business days or receipt of written notice from the Town. The Town will refund any remaining balance in the account

within sixty (60) days after the final inspection and Town approval of the constructed solar energy systems or within sixty (60) days after denial of the application. The Town reserves the right to refuse continued review of an application in the event an applicant fails to comply with this subsection.

C. Review of Solar Energy System Permit Application

The Town will consider each Solar Energy System on a case-by-case basis following the procedures in Section 4 of this Ordinance except as modified in this Section. In addition to the notice requirements set forth in this ordinance, the applicant shall provide written notice of its application to the owners and occupants of all properties located within 1,000 feet of any parcel upon which any portion of the proposed solar energy system will be located. The Town may deny a permit for a Solar Energy System or may impose restrictions on a Solar Energy System if the Town finds that the denial or restrictions satisfy one of the following conditions:

1. The denial or restriction serves to preserve or protect the public health or safety.
2. The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
3. The denial or restriction allows for an alternative system of comparable cost efficiency.

D. Solar Energy System Restrictions

The Town may impose restrictions on a Solar Energy Systems relating to any of the following:

1. Location of the Solar Energy System
2. Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
3. Wiring and electrical controls of the Solar Energy System
4. Reimbursement for emergency services required as a result of the Solar Energy System
5. Solar Energy System ground clearance
6. Solar Energy System height
7. Shared revenue, payments in lieu of taxes and other financial matters
8. Financial security, such as bonds, cash deposits, or letters of credit
9. Decommissioning
10. Road restoration
11. Compensation to affected property owners
12. Any other matters that the Town finds appropriate

Section 5 – Revocation

Any permit granted for the installation or maintenance of a Solar Array or Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a permit granted pursuant to this ordinance.

XXVI SUBDIVISION ORDINANCE

ARTICLE I

INTRODUCTION

A. Authority. (1) This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Morrison, to §§. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal recommendation of this Ordinance on **October 8, 2009** from the Town Plan Commission under §§. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Morrison is the Town of Morrison Plan Commission.

(2) This ordinance shall be interpreted and enforced by the Town Board, Town of Morrison.

B. Adoption. The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Morrison. Pursuant to §. 236.45 (4), Wis. stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch. 985, Wis. Stats.

C. Title. This ordinance shall be known and cited as the “Land Division and Subdivision Regulations, Town of Morrison, Brown County, Wisconsin.”

D. Purpose and Intent. The purpose of this ordinance is to promote the public health, safety and general welfare of the Town of Morrison, and to:

- (1) Preserve the rural character, scenic vistas, and natural beauty of the Town;
- (2) Supplement County, State, and Federal land division controls;
- (3) Encourage the most appropriate use of the land throughout the Town;
- (4) Minimize the impact to the public resulting from the division of large tracts into smaller parcels of land in the Town;
- (5) Provide the best possible environment for living in the Town;
- (6) Enforce the goals and policies set forth in any Town of Morrison Comprehensive Plan;

- (7) Avoid congestion and provide adequate ingress and egress on the streets and highways to ensure that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town;
- (8) Realize goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town;
- (9) Further the orderly layout and use of land;
- (10) Secure safety from fire, panic and other dangers;
- (11) Provide adequate light and air; to prevent the over-crowding of land;
- (12) Require Conservation Subdivision design as the primary means for residential subdivision development;
- (13) Conserve the value of prime agricultural soils;
- (14) Protect and preserve natural resources, wildlife habitat, and open space to the greatest degree possible;
- (15) Facilitate the division of larger parcels into smaller parcels of land;
- (16) Provide for administration and enforcement of this Ordinance by the Plan Commission and Town Board, and;
- (17) Insure that residential development in the Town occurs in an orderly manner and is consistent with the Town of Morrison Comprehensive Plan.

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

F. Abrogation and Greater Restrictions. (1) It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

G. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

H. Modification of Regulations. (1) When the Town Board finds that injustice or hardship will result from strict compliance with this Chapter, it may allow divergence from the terms hereof to the extent deemed necessary and proper to grant relief, provided that the modification meets all the following standards:

- (A) The modification is due to the unique physical features of the site;
- (B) The modification is the minimum deviation from the terms of this chapter necessary to mitigate the injustice or hardship; and
- (C) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this chapter.

(2) Application for any modification shall be made in writing by the Subdivider at the time the application is filed for consideration, stating specifically the circumstances upon which the Subdivider is relying, the modification requested, and how the requests meets the standards set forth above. The request shall be supplemented with maps, plans and other additional data that may aid the Town Board in the analysis of the request.

(3) The Town Board at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.

(4) If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Town of Morrison Fee Schedule. The Board shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication in the Class 1 notice, under Ch. 985. A copy of such notice shall be mailed by first class mail with an Affidavit of Mailing at least 10 days prior to the date of such hearing to all property owners within one mile of the subject site as listed on official tax property rolls as of the date of application.

(5) A majority vote of the entire membership of the Board shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Board setting forth the reasons which, in the opinion of the Board, justified the modification.

I. Repeal. All other ordinances or parts of ordinances of the Town of Morrison inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

J. Effective Date. This ordinance shall be effective after a public hearing, adoption by the Town Board of Morrison, and publication. The effective date for this ordinance is _____ day of _____, **2010.**

K. through N. Reserved for future use.

ARTICLE II
GENERAL PROVISIONS

O. Coverage and Compliance. (1) This Ordinance applies to all lands in the Town of Morrison. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.

(2) No person, unless exempt under this Ordinance, shall divide or create a division of any land in the Town of Morrison subject to the requirements of this Ordinance and no land division shall be entitled to be recorded in the Office of the Register of Deeds for Brown County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:

- (A) All requirements of this Ordinance;
- (B) Chapter 236, Wis. Stats;
- (C) The Town of Morrison Comprehensive Plan adopted under §. 66.1001, Wis. stats., or other Town Land Use Plan or any component thereof;
- (D) The applicable Town of Morrison and Brown County zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations;
- (E) State Department of Natural Resources and State Department of Commerce administrative rules on wetlands, shorelands, sewers, septic systems, potable water supply, and pollution abatement;
- (F) All applicable State and local sanitary codes;
- (G) All applicable Town of Morrison Ordinances;
- (H) All State Department of Transportation and Brown County Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street;
- (I) All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to §. 62.23, stats., and any other applicable Town, County, or extraterritorial authority ordinances and regulations.

(3) No land shall be divided or any land division occur if any parcel created by the land division is smaller than 32,000 square feet (approx. 3/4-acre) in a conservation

subdivision within the Residential (R) District or the Estate Residential (ER) District. Parcels smaller than 32,000 square feet may be allowed in the Planned Residential Development District contingent upon approval of the Plan Commission.

(4) Any parcel in the Town of Morrison, which shall be divided by a land division regardless of the parcel size or number of parcels created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Brown County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.

(5) All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded.

(6) Any outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the outlot.

(7) No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, or outlots, or create plats or maps on any land in the Town of Morrison in violation of this Ordinance or the Wisconsin Statutes.

(8) No person shall request, nor be issued by the Town Board, a driveway or culvert permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Morrison, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.

(9) All land division approvals required by the Wisconsin Department of Administration, or its successor Department, for specific land divisions, including any Statutory Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained as a condition of approval by the Town Board or its designees.

(10) All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the land divider. Final plat approval shall comply for recording with §236.21 and §236.25 Wis. Stats.

(11) No persons shall make, record, or replat any land division, except as provided under §70.27(1) Wis. Stats if it alters acres dedicated to the public without proper Court action to vacate or discontinue such plat, map, or part thereof.

(12) No land shall be issued a land division approval if the Town of Morrison Plan Commission determines that any proposed land division plat or Certified Survey Map

will materially interfere with neighboring agricultural uses or will conflict with other goals, objective, and policies as set forth in the Town Comprehensive Plan.

(13) No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Morrison.

(14) No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Morrison governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Morrison, or likely to cause a public nuisance in the Town of Morrison. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.

(15) No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Zoning Administrator.

(16) No person shall be issued any land division approval by the Town of Morrison who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Morrison.

(17) No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.

(18) No person shall be issued a final land division approval by the Town Board until the Subdivider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities (as applicable):

- (A) Town of Morrison Plan Commission
- (B) Brown County Planning and Zoning Department
- (C) Wisconsin Department of Natural Resources (WDNR)
- (D) Wisconsin Department of Commerce (WDOC)
- (E) U.S. Army Corps of Engineers
- (F) U.S. Fish & Wildlife Service

(19) No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary alteration of any existing utilities by virtue of a land division within the public right-of-way.

(20) No person shall be issued a final land division plat approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or Certified Survey Map area meet the requirements established in writing by the Town Board.

(21) The Town of Morrison shall not be responsible, with respect to any final land division for any public improvements, and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.

(22) No person shall be issued a final land division approval by the Town Board unless any roads proposed to be dedicated to the Town of Morrison have been specifically approved for dedication by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Morrison Plan Commission, and as recommended by the Town of Morrison Engineering Consultant.

(23) No person shall be issued a final land division approval by the Town Board unless any natural gas, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel or outlot in the proposed land division.

(24) No person shall be issued a final land division approval by the Town Board unless formal dedication of parks, open space, or sites for other public use have been made if required by the Town Board at no cost to the Town of Morrison.

P. Combining Parcels. Parcels shall be combined into one parcel when a use, structure, or structural addition occupies more than one parcel under the same ownership.

Q. Combining Description. Land described in Sections XX.11 and XX.12 shall be combined into one parcel by Certified Survey Map procedures and recorded in the County Register of Deeds Office.

R. Land Suitability. (1) No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

(A) All areas mapped as Floodway by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources (WDNR), Wisconsin Department of Commerce (WDOC) or other public or private entity and incorporated into the County Floodplain Ordinance.

(B) All areas mapped Wetland by the WDNR and depicted on the Wisconsin Wetlands Inventory Maps,

(C) All areas within seventy-five (75) feet of the ordinary high-water mark of navigable streams, as identified on, but not necessarily limited to, the United States Geological Survey 7.5 minute quadrangle maps, and

(D) All areas having slopes steeper than twelve (12%) percent.

(E) Areas determined to be environmentally sensitive may be included in a land division if identified as an outlot or other designation that would indicate that the land is not available for development.

(F) No land division shall be allowed where such division shall increase the non-conformity of a structure, use, or parcel, or where a non-conforming structure, use, or parcel would be created as a result of the division without a properly reviewed and approved variance.

(G) All land divisions creating ten or more parcels (or lots) and located in areas not served by municipal wastewater treatment systems will be served by clustered wastewater treatment systems approved by the Town, County, WDOC, and WDNR. Developers are encouraged to consider clustered wastewater treatment systems for all lot sizes smaller than one-acre.

(H) No parcel two (2) acres or less in area with ½-acre (21,780 sq. ft.) or more of the parcel within a floodplain shall include an on-site sanitary sewage disposal system (e.g., septic tank, mound, etc.).

(I) All parcels two (2) acres or larger in areas served by on-site sanitary sewage disposal shall contain not less than twenty-two thousand (22,000) square feet of land which is at least two (2) feet above the elevation of the 100-year flood plain, or if such information is not available, five (5) feet above the maximum flood of record.

(J) Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites served by on-site soil absorption sanitary sewage disposal systems.

(K) Each parcel shall have a continuous area of at least three thousand (3,000)

square feet which has ground slopes not exceeding twelve (12) percent.

(L) The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the Subdivider an opportunity to present evidence in rebuttal to such findings of unsuitability if he/she so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

S. Environmentally Sensitive Areas. (1) Environmentally sensitive areas shall consist of the following water-related features:

(A) Wetlands

(B) Land within fifty (50) feet of wetlands that are larger than two (2) acres in size.

(C) Floodways plus fifty (50) feet (but not beyond the floodplain boundary) or seventy-five (75) feet beyond the ordinary high-water mark, whichever is greater.

(D) Land within one-hundred (100) feet of navigable waters if there is no WDNR approved flood study.

(E) Land within twenty-five (25) feet of non-navigable waterways shown on the USGS topographic quadrangle maps (7.5-minute series).

(F) Steep slopes of twelve percent (12%) or greater that are immediately adjacent to or extend into any of the features listed above.

(2) Environmentally sensitive areas shall be shown on all preliminary and final plat maps and certified survey maps unless waived by the Plan Commission. Except for amendments approved by the Plan Commission or WDNR, restrictions shall be placed on all plats and certified survey maps regarding development and land-disturbing activities within environmentally sensitive areas. Notes or disclaimers may be included on plats and certified survey maps indicating that the extent of the environmentally sensitive area is subject to change due to the granting of amendments, revisions to the definition of the environmentally sensitive area, or provision of more detailed information, such as flood studies.

(3) When a proposed subdivision or certified survey map is located wholly or in part in an area where flooding or potential flooding may be a hazard, floodplain lines and, where calculated, floodway lines shall be shown on final plans and maps unless waived by the Plan Commission. Floodplain boundaries as determined by the subdivider shall be reviewed and approved by the WNDNR.

T. Erosion Prevention Requirements. (1) When a proposed subdivision or certified survey map is located in an area having the potential to cause soil erosion and sedimentation problems or when the construction or extension of roads or other public facilities is involved, the Plan Commission may require that the subdivider prepare a detailed erosion and sediment control plan. The plan shall detail all proposed grading activities, stockpile locations, vegetative cover, berms, sediment basins, and other storm drainage and erosion control measures to reduce erosion and sedimentation caused by surface water runoff. The plan shall also include a schedule and maintenance considerations.

(2) Erosion and sediment control plans shall be submitted to the Plan Commission who shall transmit them where appropriate to the Brown County Land Conservation Committee for review and comment. Guidelines, standards, and specifications which should provide a framework for the development, review, and implementation of erosion control measures are contained in the "Wisconsin Construction Site Best Management Plan Handbook."

U. Violations. No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. No permit shall be issued authorizing the building on or improvement of any subdivision, replat or Certified Survey Map within the jurisdiction of this chapter and not of record as of _____ day, _____, 2010 until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

V. Penalties. (1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$200, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties are not limited to, but may include the following:

(A) Recordation improperly made shall be subject to the provisions of Sec. 236.30, Wisconsin Statutes.

(B) Conveyance of parcels in unrecorded plats shall be subject to the provisions of Sec. 236.31, Wisconsin Statutes.

(C) Monuments disturbed or not placed shall be subject to the provisions of Sec. 236.32, Wisconsin Statutes.

(D) An assessor's plat may be ordered by the Town when a subdivision is created by successive divisions as provided in Sec. 236.31(2), Wisconsin Statutes.

W. Fees. The subdivider shall pay the Town all required fees at the specified time. Fees shall be established in the Town of Morrison Fee schedule from time to time by resolution of the Town Board.

X. Appeals. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal as provided in Sections 236.13(5) and 62.23(7), Wisconsin Statutes.

Y. Replat. When it is proposed to replat a recorded land division, or part thereof, so as to change the exterior boundaries of a recorded land division, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. ch. 236. The Subdivider, or person wishing to replat, shall then proceed as specified in this ordinance. The clerk shall schedule a public hearing before the Town of Morrison Plan Commission when a proposed preliminary plat of a replat of lands within the Town limits is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within one mile of the exterior boundaries of the proposed replat.

Z. through CC. Reserved for future use.

ARTICLE III

PRELIMINARY APPLICATION AND SKETCH PLAN SUBMITTAL

DD. Application. Any Subdivider who divides or proposes to divide land located in the Town of Morrison that will create a land division, including a Conservation Design Subdivision, Certified Survey Map, Replat, or revision of an existing land division shall, prior to any submittal of any Concept Plat or map information, submit to the Zoning Administrator a Preliminary Application and Sketch Plan. The application may be obtained from the Zoning Administrator, with the appropriate fee and with all of the following required attachments, including:

- (1) The name and address of the owner of the property and of the Subdivider.
- (2) The location and size of the property and the type of land division that is to be requested.
- (3) The names and addresses of all adjacent landowners.
- (4) A statement of intended use.
- (5) The name and address of the surveyor who will be doing the survey work.
- (6) The present use of the land.
- (7) The estimated timetable for final development and requested timeline by the Subdivider for final approvals from the Town of Morrison. This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.

EE. Sketch Map. (1) With any initial Land Division Application the Subdivider shall submit to the Zoning Administrator a sketch map no larger than 11 x 17 inches. Each submission shall include all contiguously owned land. The sketch map shall show all of the following:

- (A) A north arrow and date, the scale, and a reference to a section corner.
- (B) Topographic contours at two (2) foot intervals.
- (C) Hydrographic characteristics, including surface waters, floodways/floodplains, wetlands, and drainageways.

(D) The location and type of existing and proposed buildings and structures and uses.

(E) The location of water wells, sewerage systems, and other features pertinent to the land division.

(F) The location of existing roads, highways, developments, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.

(G) The location of general land cover types, such as woodlands, wetlands, agricultural, etc.

(H) The location of any slopes of 12% or greater.

(I) The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on/or adjacent to the land.

(J) The location of any and all secondary conservation areas as identified in Section XX.32 of this ordinance.

(2) The Zoning Administrator shall review the initial application and sketch map for completeness, including payment of applicable application fees, within ten (10) working days of receipt. The Zoning Administrator shall thereafter notify the Subdivider if the application is determined by the Zoning Administrator to be complete or incomplete. The Zoning Administrator shall provide written reasons for any alleged incompleteness of the application with the notification. The Zoning Administrator shall, within five (5) working days after filing, transmit the copies of any complete or incomplete Land Division Application and sketch map to the Town Plan Commission.

(3) The Zoning Administrator shall send to the Subdivider an agenda of the scheduled date of the Town Plan Commission meeting to review and consider the land division no later than ten (10) days prior to the date of the meeting.

(4) The Subdivider or the Subdivider's designee shall attend the meeting and present the proposed Land Division and sketch map to the Town Plan Commission for its consideration.

FF. through II. Reserved for future use.

ARTICLE IV

MINOR LAND DIVISIONS BY CERTIFIED SURVEY MAP

JJ. When Required. When it is proposed to divide land into at least one (1) but not more than four (4) parcels or building sites or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of the block, parcel or outlot, the Subdivider shall subdivide by use of a Certified Survey Map.

KK. Submittal of a Certified Survey Map. Prior to the filing of an application for the approval of a Certified Survey Map, the Subdivider shall consult with the Town Plan Commission, in order to obtain their review, advice and assistance in the preparation of the Certified Survey Map. Creation of a minor land division shall be by Certified Survey Map and shall be submitted to the Town of Morrison Plan Commission. The Certified Survey Map shall be prepared according to Wisconsin Statutes, Section 236.34 and shall show clearly on its face those items listed in this section. In addition, the names of all landowners within ¼-mile of any property line of proposed area shall be listed on a separate sheet submitted with the Certified Survey Map.

LL. Required Information. The Certified Survey Map shall show clearly on its face the following:

- (1) All existing buildings, existing setbacks for all buildings, setbacks to structures on adjacent property, water courses, drainage ditches, navigable water bodies, and other features deemed pertinent to the division of property.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's certificate and approval signature of the Town of Morrison Chairperson and Clerk after approval by the Town Plan Commission in accordance with Chapter 236.21(3) Wisconsin Statutes, shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.
- (6) The most recent deed and document number shall be shown
- (7) Compliance with applicable design standards outlined in this Subdivision and Land Division Ordinance.

MM. Testing. The Town of Morrison may require that borings and/or soundings be made in designated areas to ascertain subsurface soil, rock and water conditions including the depth to bedrock and the depth to groundwater table. All developments shall comply with the provisions of the Wisconsin Administrative Code, Chapter COMM 83 and 85 relative to sanitary systems. All appropriate data shall be submitted with the Certified Survey Map.

NN. Review and Approval. The Town shall, within sixty (60) days of the date of submission of the CSM application, unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards.

OO. Development Agreement. When deemed necessary by the Plan Commission and Town Board, the Subdivider shall enter into a Development agreement with the Town of Morrison, as approved by the Town Attorney, that sets forth the mutual obligations of the Town and the Subdivider with respect to the actions requested to be taken in connection with the Certified Survey Map.

PP. Maximum Minor Land Division per Parent Parcel. The maximum allowable number of land divisions from a parent parcel through the use of a certified survey map is one.

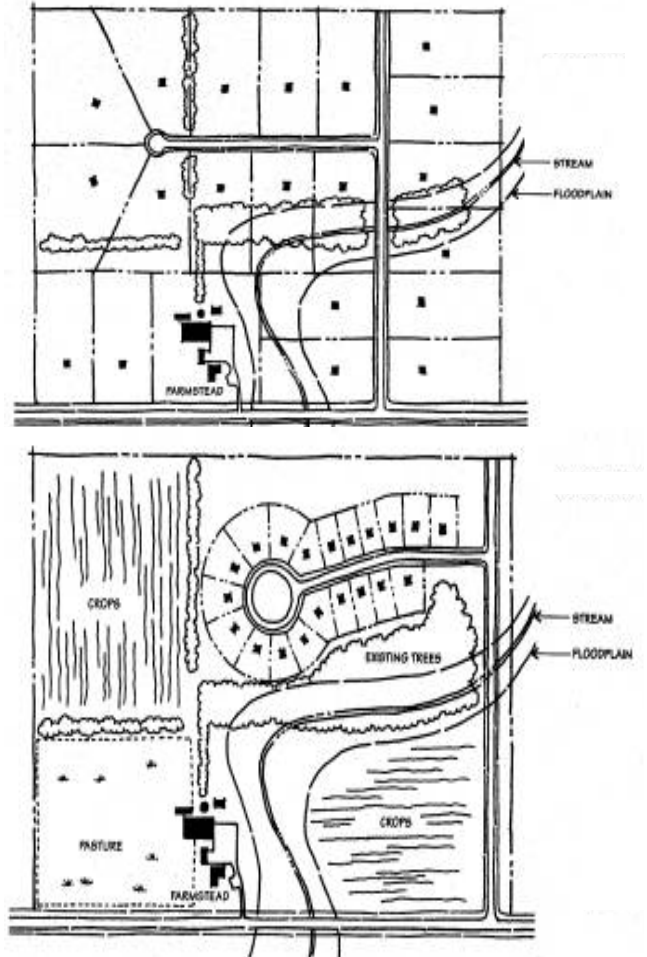
QQ through SS. Reserved for future use.

ARTICLE V

CONSERVATION DESIGN SUBDIVISION

TT. General. This article is designed to preserve rural character, natural resource areas, farmland, and other large areas of open land, while permitting residential development. The Conservation Design Subdivision standards, in addition to the land division standards outlined in Article II, apply to all divisions of a parent parcel when requested by a Subdivider where the division creates more than four (4) new parcels. Further, this article is intended:

- (1) To guide the future growth and development of the Town in conjunction with the Town of Morrison Comprehensive Plan.
- (2) To guide the detailed analysis of parcels so as to locate and coordinate appropriate areas for development and conservation.
- (3) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
- (4) To preserve scenic views by minimizing views of new development from existing roads.
- (5) To preserve prime agricultural land by concentrating housing on lands with low agricultural potential.
- (6) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- (7) To provide for a diversity of parcel sizes, housing choices and to accommodate a variety of age and income groups.
- (8) To provide for buffering between residential development and non-residential uses.
- (9) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
- (10) To preserve significant archeological sites, historic buildings, and their settings.



TOP IMAGE: Conventional Design
BOTTOM IMAGE: Conservation Design

(11) To meet the demand within the Town for housing in rural settings.

UU. Secondary Conservation Areas. Secondary conservation areas are defined as those natural, agricultural, cultural, and or historical resources within the Town that are not otherwise protected by federal, state, or county laws, regulations, or ordinances.

Secondary conservation areas are resources that should be preserved when possible and/or economically feasible. The final determination of secondary conservation areas within a given development will be made by the Plan Commission and Town Board.

Secondary conservation areas in the Town of Morrison may include, but are not limited to:

- (1) Stream corridors within one-hundred (100) feet of the ordinary high-water mark
- (2) Environmental corridors
- (3) Critical wildlife habitat
- (4) Mature woodlands, wherein twenty-five (25) percent or more of the trees have a diameter-at-breast-height (DBH) of twenty-four (24) inches or more
- (5) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, and others
- (6) Prime agricultural lands
- (7) Structurally sound barns, silos, fence lines, and other structures that exemplify, or are symbolic, of the Town's agricultural character
- (8) Historic sites and structures
- (9) Scenic views
- (10) Large trees, identified as those having a DBH of forty-eight (48) inches or greater, unless otherwise deemed a safety hazard
- (11) Drumlins, moraines, kames, kettles, or other significant glacial features.
- (12) Other unique features as may be identified by the Plan Commission.

VV. Open Space Standards. A Conservation Design Subdivision shall meet the following open space standards:

- (1) Minimum open space. Minimum open space shall include forty (40) percent of the gross tract area (GTA) and include all primary and secondary conservation areas.
- (2) Location. The required open space should be situated, when practicable, to take advantage of the site's natural, historic, and cultural features, to create buffer areas between residential and agricultural uses, to preserve scenic views, and to be contiguous with existing or proposed open spaces outside of the proposed subdivision. Environmentally sensitive areas must be included within the preserved open space. The size and shape of the areas established as open space shall be sufficient and suitable for

agricultural, natural resource protection, recreation, or other intended use and should remain as large and contiguous as the property will allow.

(3) Not more than 30% of the required open space shall consist of active recreation area.

(4) The Town of Morrison Plan Commission encourages, and may require, that each conservation subdivision include an internal trail system providing access to homeowners with a section of the trail system identified for potential future public use as part of an integrated trail network. The section identified for potential public use may vary by development and circumstance.

(5) The Plan Commission may require easements or walkways to access open space that does not abut public right-of-way.

(6) Ownership and Maintenance of Common Open Space. To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, wastewater treatment facilities, shared or community wells, common parking areas and driveways, private streets, and other common community facilities, the following methods may be used, either alone or in combination, in ownership of common open space. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common open space. Unless otherwise specified by the Plan Commission and Town Board, a Homeowners Association will be deemed the preferred method of ownership of common facilities.

(A) Homeowners Association. Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The applicant shall provide to the Town a description of the association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. The association shall be established by the owner or applicant and shall be operating, with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development. Membership in the association shall be mandatory for all purchasers of dwelling units therein and their successors and assigns. The association shall be responsible for maintenance and insurance of common facilities. The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities. The organization shall have adequate means of maintaining common open space. The applicant for any conservation design subdivision proposed to contain common open space shall arrange with the Town Assessor a method of assessment of the common facilities that will allocate to each tax parcel in the development a share of the total assessment for such common facilities. Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities must be

given to all members of the organization and to the Town at least 30 days prior to such event.

(B) Condominium Developments and Agreements. Common open space shall be controlled through the use of a condominium agreement. Such agreements shall be approved by the Town and shall comply with the requirements of Chapter 703 of the Wisconsin Statutes. All common open space and other common facilities shall be held as “common elements” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. A condominium association shall be formed to govern the affairs of the condominium and membership shall be mandatory.

(C) Dedication of Conservation Easements to a Public Agency. The Town, or other public agency acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common open space, title of which is to remain in private ownership, provided that:

- There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
- A satisfactory maintenance agreement shall be reached between the owner and the Town.
- Lands under a Town easement may or may not be accessible to residents of the Town.

(D) Dedication to a Nonprofit Conservation Organization. With the approval of the Town Board, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:

- The organization is acceptable to the Town.
- The conveyance contains appropriate provisions for proper reverting or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
- A maintenance agreement acceptable to the Town is established between the owner and the organization.

(E) Other methods acceptable to the Town Board for maintenance and operation of common facilities. A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Board prior to preliminary plat approval. Such plans shall:

- Define Ownership.
- Establish necessary regular and periodic operation and maintenance responsibilities.
- Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.

- Include a Land Stewardship Plan specifically focusing on the long term management of open space lands. A draft land stewardship plan shall be submitted with a preliminary plat, and a final plan shall be submitted with the final plat.

(8) Leasing of Common Open Space Lands. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:

- The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
- The common open space lands to be leased shall be maintained for the purposes set forth in this section.
- The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
- The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.
- Lease agreements shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town.

(9) Conservation. Common Open Space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board and duly recorded in the office of the County Register of Deeds. The legal instruments detailing the ownership of the open space shall be submitted with the preliminary plat and shall be recorded with the Register of Deeds upon final plat approval.

(10) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time specified, the association, or any successor organization, shall be considered in violation of this ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

(11) Sewerage Facilities. Sewerage facilities for Conservation Design Subdivision development may consist of any system meeting the requirements of the Town of Morrison, Brown County, the Wisconsin Department of Commerce, and the Wisconsin

Department of Natural Resources. Sewerage facilities for conservation subdivisions with ten (10) or more parcels shall require clustered wastewater treatment systems.

(12) Water Supply Facilities. Water facilities for Conservation Design Subdivisions may consist of any system meeting the requirements of the Town of Morrison, Brown County, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources. Water supply facilities for conservation subdivisions shall require community wells and a community water system.

WW. Development Yield Standards. Conservation Design Subdivisions shall utilize the following steps in determining the maximum permitted parcel density. This calculation information must be submitted with any application to the Town.

(1) Calculate the Gross Tract Area (GTA). This shall be the total acreage of the property. **GTA: _____ acres**

(2) Calculate Primary Conservation Areas (PCA). This acreage shall be determined using the following criteria. The data supplied within this calculation shall be substantiated with sufficient plans and data.

(A) All lands located within existing street Right-of-Ways: _____ acres

(B) All lands located within existing Utility and Railway Right-of-Ways: _____ acres

(C) All lands located within floodplain: _____ acres

(D) All lands within environmentally sensitive areas _____ acres

(E) All lands located within wetlands: _____ acres

(F) All of the land area having slopes 12% or greater: _____ acres

PCA (sum of a through f) _____ acres

(3) Calculation of Adjusted Tract Area (ATA). The ATA shall equal the GTA minus the PCA. **ATA: _____ acres**

(4) Calculation of Secondary Conservation Areas (SCA). The SCA shall include, but is not necessarily limited to:

(A) Stream corridors within one hundred (100) feet of the ordinary high-water mark: _____ acres

(B) Environmental corridors: _____ acres

(C) Critical wildlife habitat: _____ acres

(D) Mature woodlands, wherein twenty-five percent (25%) or more of the trees have a DBH of twenty-four (24) inches or more: _____ acres

(E) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, and others: _____ acres

(F) Prime agricultural lands: _____ acres

(G) Barns, silos, fence lines, and other structures that exemplify, or are symbolic of, the town's agricultural character: _____ acres

(H) Historic structures: _____ acres

(I) Drumlins, moraines, kames, kettles, or other significant glacial features: _____ acres

(J) Other unique features as may be identified by the Plan Commission. _____ acres

(K) Large trees, identified as trees with DBH of forty-eight (48) inches or greater, unless otherwise deemed a safety hazard.

(L) Scenic views.

SCA: _____ **acres**

(5) Calculation of Net Development Area (NDA). The NDA shall be a maximum of sixty percent (60%) of the GTA. If the NDA is less than sixty percent (60%) of the site, the Plan Commission and Town Board may allow the NDA to be increased to sixty percent (60%).

NDA: _____ **acres**

(7) Calculation of Permitted Dwelling Units (PDU). The maximum number of permitted dwelling units in a conservation subdivision shall equal the NDA divided by 0.9 with a minimum lot size of 32,000 sq ft (3/4-acre). If the calculation of PDU results in a figure ending in .5 or greater, it shall be rounded up to the next whole number. If the calculation of PDU results in a figure ending in .4 or lower, it shall be rounded down to the next whole number.

PDU: _____

XX. Conservation Design Concept Plat. Prior to the filing of an application for the approval of a preliminary plat, the Subdivider shall consult with the Town Plan Commission in order to obtain their review, advice and assistance in the preparation of a preliminary plat. Such consultation shall be termed the 'concept plat' stage of the land division procedure and shall include the following steps and information:

(1) The Subdivider shall prepare a conceptual development plan at a scale of one inch equals 100 feet of all the contiguous lands in which the subdivider has legal or equitable interest and present fourteen copies and the fee required to the Town Clerk.

(2) Such sketch plan shall include enough information to set forth the proposed development potential of the parcel to the satisfaction of the town plan commission, and include at least the following:

- (A) Topographic mapping at not less than two-foot contour interval;
- (B) Soil characteristics or interpretations secured from detailed soil maps prepared by the USDA, Soil Conservation Service (SCS) and/or monitoring borings data;
- (C) The limits of woodland cover and wetlands on the entire parcel;
- (D) Location of lakes, ponds, streams, standing water and designated floodplains on the parcel;
- (E) Areas of steep or severe slope conditions, high water table conditions, potential drainage and erosion problems;
- (F) Existing and proposed access from the parcel to adjacent streets, roads, or properties;
- (G) Proposed street location and width;
- (H) Proposed parcels including size to the nearest one-tenth acre;
- (I) Existing land use of properties within one (1) mile of the property proposed to be divided;
- (J) Any other pertinent information useful to the Subdivider and plan commission in their determination of developability of the parcel; and
- (K) Environmental corridors which shall be delineated on the sketch plan.

(3) The Plan Commission shall either reject the concept plan giving reasons for such rejections or approve the concept plan and make recommendations. Such review and approval of the concept plan shall constitute approval of the concept plan only and shall not be deemed an approval of the layout and design of the proposed subdivision plat.

(4) Through the concept plat procedure it is expected that the Subdivider and Plan Commission will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the Town and County. The Subdivider will also gain a better understanding of the subsequent required procedures so the entire process may be expedited.

YY. Preliminary Conservation Design Subdivision Plat Submittal.

Before submitting a final plat for approval, the Subdivider shall prepare and submit a preliminary plat that conforms to the requirements of §236 Wisconsin State Statutes and all applicable sections of this ordinance. The Plat shall be prepared by a registered land

surveyor. The Subdivider or their designated agent shall file the application and fourteen (14) copies of the preliminary Plat on paper no smaller than 22" x 30" and one (1) copy of the preliminary plat on 11" x 17" paper with the Zoning Administrator.

ZZ. Requirements for Preliminary Conservation Design Plat. In addition to the requirements of §236 Wisconsin Statutes the preliminary Plat submitted shall include the following:

- (1) A map of sufficient scale showing the boundaries of the property being considered for division.
- (2) General parcel layout as proposed.
- (3) The proposed subdivision name. This name shall not duplicate the name of any Plat previously recorded in Brown County. A subtitle of "County Plat" shall be required for all County Plats.
- (4) Owners name, along with Volume and Page of the instrument that shows title to the Platted area. The Volume and Page of the affected property may be shown on the map, in the Surveyor's Certificate, on the Preliminary Plat, or in the Owner's Certificate.
- (5) Volume and Page or platted status (i.e. State or County Plat by name and parcel number, CSM by volume, page and parcel number) of adjoining lands.
- (6) Radius of all curves.
- (7) Proposed and existing road(s) showing road name and right angle width. Proposed and existing roads shall be dedicated as required in Article VIII.
- (8) Public areas to be dedicated, if any, and subsequently identified as "dedicated to the public."
- (9) Floodplain, wetland and shoreland boundaries. Source of the data shall be identified.
- (10) Locations of existing buildings, watercourses, drainage ditches, fences and any other pertinent features.
- (11) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes and flowages.
- (12) Any proposed lake or stream access or any proposed lake or stream improvement or relocation.

- (13) The name and address of the surveyor and Subdivider placed on the face of the Plat.
- (14) Report on Soil Borings and Percolation Tests. Locations of borings may be required to be shown on the face of the map.
- (15) A general description of all property owned and controlled by the Subdivider contiguous to the proposed land division.
- (16) An area development plan for future use may be required if proposed development in some way affects adjoining lands.
- (17) Road name application must be submitted to the Plan Commission for approval for any road names (i.e. new, extension, private etc...).
- (18) Dimensions of all parcels, together with proposed parcel and block numbers.

AAA. Preliminary Conservation Design Subdivision Plat Review & Approval.

(1) Upon receipt of an application for a Conservation Design Subdivision Plat, the Zoning Administrator shall transmit one (1) copy of the map to each of the following.

- (A) Brown County
- (B) Any affected public or private utility
- (C) Local school districts
- (D) Brown County Land Conservation Department
- (E) Department of Natural Resources (WDNR)
- (F) When applicable, Brown County Highway Department
- (G) Wisconsin Department of Transportation (WDOT) (where applicable)
- (H) Every member of the Town Plan Commission and Town Board

(2) Recommendations from receiving parties, with the exception of the Plan Commission, must be received by the Zoning Administrator within thirty (30) days from the date the copy is transmitted. If a recommendation is not received within thirty (30) days it shall be deemed an approval.

(3) Recommendations from the Town Plan Commission must be received within sixty (60) days from the date of transmittal. If a recommendation is not received within sixty (60) days it shall be deemed an approval.

(4) Once the Town Plan Commission recommendation is received, the preliminary review for approval shall be scheduled for a regularly scheduled Town Board Meeting.

(5) The Board, within ninety (90) days of the date of filing of a preliminary Conservation

Plat with the Zoning Administrator shall approve, approve conditionally, or reject, unless the time is extended by mutual agreement with the Subdivider. One (1) copy of the plat shall there upon be returned to the Subdivider with the date and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be kept on record by the Town.

BBB. Relationship between Preliminary and Final Plat. Approval of a preliminary conservation plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission at the time of its submission.

If the final Plat conforms substantially to the preliminary Plat as approved, including any conditions of the approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the final Plat is not submitted within one (1) year of the last approval of the preliminary plat, any approving authority may refuse to approve the final Plat. The Town reserves the right to add further restrictive covenants as provided in §236.293 Wisconsin Statutes.

Any substantial change between the preliminary and final plat, as determined by the Plan Commission, shall cause the conservation plat to be re-submitted including all fees and review. In addition every re-submittal required to clarify matters regarding said maps shall constitute a new time frame for review purposes.

CCC. Final Plat Requirements. Upon approval of the preliminary Plat the Subdivider shall submit a final Plat based upon a survey by a Wisconsin Registered Land Surveyor for review. In addition to the requirements of the preliminary Plat and §236 Wisconsin Statutes the final Plat submitted shall include the following:

- (1) A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
- (2) Area of each parcel shown in square feet (nearest square foot) and acres (nearest 100th acre).
- (3) All curve data.
- (4) Building setback lines shall be shown or noted on the face of the map.
- (5) Lands reserved for the common use of the property owners within the subdivision. The ownership of these common lands shall be shown and described. These lands shall be established as outlots.
- (6) Proposed deed and Plat restrictions.

(7) It shall be required that on sheet one of the Plat a pre designed recording block be available for the Register of Deeds to be placed on the Plat for recording information.

(8) Show arc distances on the face of the map.

(9) Certificates of approval in substantially the same form as required by §236.21(2)(a) and §236.21(3) Wisconsin Statutes, and as per this ordinance as follows:

- (A) Owner(s) Certificate with Notary Seal
- (B) Mortgagee's Certificate
- (C) Town Certificate
- (D) Other certificates as required by §236.21 Wisconsin Statutes
- (E) Certification that the Plat is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with all local ordinances.
- (F) Special restrictions required by the reviewing authorities.

DDD. Final Plat Review & Approval. The Town Board, within sixty (60) days of the date of filing of a final conservation plat with Zoning Administrator, shall approve, approve conditionally or reject such a plat unless the time is extended by mutual agreement with the Subdivider. If approved, the certifications on the plat shall be completed. If approved conditionally, the certificates shall not be completed until the conditions are met. If rejected, a letter setting for the reasons for rejection shall accompany the plat. Failure of the Town to act within the time as extended by agreement with the Subdivider shall constitute an approval. The sixty (60) day period shall commence with the filing of the final plat with the Zoning Administrator, and not the preliminary approval.

EEE. Recording. Upon approval of all corrections addressed in the preliminary and final plat reviews the Subdivider shall submit a final Plat for recording with the Brown County Register of Deeds in accordance with Sec. 236.25, Wisconsin Statutes.

FFF. through JJJ. Reserved for future use.

ARTICLE VI

GENERAL DESIGN STANDARDS

KKK. Street Arrangement and Design. The applicant shall dedicate land for and improve streets in accordance with all Town of Morrison and Brown County requirements.

LLL. Ingress and Egress On Limited Access Highways. Where a tract or parcel of land abuts a County controlled limited access highway or State Highway access shall only be provided after obtaining required Brown County Highway Department and [as applicable] Wisconsin Department of Transportation Permits.

MMM. Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, applicable zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of the topography in accordance with existing Town of Morrison ordinances and all Brown County requirements.

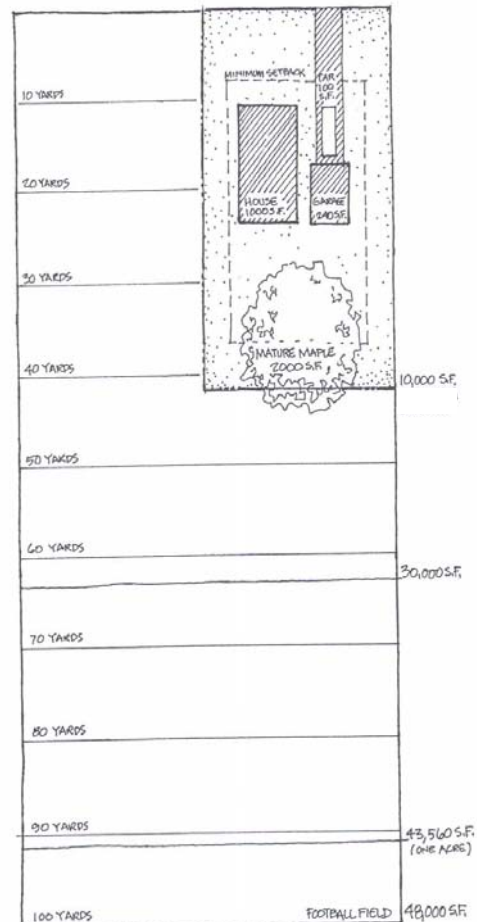
NNN. Driveway Standards. The location and size of all proposed driveways shall comply with all Town of Morrison and Brown County requirements.

OOO. Parcels. The size, shape and orientation of parcels shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The parcels should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated in accordance with all Town of Morrison and Brown County requirements. For the benefit of visual understanding of parcel sizes an illustration is provided at right.

PPP. Building Setback Lines & Siting Suggestions. (1) Building setback lines, shall conform to the following minimum standards:

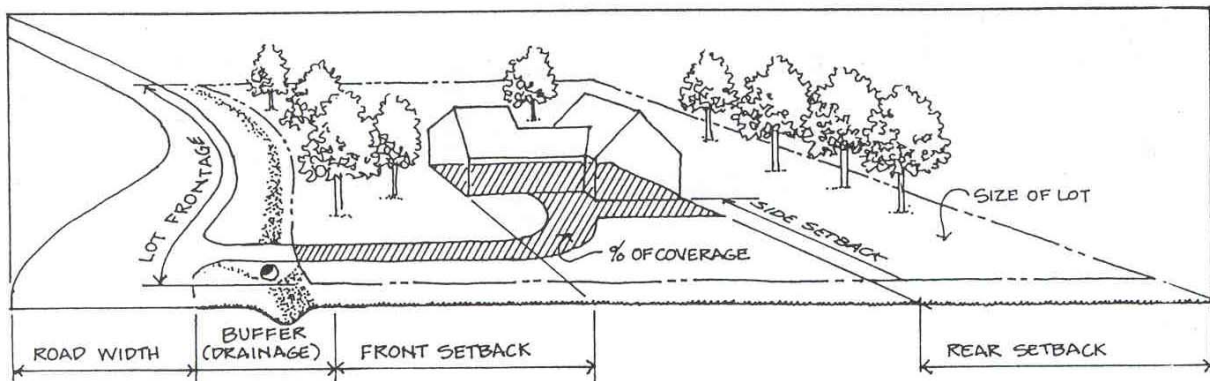
- (A) Front setback shall be a minimum of sixty-three (63) feet from a Town Road Centerline, Seventy-five (75) feet from a County Road Centerline, one-hundred-ten (110) feet from a

PARCEL SIZE DIAGRAM
FOR ILLUSTRATION PURPOSES ONLY



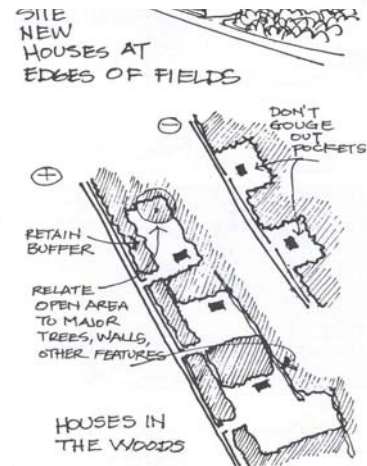
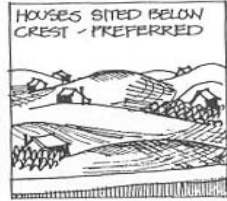
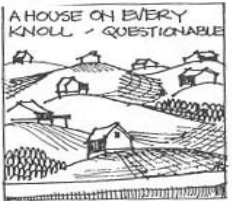
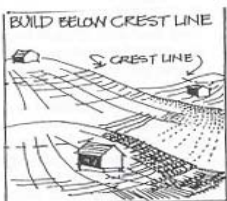
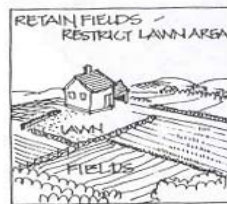
State Road Centerline, or forty (40) feet from an existing right-of-way, whichever is more restrictive.

- (B) Side setback shall be a minimum of fifteen (15) feet for a principal building and six (6) feet for any accessory building.
- (C) Rear setback shall be a minimum of fifteen (15) feet for a principal building and six (6) feet for an accessory building.
- (D) Corner side setback shall be forty (40) feet from the right-of-way for principal and accessory buildings.
- (E) Setbacks from wetland areas and wastewater treatment systems shall comply with Brown County Shoreland/Wetland Zoning Ordinance Requirements.
- (F) Minimum setback from high water mark of any navigable water shall be 100 feet.



THE CIVIC REALM - RURAL AREAS

SITING SUGGESTIONS



(2) The diagrams provided at right illustrate siting suggestions designed to retain the rural character of the Town of Morrison. Subdividers are strongly encouraged to consider these techniques when seeking to create Certified Survey Maps or Subdivisions.

QQQ. Impervious Surface Coverage Requirements. The maximum permitted impervious coverage (e.g. house, detached garage, accessory buildings, driveways, sidewalks, and patios) shall be in accordance with applicable Town of Morrison, Brown County, and State of Wisconsin requirements.

RRR. Stormwater. Any Certified Survey Map or Subdivision Plat submitted to the Town is required to meet all applicable Town of Morrison, Brown County, and State of Wisconsin Stormwater Management standards.

SSS. Phasing Requirements. An approved preliminary plat may be final platted in phases with each phase encompassing at least 25 percent of the area of the approved preliminary plat. If the Subdivider elects to final plat in phases as approved by the Plan Commission, the Town Board shall require a timetable of completion of development of the entire property included in the preliminary plat at/or prior to the time of submittal of the first phase of the final plat as part of the developer's agreement.

If a development includes more than 40 lots (e.g. new parcels), phases must be provided on the preliminary and final plat such that no more than 50 percent of the total number of parcels are included in a single phase. The Town has the authority to require phased final plat approval in which each new phase may only be initiated once 80 percent of the parcels in the previous phase have been sold.

TTT. Building Requirements. Any temporary structure (e.g. modular home, storage building, etc.) must be removed within 1 year of occupancy of a principal residence.

UUU. Surface Water Drainage Restrictions. To the extent practical, no drainageway contained within a drainage easement shall be disturbed, except in accordance with Brown County and applicable State requirements.

VVV. Community Water Supply. A community water supply shall be required for all conservation subdivisions. Residential subdivisions of 40 lots or more shall include two wells to serve the development.

WWW. Street Address Numbering Required. Any residence or place of business intended for human occupancy shall be identified by a street address number assigned in accordance with Brown County requirements and standards.

XXX. Street Names. (1) Any street which is the reasonable continuation of an existing street shall bear the same name as the existing street.

- (2) The Plan Commission may disapprove the name of any street shown on the Plat which has already been used elsewhere in Brown County which, because of similarity, spelling, or pronunciations may cause confusion.
- (3) The following table shall be used in the naming of streets and roadways in all proposed land divisions:

Type	Cul-de-sacs	Curving	Straight
Short Streets (less than 999 feet in length)	Places or Courts	Crescent, Way, Circle, or Lane	Terrace, Row, or Lane
Long Streets (1,000 feet or longer)	N/A	Drive, Road, or Trail	Street or Avenue

- (4) The term boulevard shall be reserved for such streets which, because of their breadth or monumental character, are to be especially designated.
- (5) Public streets and roads shall be located and designed to take into account:
 - (A) Existing and planned streets
 - (B) Topographic conditions including bearing capacity and erosion potential of soil.
 - (C) Public convenience and safety including facilitating fire protection, snow plowing, and pedestrian traffic.
 - (D) The desire of the Town to reduce impervious surfaces in order to protect surface waters.
 - (E) The proposed uses of land to be served.
 - (F) Anticipated traffic volumes based upon State ADT standards (see XX.59 (1) through (5)).
 - (G) Further land division possibilities.

YYY. Private Roads. Private roads developed to serve a CSM or Subdivision in the Town of Morrison shall be constructed consistent with all State and Town standards and shall be required to adhere to all applicable Brown County requirements for public road construction, such that, the developed roadway will be indistinguishable from a public road.

ZZZ. Minimum Design Standards for Town Roads. (1) All new roads designed as part of new subdivisions in the Town of Morrison shall be constructed consistent with applicable State standards. In order to reduce the percentage of impervious surface within proposed land divisions so as to reduce the negative impact of run-off to surface waters, minimum road width for new construction in the Town of Morrison shall be based upon the Average Daily Traffic volume consistent with State standards. The State standard for trip generation is 9.57 per day from a single-family, detached home.

- (1) ADT Under 100
 - (A) Minimum roadway width 24'
 - (B) Minimum surface width 18'
 - (C) Minimum Shoulder width 3'
- (2) ADT 100-250

- | | | | |
|-----|-----|------------------------|-----|
| | (A) | Minimum roadway width | 26' |
| | (B) | Minimum surface width | 20' |
| | (C) | Minimum Shoulder width | 3' |
| (3) | | ADT 251-400 | |
| | (A) | Minimum roadway width | 32' |
| | (B) | Minimum surface width | 22' |
| | (C) | Minimum Shoulder width | 5' |
| (4) | | ADT 400-1000 | |
| | (A) | Minimum roadway width | 34' |
| | (B) | Minimum surface width | 22' |
| | (C) | Minimum Shoulder width | 6' |
| (5) | | ADT 1001-2400 | |
| | (A) | Minimum roadway width | 44' |
| | (B) | Minimum surface width | 24' |
| | (C) | Minimum Shoulder width | 10' |

(2) Cul-de-sacs. Any portion of a street designed to have one end permanently closed shall not exceed eight hundred (800) feet in length and shall provide a turnaround with a minimum right-of-way diameter of one-hundred fifty (150) feet. In the case of a temporary cul-de-sac identified on the plat as the location of a future ingress/egress point, as approved by the Plan Commission, said cul-de-sac shall not be less than one hundred thirty (130) feet in diameter.

AAAA through DDDD. Reserved for future use.

ARTICLE VII

DEDICATIONS AND IMPROVEMENTS

EEEE. Dedication And Reservations Of Land. Whenever a tract of land to be divided embraces all or any part of a street, such public way shall be made a part of the plat and either dedicated or reserved by the applicant in the locations and dimensions indicated on such plan.

Whenever a proposed park, playground, public access, open space site or other public land, other than streets or drainageways, designated in the adopted regional and County comprehensive plan components is embraced, all or in part, in a tract of land to be divided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed three years between the applicant and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner, unless otherwise prohibited by and existing regional and/or county rule, regulation, or ordinance.

FFFF. Improvements.

(1) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Town of Morrison Plan Commission and Town Board.

(2) Upon approval and recording of the Final Plat, the Subdivider shall install all street, utility and other improvements as required in this section. Such improvements may be completed prior to submission for approval of any final plat or final certified survey map, but must be made to the satisfaction of the Town Engineer or designee within 12 months from the date of Final Plat approval or such approval will be considered null and void. If for some reason the required improvements cannot or should not be made within the prescribed 12-month period, the Town Board may extend the period and require a cash bond or irrevocable letter of credit in an amount equal to 120 percent of the cost of completing such improvements as estimated by the Town Engineer or designee as a guarantee that the required improvements will be made within a reasonable period prescribed by and satisfactory to the Town Board. Any such cash bond or irrevocable letter of credit shall remain in the custody of the Town, and the Town will not be obligated to pay interest thereon. In no event shall the provision of a cash bond or irrevocable letter of credit for completion of required improvements remove the burden of such completion from the Subdivider.

(3) All private sewerage systems in the Town of Morrison shall be constructed pursuant to applicable regulations of the Town of Morrison, Brown County, and the State of Wisconsin, including COMM 83.

(4) When it is proposed to establish a private water supply and distribution system (or common sanitary system) to serve (2) or more parcels or dwelling units, the applicant shall construct the facilities in such a manner as to make adequate water service (and sewer) available to each parcel within the subdivision or Certified Survey Map. Private water supply systems shall conform to all applicable regulations of the State of Wisconsin.

(5) No drainageway contained within a drainage easement shall be disturbed in accordance with the following:

(A) No artificial obstruction may be constructed, planted, or maintained within any man-made or natural drainageway so that such an obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.

(B) Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainageways.

(C) Surface water shall not be regarded as unduly retained or diverted if:

- The retention or diversion results from a technique, practice, or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan.
- The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such a retention presents a danger to health or safety.
- The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner.
- The retention or diversion has been allowed or required by the Town of Morrison, Brown County Zoning Department, or Brown County Land Conservation Department and noted on the approved drainage plan.

GGGG. Plans. The following plans and accompanying construction specifications may be required by the Plan Commission and Town Board before authorization of construction or installation of improvements:

(1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

- (2) Installation of street signs meeting the approval of the Town of Morrison and Brown County at all intersections.
- (3) Sanitary system plans and profiles showing the locations, grade, sizes, elevations and materials of required facilities in accordance with County and State Requirements. Each parcel shall indicate a location of a septic field and a viable alternative location for a replacement septic field on the site should the system fail.
- (4) Surface water drainage facilities, which may include curb and gutters, catch-basins and inlets, road ditches and open channels, as may be required to provide adequate surface drainage for the subdivision.
- (5) Erosion control plans in accordance with State, County, and, if applicable, Town Standards.

HHHH. Inspection and Guarantee. The applicant, prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to approval of the final plat or release of the sureties. All public improvements shall be guaranteed against physical defect and repaired by the developer for a period of one year following initial acceptance of such improvements by the Town Board.

IIII. Reserved for future use.

ARTICLE VIII

DEFINITIONS

JJJJ. Definitions. For the purpose of this ordinance, certain words used therein are defined as follows:

- (A) **Adjusted Tract Area** - The area of the total parcel minus any primary conservation areas.
- (B) **Agricultural Use (as provided in s. 91.01 (1), Wis. Stats)** - Means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming' placing land in federal programs in return for payments in kind' owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- (C) **Alley** – A public or private right-of-way which provides secondary access to abutting properties.
- (D) **Applicant** – The Subdivider or Subdivider's Developer's agent
- (E) **Arterial Street** – A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways, and parkways.
- (F) **Block** – A group of parcels existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.
- (G) **Bufferyard** – An area of land within the boundaries of a parcel or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences and/or berms, designed to limit continuously the view and/or sound from the parcel or site to adjacent parcels or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the fact of the Certified Survey Map or Subdivision Plat.
- (H) **Building** – A structure having a roof supported by columns or wall. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building.

- (I) **Certified Survey or Certified Survey Map** - A map of a minor land division prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance.
- (J) **Collector Street** – A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets, including principal entrance streets to residential developments.
- (K) **Common Element** - The common facilities in a condominium.
- (L) **Common Facilities** - All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation area, drainage easements, and any utilities that service more than one unit, such as sewerage and well facilities.
- (M) **Common Open Space** - Undeveloped land within a conservation design subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common Open Space shall not be part of individual residential parcels, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.
- (N) **Comprehensive Plan** – The official guide for the physical, social, and economic growth of a municipality, properly enacted or adopted according to statute, which is now or may hereafter be in effect.
- (O) **Conditional Approval** – Approval of a land division, subject to the land division meeting certain requirements as determined by the Plan Commission.
- (P) **Condominium** - A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- (Q) **Condominium Agreement** - A legal agreement outlining the management of the common open space.
- (R) **Condominium Association** - An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
- (S) **Conservation Areas, primary** – The primary conservation areas are those areas that are automatically set aside when determining open space for

conservation development subdivisions. The following are areas of primary conservation: all lands located within existing street Right-of-Ways, all lands located within existing Utility and Railway Right-of-Ways, all lands located within floodplain, all lands located within wetlands, all slopes of 12% or greater.

- (T) **Conservation Areas, secondary** – Those areas identified in, but not limited to, XX.32 of this ordinance.
- (U) **Conservation Easement** - The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.
- (V) **Conservation Subdivision** – A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas and all or some of the secondary conservation areas within the boundaries of the subdivision and retains a **minimum of forty percent (40%) of the gross tract area** as protected open space.
- (W) **County** – Reference to County shall mean Brown County and shall include any agency, department or committee thereof.
- (X) **Cul-de-sac Street** – A minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.
- (Y) **Dead end Street** – A street having only one outlet for vehicular traffic and no vehicular turn around.
- (Z) **Deed restriction** - A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- (AA) **Detention Basin** – A man-made or natural depression below the surrounding grade level designed to collect surface and/or subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e. storm sewer, culvert or stream).
- (BB) **Development** – Any man-made changes to improved or unimproved real estate including, but not limited to, construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

- (CC) **Developer's Agreement** - An agreement by which the Town and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement and which shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town.
- (DD) **Double Frontage Lots** – A lot other than a corner lot which has frontage on two substantially parallel streets.
- (EE) **Drainageway** – The land on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream graphically shown on : a topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet or the U.S. Geological Survey (USGS) 7.5-minute quadrangle topographic map of the area.
- (FF) **Easement** – Authorization by a property owner for another to use the owner's property for a specified purpose.
- (GG) **Existing Parcel** – A parcel, lot, or tract of land which the enclosing boundaries are separately described and recorded with the Office of register of Deeds, Brown County Planning and Zoning Department, Town of Morrison Plan Commission, or defined by an existing tax parcel.
- (HH) **Final Plat** - A map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into smaller parcels and used in conveying these new parcels.
- (II) **Floodlands** – Those lands, including the channels, floodways and floodplain fringe of any given reach, which are subject to inundation by the flood within a given recurrence frequency. The 100-year recurrence interval flood (or that flood having a 1 percent probability of occurring in any given year) is generally used for regulation.
- (JJ) **Floodplain** – The land adjacent to a body of water which has been or may be hereafter covered by floodwater including, but not limited to, the regional flood.
- (KK) **Frontage** – the length of the front property line of the parcel, or tract of land abutting the right-of-way of a public street road or highway.
- (LL) **Grade or Gradient** – the slope of land, a road, street or other public way, specified in percent.
- (MM) **Grading Plan** – A drawing of a proposed area with plans and specifications for grading.

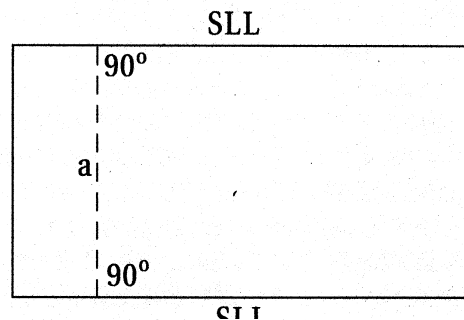
- (NN) **Gross Tract Area** – The entirety of the parcel proposed for subdivision, including all primary and secondary conservation areas.
- (OO) **High Water Elevation** – The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an establish datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic or vegetative characteristics.
- (PP) **Highway, Limited Access** – a freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the trafficway.
- (QQ) **Homeowners' Association** – A Wisconsin membership corporation which serves as an association of homeowners within a Subdivision or Certified Survey Map having shared common interests, responsibilities with respect to costs and upkeep of common private property of a Subdivision or Certified Survey Map. Such common property includes private recreation and open space areas within the Subdivision or Certified Survey Map.
- (RR) **Improvement, Public** – Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.
- (SS) **Land Divider** - Any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided, or proposed to be divided, resulting in a land division.
- (TT) **Land Division** - The division of an outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites by a division or by successive divisions of any part of the original property, including any land division by or for a Conservation Subdivision, a Cluster Development, a Statutory Subdivision, a Minor Land Division, Replat, and Certified Survey Map, and any other land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than 35 acres in size.
- (UU) **Landscaping** – Living material, such as grass, groundcover, flowers, shrubs, vines, hedges and trees and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls and fences, but not including paving.

- (VV) **Lot** - A parcel of land resulting in a division of a parcel pursuant to this ordinance.
- (WW) **Lot, Corner** – A parcel abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the parcel line.
- (XX) **Lot Lines (or Parcel Lines)** – The peripheral boundaries of a parcel of land.
- (YY) **Lot, Through** – A parcel which has a pair of opposite parcel lines among two parallel streets and which is not a corner lot. On a through lot both street lines shall be deemed front parcel lines.
- (ZZ) **Lot, Width (or Parcel Width)**– The mean horizontal distance between the side lot lines of a parcel measured at right angles to the depth. On irregularly (non-perpendicular) shaped parcels, the width shall be the average width of the parcel (see below). Lot width shall be measured at the building line (e.g. location at which the principal structure is located). Width shall also be measured at the shoreyard setback line. At least 50% of the parcel shall be greater than or equal to the required lot width.

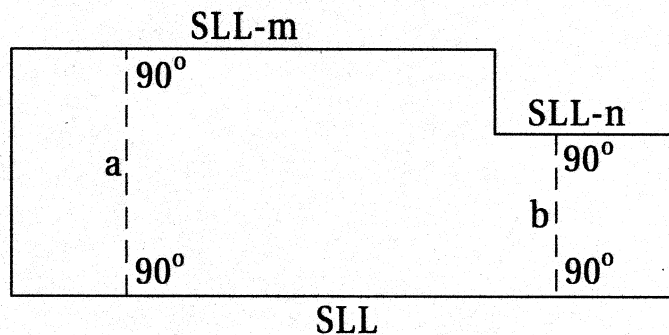
The following illustrations and formulas are provided to explain the methods of average parcel width determination.

(a) Parallel Parcel Lines

Average Parcel Width is the perpendicular distance between Side Parcel Lines (SLL)



(b) Parallel Side Parcel Lines, Alternate.

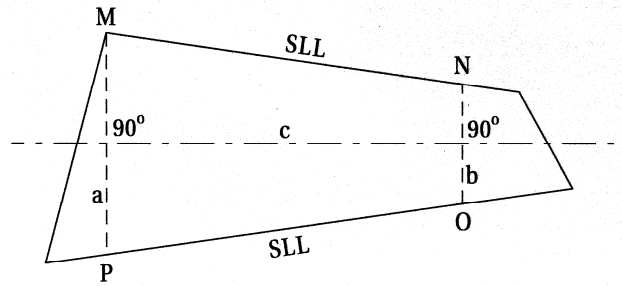


$$\frac{a \times m}{m + n} + \frac{b \times n}{m + n}$$

Average Parcel Width is

Use only that part of length n that, when added to area of m portion of parcel, satisfies minimum area requirements.

(c) Nonparallel Parcel Lines

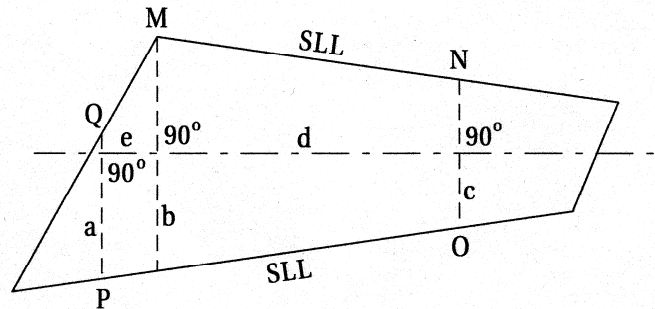


Average Parcel Width is

$$\frac{a + b}{2}$$

Area of MNOP equals Minimum Parcel Area, and line c bisects angle formed by lines MN and OP extended.

(d) Nonparallel Parcel Lines, Alternate 1.

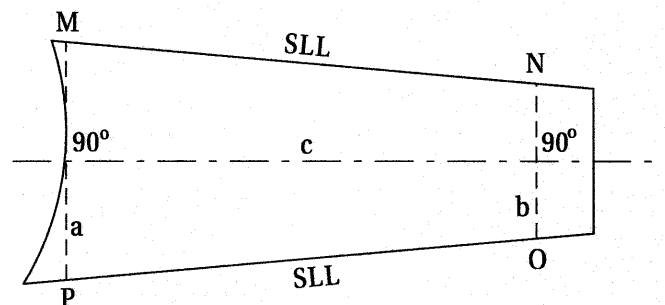


Average Parcel Width is

$$\frac{\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}}{2}$$

Area of MNOPQ equals Minimum Parcel Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

(e) Nonparallel Parcel Lines, Alternate 2.

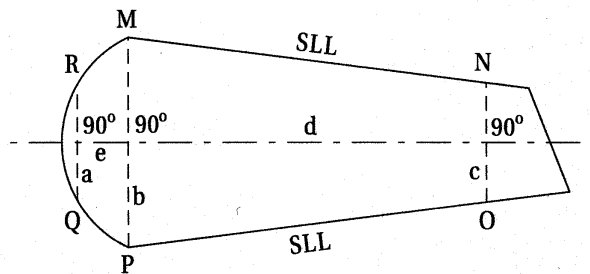


Average Parcel Width is

$$\frac{a + b}{2}$$

Area of MNOP equals Minimum Parcel Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

(f) Nonparallel Parcel Lines, Alternate 3.

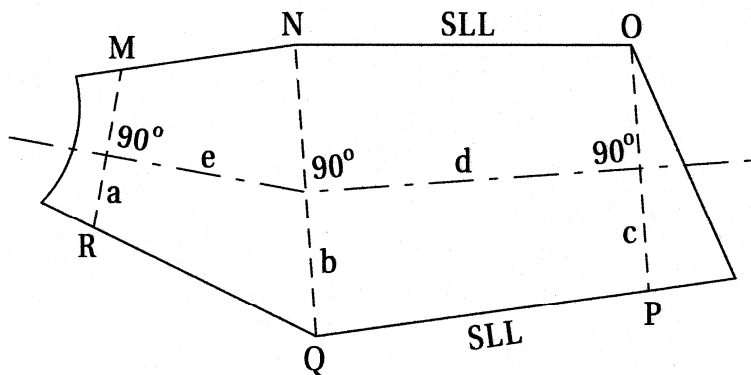


Average Parcel Width is

$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNOPQR equals Minimum Parcel Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

(g) Nonparallel Parcel Lines, Alternate 4.



Average Parcel Width is

$$\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNOPQR equals Minimum Parcel Area, line e bisects angle formed by lines MN and QR extended, and line d bisects angle formed by lines NO and PQ extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

- (AAA) **Major Street** – Arterial and collector roads primarily intended for through traffic with a secondary function of direct access.
- (BBB) **Minor Land Division** - Any division of land other than a statutory subdivision and including all Certified Survey Maps, as defined herein of less than **35 acres** in size including any residual parcel or parcels resulting from any division of land if said parcel is less than 35 acres in size.
- (CCC) **Minor Street** – A street used or intended to be used primarily for access to abutting properties.
- (DDD) **Navigable Waters** - Any body of water defined as navigable under the laws of the State.
- (EEE) **Net Developable Area** - The area of the tract in a conservation design subdivision that can be divided into parcels.
- (FFF) **Nonprofit Conservation Organization** - A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501 (c)(3) of the Internal Revenue Code, which includes the “acquisition of property or rights in property for conservation purposes” as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.
- (GGG) **Open Space** - The area of lands within a conservation design subdivision that can not be developed. This area includes 40% of the gross tract area held in common ownership. This area is for passive/active recreational use by the residents of the development and, where specified, the larger community.
- (HHH) **Outlot** - A parcel of land other than a residential lot or block so designated on a land division plat or Certified Survey Map.
- (III) **Owner** - For purposes of this Ordinance the word "owner" if used herein shall be deemed to mean the person holding the fee title to the lands involved, except that where lands have been divided on a land contract the land contract vendee shall be deemed the owner.

- (JJJ) **Parcel** - Contiguous lands under the control of a sub-divider(s) not separated by streets, highways, or railroad rights-of-way.
- (KKK) **Plan Commission** - The Town of Morrison Plan Commission is the Plan Commission for the purposes of this ordinance.
- (LLL) **Plat** - A map of a subdivision.
- (MMM) **Preliminary Plat** - A map showing the salient features of a proposed subdivision as described in subsection 10.39, submitted to the Town Plan Commission for the purposes of preliminary consideration by the Town Plan Commission prior to any land division.
- (NNN) **Public Utility** – Every corporation, company, associations, sanitary district, or municipality that may own or operate any plant or equipment for the conveyance of telephone or other electronic messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or and other service deemed to be in the public interest shall be deemed a public utility.
- (OOO) **Public Way** – any public road, street highway, walkway, drainageway or part thereof.
- (PPP) **Recreation Land, Active** – Areas that are altered from their natural state to accommodate organized athletic activities (e.g. soccer, football, baseball, golf). Active recreation lands may also require the installation of equipment (e.g. playground apparatus, riding stables, shooting ranges, golf ranges, etc.).
- (QQQ) **Recreation Land, Passive** – Areas that are left in a natural state with minimal alteration for scenic enjoyment (e.g. walking/hiking trail) and outdoor activities with minimal impact on the landscape (e.g. birding, hunting).
- (RRR) **Replat** - The process of changing the map or plat which changes the boundaries of a recorded Statutory Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof; the division of a large block, parcel, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said parcel, block, or outlot is a replat.
- (SSS) **Restrictive Covenant** - A deed restriction on the use of the land usually set forth in the deed that is binding upon subsequent owners of the property.
- (TTT) **Retention Basin** – A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the levels of which will be increased as a result of the flow into it from surface and subsurface water collected therein and released gradually into natural and man-made outlets.

- (UUU) **Review Period** – The number of calendar days allotted to review a land division.
- (VVV) **Right-of-Way** – A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the owner of the land division on which such right-of-way is established.
- (WWW) **Setback** – Those minimum street, front, rear, and/or side yards required between a building and a parcel line.
- (XXX) **Shoreland Jurisdiction** – The area within 1,000 feet of the ordinary high water mark of a navigable lake, pond or flowage; or within 300 feet of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.
- (YYY) **Slope** – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- (ZZZ) **State Plat** – A map of a division of land prepared in accordance with Chapter 236 of the Wisconsin Statutes and the terms of this ordinance.
- (AAAA) **Stream** – A course of running water, either perennial or intermittent, flowing in a channel (e.g. water body that forms a link between two bodies of water)
- (BBBB) **Street** - A public way for vehicular and/or pedestrian traffic.
- (CCCC) **Structure** – Anything constructed or erected on the ground including, but not limited to, all types of buildings and attachments to buildings.
- (DDDD) **Subdivider** - Person or persons requesting review or action on a subdivision.
- (EEEE) **Subdivision** - The division of a parcel or parcel of land by the owner thereof or his agent where the act of division creates one or more parcels of land.
- (FFFF) **Surveyor** – A person who surveys land and is duly registered in the State of Wisconsin.
- (GGGG) **Town** – Reference to town shall mean the Town of Morrison including the Town Board, Town Clerk, or any other designated Town Commission.
- (HHHH) **Tract** – A contiguous area of land that exists or has existed in single ownership.
- (III) **Utility Easement** - An easement to place, replace, maintain or move utility facilities.

(JJJJ) **Variance** – A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Plan Commission may permit, pursuant to this Ordinance.

The above forgoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Morrison, Brown County, Wisconsin, held on _____ day of _____, 2010

Ayes _____

Nays _____

Todd Christensen, Chairman

Ronald Lemke, Supervisor

Kevin Collins, Supervisor

Filed this _____ day of _____, 2010
In the office of the Morrison Town Clerk

Colleen Magley, Clerk

Drafted by:
Joy Koomen
Zoning Administrator
Town of Morrison